

NATIONAL LOTTERIES COMMISSION

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION FOR NATIONAL LOTTERIES COMMISSION

BID PROCESS	BID REQUIREMENTS
Tender number	RFP/2023-024
Bid Advertisement Date	09 March 2023
Closing date and time	22 March 2023 @ 11:00 am (South African Standard Time)
Tender validity period	120 business working days from the closing date
Compulsory Briefing meeting	No compulsory briefing session
Tenders are to be delivered to the following address on the stipulated closing date and time:	<p>The original bid document must be submitted via USB and handed in / delivered to:</p> <p>The Senior Manager: Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria 0083</p> <p>Tenders may also be emailed to: bids@nlcsa.org.za</p> <p>Only electronic bid submissions will be accepted.</p>

Contents

Section No	Page
SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS	3
1. INTRODUCTION	3
2. BACKGROUND.....	3
3. RFP SCOPE OF REQUIREMENTS.....	4
4. REPORTING REQUIREMENTS	5
5. DURATION OF THE PROJECT	6
SECTION 2: NOTICE TO BIDDERS.....	6
1. TERMS AND CONDITIONS OF REQUEST FOR PROPOSALS (RFP).....	6
2. GENERAL RULES AND INSTRUCTIONS	6
3. FORMAL BRIEFING SESSION.....	9
4. VALIDITY PERIOD.....	9
5. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE.....	9
6. CONFIDENTIALITY.....	9
7. COMMUNICATION.....	9
SECTION 3: EVALUATION CRITERIA.....	10
SECTION 4: INVITATION TO BID (SBD 1)	16
SECTION 5: PRICING SCHEDULE – FIRM PRICES (SBD 3.1)	18
SECTION 6: DECLARATION OF INTEREST (SBD 4).....	19
SECTION 7: PREFERENCE POINTS CLAIM FORM (SBD 6.1).....	22
SECTION 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)	27
SECTION 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9).....	29

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION, FOR NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1 BACKGROUND

The National Lotteries Commission (NLC) is a public entity established in terms of the Lotteries Act No. 57 of 1997, as amended to regulate the South African lotteries industry. The functions of the NLC can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.

The NLC has a dual mandate, namely “regulation of National Lottery and other Lotteries” and “administration of the NLDTF”. The Distributing Agencies (DA’s) who are appointed by the Minister of Trade, Industry and Competition are responsible for the adjudication of the funding applications in terms of the Lotteries Act and applicable Regulations.

NLC is in the process of reviewing, developing, and implementing the ICT policies, plan, framework, and standard operating procedures. The NLC has implemented a private telecommunication network multi-protocol label switching (MPLS based), to interconnect its head office and provincial offices. As part of business reengineering the NLC embarked on an enterprise resource project to integrate all business units to a single platform. The change necessitated a need to upgrade and modernise the NLC Infrastructure, from a connectivity to an enterprise perspective. The NLC’s Enterprise platform is based on an on-premises Oracle ERP. NLC intends to interlink enterprise platform with other third parties more particular government entities for online verification activities. NLC is planning to conduct COBIT 2019 Maturity Assessment.

In line with the requirements of the Public Finance Management Act No. 1 of 1999, as amended (“PFMA”) and Treasury Regulations, the NLC seeks to engage the services COBIT 2019 Maturity Assessment of duly qualified service with all the relevant subset guided by this document.

2 PURPOSE

The purpose of this term of reference (TOR) is to appoint a suitable service provider to conduct and perform COBIT 2019 process maturity assessment.

3 OBJECTIVES

The overall objective is to appoint a suitable service provider to:

- Develop a roadmap to guide NLC on implementation of all 40 COBIT 2019 processes,
- Review existing ICT policies, plan and procedure and develop new ICT policies, plan, and procedure for each of the 40 COBIT 2019 processes,
- Implement all 40 COBIT 2019 processes to at least maturity level 3.

