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 National Lotteries
 Commission (NLC)
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NATIONAL LOTTERIES COMMISSION

Registration number

**REQUEST FOR PRICE PROPOSALS FOR THE APPOINTMENT OF A SERVICE PROVIDER TO
 PROVIDE TRAINING ON KING IV FOR THE NATIONAL LOTTERIES COMMISSION BOARD OF
 DIRECTORS FOR A PERIOD OF ONE (1) DAY**

BID PROCESS	BID REQUIREMENTS
Tender number	RFP 2023-040
Bid Advertisement Date	15 May 2023
Closing date and time	23 May 2023 at 11:00 (South African Standard Time)
Tender validity period	30 business working days <i>from the closing date</i>
Compulsory Briefing meeting	No 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 Procurement Manager Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria 0083</p> <p>Only USB bid submissions will be accepted.</p>

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SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. Introduction

The National Lotteries Commission (The Commission) is a public entity established by Lotteries Act No. 57 of 1997, as amended to regulate the South African lotteries industry. The functions of the Commission 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 Distributing Agencies (DA’s) who are appointed by the Minister of Trade & Industry are responsible for the adjudication of the funding applications as per the Lotteries Act and applicable Regulations.

2. Background

The Company Secretary’s (“CS”) Office is responsible for ensuring that the Commission and the Board conduct itself in a way that is consistent with the recommendations outlined by the King IV Report on Corporate Governance for South Africa 2016 (“King IV”); and to assist the Board members with discharging their duties and responsibilities. King IV promotes corporate governance as integral to running an organization and delivering governance outcomes such as an ethical culture, good performance, effective control and legitimacy.

King IV also seeks to broaden the acceptance of King IV by making it accessible and fit for implementation across a variety of sectors and organisational types. King IV reinforces corporate governance as a holistic and interrelated set of arrangements to be understood and implemented in an integrated manner and encourages transparent and meaningful reporting to stakeholders. Good corporate governance presents itself as concerned with not only structure and process, but also with an ethical consciousness and conduct. More importantly, the CS Office is required among other things to ensure adherence with the following King IV principles:

- Brief overview of each of the 17 principles
- A set of voluntary principles and leading practices.
- King IV outcomes and the benefits of good corporate governance.
- The 'Apply and explain' regime (as opposed to 'apply or explain' regime in King III).
- Philosophical underpinnings in King III retained but refined in King IV™.

- The defining of corporate governance', in King IV
- Role of the Board, Chairperson, CEO, Company Secretary
- How do we define oversight as opposed to day-to-day operations
- Balanced composition of governing bodies and independence of members of the governing body;
- Delegation of Authority to management
- Delegation to Board committees;
- Performance evaluations of the governing body;
- Audit committee disclosures and its independence
- Risk governance;
- The combined assurance model;
- Social and ethics committees;
- Performance evaluations;

The NLC hereby wishes to appoint a suitable, reputable, and well-established service provider to provide training for 1 day to NLC Board of Directors.

3. RFP Scope of Requirements

The service provider should have competencies over the following expectations and requirements by the NLC:

- To provide training on King IV for the National Lotteries Commission (NLC) Board of Directors for a period of one (1) day;
- Presentation of methodology; and
- Question and Answer Session.

4. Deliverables

As a minimum, the NLC expects the following training deliverables; amongst other things:

- Effective Board;
- Transparency on roles and responsibilities;
- Improved accountability;
- Effective Board reporting;
- Effective corporate governance monitoring and reporting; and

- Timely action to address gaps identified in corporate governance practices.

5. Reporting Requirements

The service provider will report to the CS Office

6. Duration of the Project

The expected duration of the project is 1 day.

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 Commission.
- 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 Commission.
- 1.3 All copyright and intellectual property herein vests with the Commission.
- 1.4 Late and incomplete submissions will not be accepted.
- 1.5 No services must be rendered, or goods delivered before an official Commission 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, 2023.
- 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.
- 1.9 All questions regarding this RFP must be forwarded to bids@nlcsa.org.za and Maureen@nlcsa.org.za, no later than within 24 hours 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 Commission 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 Commission.
- 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 Commission 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 Commission.
- 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 Commission as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the commission 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
- 2.3.1 The commission supports B-BBEE as an essential ingredient of its business. In accordance with government policy, the commission 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.
- 2.4 National Industrial Participation Programme
- 2.4.1 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).
- 2.5 Language
- 2.5.1 Bids shall be submitted in English.
- 2.6 Gender
- 2.6.1 Any word implying any gender shall be interpreted to imply all other genders.
- 2.7 Headings
- 2.7.1 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.

2.8 Occupational Injuries and Diseases Act 13 of 1993

2.8.1 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 commission 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 commission.

2.9 Processing of the Bidder's Personal Information

2.9.1 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, 2023. The Bidder is advised that Bidder Personal Information may be passed on to third parties to whom the commission is compelled by law to provide such information. For example, where appropriate, the commission is compelled to submit information to National Treasury's Database of Restricted Suppliers.

2.9.2 All Personal Information collected will be processed in accordance with POPIA and with the commission Data Privacy Policy.

2.9.3 The following persons will have access to the Personal Information collected:

2.9.3.1 The commission personnel participating in procurement/award procedures; and

2.9.3.2 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:

2.9.3.2.1 contract description and bid number;

2.9.3.2.2 names of the successful bidder(s) and preference points claimed;

2.9.3.2.3 the contract price(s) (if possible);

2.9.3.2.4 contract period;

2.9.3.2.5 names of directors; and

2.9.3.2.6 date of completion/award.

2.9.4 The commission 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 commission PAIA manual.

2.9.5 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

3.1 There will be no briefing session for this RFP.

4. Validity Period

4.1 The Commission requires a validity period of **thirty [30] Business Days [23 May 2023 to 26 June 2023]** 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 Commission 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 Commission 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 Commission and agrees that it shall only process the information disclosed by the Commission 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 Commission 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 and maureen@nlcsa.org.za, before the closing date.

7.2 In the interest of fairness and transparency the Commission'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 Commission 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.

SECTION 3: EVALUATION CRITERIA

The Commission will evaluate all proposals in terms of the Preferential Procurement Regulation of 2023 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). The six (6) phase evaluation criteria will be considered in evaluating the proposals as follows:

Stage 1: Tender Closing and Opening

1.1 Tender closing details

The deadline for RFP submission is **23 May 2023 at 11:00** Standard South African Time. Any late tenders will not be accepted. Tenders (USBs) are to be submitted to the commissions tender box at the following physical address:

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

Only USBs will be accepted.

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 electronic submission.

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

Stage 2: Administrative Compliance

All bid respondents must submit administrative compliance documents that comply with this RFP requirements. The Administrative Compliance Evaluation will include the following:

The **Administrative Compliance Evaluation** will include the following: -

Evaluation Criteria	Supporting Document
1. Original signed standard bidding documents (SBD Forms). It is required