4 SCOPE OF WORK

The scope of work entails the following:

1. Perform COBIT 2019 process maturity assessment.
 - Assess the current business processes with reference to COBIT 2019 process maturity framework.
 - Document and report the gaps identified with reference to COBIT 2019 framework.
2. Develop COBIT 2019 process model.
 - Document all 40 COBIT 2019 processes for to implement.
 - Develop a road map for each of the 40 COBIT 2019 processes indicating required deliverables per maturity level from maturity level 01 to 05.
3. The service provider will be required to produce interim reports at each phase, during project implementation, which will be discussed and approved by different management level.

5 DELIVERABLES

1. COBIT 2019 process maturity assessment report.
2. Developed COBIT 2019 process model document.
3. Implement the developed COBIT 2019 maturity report.
4. Project closeup report.

6 REPORTING REQUIREMENTS

The successful service provider will report to the Information Communications Technology Division.

7 DURATION OF THE PROJECT

The project will commence on a day to be agreed upon by NLC and the bidder. The successful bidder will be required to execute and conduct the services for the NLC for a period of 6 months.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION FOR NATIONAL LOTTERIES COMMISSION 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION

SECTION 2: NOTICE TO BIDDERS

1. Terms and conditions of Request for Proposals (RFP)

- 1.1 This document may contain confidential information that is the property of the NLC.
- 1.2 No part of the contents may be used, copied, disclosed, or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFP without prior written permission from the NLC.
- 1.3 All copyright and intellectual property herein vests with the NLC.
- 1.4 Late and incomplete submissions will not be accepted.
- 1.5 No services must be rendered, or goods delivered before an official NLC Purchase Order form has been received.
- 1.6 This RFP will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2022.
- 1.7 Suppliers are required to register on the Central Supplier Database at www.csd.gov.za.
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Summary report) and ensure that their tax matters are compliant. Bidders' tax affairs must be in order at the closing date & time of bid submission.
- 1.9 All questions regarding this RFP must be forwarded to bids@nlcsa.org.za, no later than within three days of the RFP closing date.
- 1.10 Any supplier who has reasons to believe that the RFP specification is based on a specific brand must inform the NLC via the email addressed in 1.9.

2. General rules and instructions

- 2.1 News and press releases
 - 2.1.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, the NLC.
- 2.2 Precedence of documents
 - 2.2.1 This RFP consists of a number of sections. Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.
 - 2.2.2 Where this RFP is silent on any matter, the relevant stipulations addressing such

matter, and which appear in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the NLC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by the NLC.

2.2.3 It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFP. It, however, remains the exclusive domain and election of the NLC as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the NLC in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the Bidder(s). The Bidder(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

2.3 Preferential procurement reform

2.4 The NLC supports B-BBEE as an essential ingredient of its business. In accordance with government policy, the NLC insists that the private sector demonstrates its commitment and track record to B-BBEE in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices (SMME Development) etc.

2.5 The shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) to this proposal read together with the Preferential No. 5 of 2000) to this proposal read together with the Preferential Procurement Regulations published in Government Notice No.32 in Government Gazette No. 40553 dated 20 January 2017 (“the Preferential Procurement Regulations, 2017”).

2.6

2.7 National Industrial Participation Programme

2.8 The Industrial Participation policy, which was endorsed by Cabinet on 30 April 1997, is applicable to contracts that have an imported content. The NIP is obligatory and therefore must be complied with. Bidders are required to sign and submit the Standard Bidding Document (SBD).

2.9 Language

2.9.1 Bids shall be submitted in English.

2.10 Gender

2.10.1 Any word implying any gender shall be interpreted to imply all other genders.

2.11 Headings

2.11.1 Headings are incorporated into this RFP document and submitted in response thereto, for ease of reference only and shall not form part thereof for any purpose of interpretation or for any other purpose.

2.12 Occupational Injuries and Diseases Act 13 of 1993

- 2.12.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 and that the cover shall remain in force for the duration of the adjudication of this RFP and/ or subsequent agreement. the NLC reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to the NLC.
- 2.13 Processing of the Bidder's Personal Information
- 2.13.1 All Personal Information of the Bidder, its employees, representatives, associates and sub-contractors ("Bidder Personal Information") required under this RFP is collected and processed for the purpose of assessing the content of its tender proposal and awarding the bid. The assessment and award of the bid shall be conducted in accordance with applicable legislation including the PPPFA read with the Preferential Procurement Regulations, 2017. The Bidder is advised that Bidder Personal Information may be passed on to third parties to whom the NLC is compelled by law to provide such information. For example, where appropriate, the NLC is compelled to submit information to National Treasury's Database of Restricted Suppliers.
- 2.13.2 All Personal Information collected will be processed in accordance with POPIA and with the NLC Data Privacy Policy.
- 2.13.3 The following persons will have access to the Personal Information collected:
- 2.13.3.1 The NLC personnel participating in procurement/award procedures; and
- 2.13.3.2 Members of the public: within seven working days from the time the bid is awarded, the following information will have to be made available on National Treasury's e-Tender portal:
- 2.13.3.2.1 contract description and bid number;
- 2.13.3.2.2 names of the successful bidder(s) and preference points claimed;
- 2.13.3.2.3 the contract price(s) (if possible);
- 2.13.3.2.4 contract period;
- 2.13.3.2.5 names of directors; and
- 2.13.3.2.6 date of completion/award.
- 2.13.4 The NLC will ensure that the rights of the Bidder and of its employees and representatives (i.e. the right of access and the right to rectify) are effectively guaranteed in accordance with the procedures as specified in the NLC PAIA manual.
- 2.13.5 In signing this document, the Bidder consents to the use of its Personal Information for the purposes as specified in section 2.9.1 above.

3. Formal Briefing Session

There will be no compulsory briefing session.

4. Validity Period

- 4.1 The NLC requires a validity period of 120 [one hundred and twenty] Business Days [from closing date] against this RFP.
- 4.2 Bidders are to note that they may be requested to extend the validity period of their bids, on the same terms and conditions, if the internal evaluation process are not finalised within the validity period.

5. National Treasury's Central Supplier Database

- 5.1 Bidders are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information.
- 5.2 The NLC may not award business to a bidder who has failed to register on the CSD.
- 5.3 Only foreign suppliers with no local registered entity need not register on the CSD.
- 5.4 The CSD can be accessed at <https://secure.csd.gov.za/>

6. Confidentiality

- 6.1 Bids submitted for this Request for Proposals will not be revealed to any other bidders and will be treated as contractually binding;
- 6.2 The NLC reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in Bid Proposals.
- 6.3 The Bidder acknowledges that it will obtain and have access to personal information of The NLC and agrees that it shall only process the information disclosed by the NLC in terms of this bid award and only for the purposes as detailed in this RFP and in accordance with any applicable law.
- 6.4 The Bidder shall notify the NLC in writing of any unauthorised access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such

7. Communication

- 7.1 Specific queries relating to this RFP should be submitted bids@nlcsa.org.za, before the closing date.
- 7.2 In the interest of fairness and transparency the NLC's response to such a query

may be made available to other bidders.

- 7.3 It is prohibited for bidders to attempt, either directly or indirectly, to canvass any officer or employee of the NIC in respect of this RFP between the closing date and the date of the award of the business.
- 7.4 Bidders found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION (ICT POLICIES, PLANS, PROCEDURES REVIEW AND DEVELOPMENT), FOR NATIONAL LOTTERIES COMMISSION 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION

1. Section 3: EVALUATION CRITERIA



The NLC will evaluate all quotations in terms of the Preferential Procurement Regulation 2022 (PPR2022) using the price quoted and special goal stated on this specification. The six (6) phase evaluation criteria will be considered in evaluating the proposals, being:

3. Stage 1: Tender Closing and Opening

1.1 Tender closing details

The deadline for Tender submission is **22 March 2022** at 11:00 Standard South African Time. Any late tenders will not be accepted. Tender Proposals (in USB) are to be submitted to the NLC Tender Box at the following physical address:

National Lotteries
Commission
333 Grosvenor Street
Block D, Hatfield
Gardens Hatfield,
Pretoria
0083

Tenders can also be emailed to: bids@nlcsa.org.za

1.2 Bid Formats

Bid submissions must be submitted in a PDF format that is protected from any modifications, deletions, or additions.

Financial/pricing information must be presented in a separate attachment from the Technical/Functional Response information. The onus is on the Bidder to ensure that all mandatory and required documents are included in the USB.

Submissions must be prominently marked with the full details of the tender namely Bidder's Name, Tender No and Tender Title.

Bidders are advised to submit USBs at least thirty minutes before the bid closing time to cater for any possible delays. The onus is on bidder to ensure that the bid is submitted on time.

Tender submission received after submission date and time will be declared late bid submissions and will not be accepted for consideration by the NLC.

The NLC will not be responsible for any failure or delay in submission or receipt of the USB including but not limited to:

- Receipt of incomplete bid
- File size (must not exceed 30mb)
- Delay in transmission or receipt of the bid
- Failure of the Bidder to properly identify the bid
- Illegibility of the bid; or
- Security of the bid data.

4. Stage 2: Administrative Compliance

The Administrative Compliance Evaluation will include the following:

Evaluation Criteria	Supporting Document
1. In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable)	JV Agreement
2. Returnable documents (standard bidding documents) and/or schedules were completed, duly signed by the authorized person	Bid Proposal; Standard Bidding Document (SBD) Forms & Pricing Schedule
3. Signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (Consent Forms Attached to the Bid as part of the SBDs).	Signed POPIA Consent Form
4. Latest downloaded CSD report with a tax compliant status.	CSD Report

Mandatory Compliance

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

Evaluation Criteria	Supporting Document
1. Bidder must submit a fully completed and signed bidders' disclosure form.	SBD 4.

5. Stage 3: Technical evaluation

The evaluation for the Technical and Functional threshold will include the following:

Category & Criteria Description	Weight (%)	Scoring Matrix (1 to 5)
1. Company Experience		
<p>The bidder must provide experience as a service provider in rendering COBIT 2019 Maturity Assessment projects by submitting three (3) reference letters not older than 5 years.</p> <p>The reference letter must be specific to the scope of this bid.</p> <p>Appointment letters are not permissible.</p>	25%	<ul style="list-style-type: none"> ▪ No relevant reference letter provided = 0 points ▪ One relevant reference letter provided = 2 points ▪ Two relevant reference letter provided = 3 points ▪ Three and above relevant reference letter provided = 5 points
2. Project Team Leader Certification		
<p>The bidder must provide copy of the certifications for project team members required below:</p> <ul style="list-style-type: none"> • Certificate for COBIT 2019 design and implementation for each team member • Certificate for COBIT 2019 Assessor 	25%	<ul style="list-style-type: none"> ▪ No valid certificate is included in the bid = 0 points ▪ One valid certificate included in the bid = 1 point. ▪ Two valid certificates included in the bid = 2 points. ▪ Three valid certificates included in

<p>Certification</p>		<p>the bid = 3 points.</p> <ul style="list-style-type: none"> ▪ Four valid certificates included in the bid = 4 points. ▪ Three and above valid certificates included in the bid = 5 points.
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3. Project team experience

<p>The bidder must submit CVs of at least two members to be assigned to this project demonstrating COBIT 2019 process Maturity Assessment experience as follows:</p> <p>The team member whose CV is submitted should have at least NQF Level 5 or Higher qualification for the experience to be considered.</p> <p>The CV should show list of project/s worked on, with the name of company where the work was performed, the year the work was done, and a brief description/summary of the work done against each project to indicate that the project covered COBIT 2019 process maturity assessment.</p>		
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Name of company where the work was performed,	The year the work was done	Brief description/summary of the work done against each project covered COBIT 2019 process maturity assessment

30%	<ul style="list-style-type: none"> ▪ 0 project = 0 Points ▪ 1 project = 1 point ▪ 2 projects = 2 points ▪ 3 projects = 3 points ▪ 4 projects = 4 points ▪ 5 or more projects = 5 points
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3. Methodology on Scope of Work		▪
Bidders are required to submit a proposal of no longer than 5 pages (Minimum of 3 pages & Maximum of 5 pages) setting out a recommended approach in conducting an assessment and development of COBIT 2019 process maturity. The methodology must include six (3) scopes of work as defined in section 4.	20%	<ul style="list-style-type: none"> ▪ No Methodology describing scope of work= 0 points ▪ Methodology describing 1 Scope of work = 1 point. ▪ Methodology describing 2 of the scope of work = 2 points. ▪ Methodology describing all 3 and more scope of work activities in logical sequence with clear time frames = 5 points.
Total Weighting:	100	
Minimum qualifying score required:	70%	

Stage 4: The 80/20 Principle based on Price and special goals for the NLC.

The following formula to be used to calculate the points out of 80 for price inclusive of all applicable taxes

3.3.1 A maximum of 80 points is allocated for price on the following basis:

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmax = Price of highest acceptable bid

3.3.2 A maximum of 20 points to be awarded to a tenderer for the specific goal specified for the tender as follows:

Special Goals	80/20 Points System	Relevant Evidence
Entities that are owned by Youth (refer to a person of 18 years up to 35 years in age).	5	Copies of ID's / CIPC / CSD
Entities that are owned by Women (refer to all women).	5	Copies of ID's / CIPC / CSD
Entities that are EME or QSE.	5	CSD / BEE certificate / Sworn Affidavit
People with disability	5	Letter from General Practitioner / Specialist / CSD

4.3.3 The following must be submitted to claim the points for specific goals:

- 4.3.3.1 CIPC proof and CSD Report for the last three (3) months from the closing date of this RFQ (25/01/2023). Tenderers are encouraged to obtain the 3 months CIPC proof and CSD Report from <https://eservices.cipc.co.za/>. Failure to submit the CIPC proof and CSD Report will result in zero (0) scoring for specific goals.
- 4.3.3.2 The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- 4.3.3.3 Final appointment to be awarded to the tenderer scoring the highest points.

Stage 5: Due Diligence

The NLC reserves the right to undertake a due diligence exercise on the preferred bidder/s as part of a material risk evaluation aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be limited to, all or any combination of the following:

- a) Physical inspection of the Bidder's offices, branches or other places
- b) Verification of accuracy, correctness and authenticity of information provided
- c) Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team
- d) Inquiry and reference checking with National Treasury Restricted Suppliers
- e) Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary;
- f) Financial Stability Assessments

6. Stage 6: Contract and Award

The stage is for negotiation after receipt of formal tenders and before the conclusion of contracts with suppliers/contractors submitting the lowest acceptable tender with a view to obtaining an improvement in price, delivery or content, in circumstances which do not put other tenderers at a disadvantage or affect adversely their confidence or trust in the competitive system. Bidders may be requested to provide their best and final offers based on contract negotiations.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION (FOR NATIONAL LOTTERIES COMMISSION FOR 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION

PART A

7. Section 4: INVITATION TO BID (SBD 1)

YOU ARE HEREBY INVITED TO BID FOR TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION (FOR NATIONAL LOTTERIES COMMISSION FOR 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION							
BID NUMBER:	RFP/2023-020	ISSUE DATE:	09/03/2023	CLOSING DATE:	22/03/2023	CLOSING TIME:	11:00AM
DESCRIPTION	REQUEST FOR PROPOSAL FOR TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION FOR NATIONAL LOTTERIES COMMISSION For 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION						
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
333 GROSVENOR STREET							
BLOCK D HATFIELD GARDENS							
HATFIELD,0075							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Njabulo Mavuma			CONTACT PERSON			
TELEPHONE NUMBER	012 432 1302			TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	Bids@nlcsa.org.za			E-MAIL ADDRESS			
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE				NUMBER		
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE				NUMBER		
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA		



NATIONAL LOTTERIES COMMISSION

a member of the dtic group



B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] Yes No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLEBOX] Yes No
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[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

<p>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED ?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>[IF YES ENCLOSE PROOF]</p>	<p>2 ARE YOU A FOREIGNBASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>[IF YES, ANSWER QUESTIONNAIRE BELOW]</p>
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. TAX COMPLIANCE REQUIREMENTS

1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.

1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.

1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company

.....

resolution)DATE: _____

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION FOR NATIONAL LOTTERIES COMMISSION OF 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION

8. Section 5: PRICING SCHEDULE – FIRM PRICES (SBD 3.1)

(PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

OFFER TO BE VALID FOR...**120**.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY
** (ALL APPLICABLE TAXES INCLUDED)			

Required by:

At:

- Brand and model

- Country of origin

- Does the offer comply with the specification(s)? *YES/NO

- If not to specification, indicate deviation(s)

Period required for delivery

*Delivery: Firm/not firm

- Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** “all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurancefund contributions and skills development levies.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION FOR NATIONAL LOTTERIES COMMISSION OF 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION

Section 6: BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.1.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES/NO

2.1.3 If so, furnish particulars:

.....
.....

2.2 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.2.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the undersigned,
(name) _____ in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the

bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

1 the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2 Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION FOR NATIONAL LOTTERIES COMMISSION OF 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \quad \text{or} \quad P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system)	Number of points claimed (80/20 system) (To be completed)

	(To be completed by the organ of state)	(To be completed by the organ of state)	(To be completed by the tenderer)	by the tenderer)
Youth (refer to a person of 18 years up to 35 years in age).		5		
Women (refer to all women).		5		
Entities that are EME or QSE.		5		
People with disability		5		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

 SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN COBIT 2019 MATURITY ASSESSMENT AND IMPLEMENTATION FOR NATIONAL LOTTERIES COMMISSION OF 6 MONTHS FOR NATIONAL LOTTERIES COMMISSION.

Section 9: SCM CONSENT REQUEST FORM:

SCM:
CONSENT REQUEST FORM

REQUEST FOR THE CONSENT OF A DATA SUBJECT FOR PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF PROCUREMENT OF GOODS AND SERVICES APPLICATION, IN LINE WITH THE NLC'S SUPPLY CHAIN MANAGEMENT POLICY, IN TERMS OF SECTION 11(1)(a) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013) ("**POPIA**").

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B, you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 2.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 2.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.
3. "Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - 3.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 3.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 3.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 3.4 the biometric information of the person;
 - 3.5 the personal opinions, views or preferences of the person;
 - 3.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 3.7 the views or opinions of another individual about the person; and
 - 3.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Full names of the designated person on behalf of the Responsible Party

Signature of Designation person

PART B

I, _____ (full names), duly authorized, hereby: Consent to the processing of my/our personal information for the application of procurement of goods and services, in line with the NLC supply chain management policy, in terms of section 11(1)(a) of POPIA.

SPECIFY GOODS AND SERVICES (Edit/Click on services not required):

- Product Information
- Product Updates
- Industry Newsletters
- Price Changes

Method of Communication will be via: Email/Postal

- Give my consent.

By Ticking the next box, I am aware that I am Digitally Signing this Consent request Form:

Full Name: Date:

WITHDRAWAL OF CONSENT ONCE GIVEN

You may withdraw your consent at any time.

Write or email us at the address above, advising us of your consent withdrawal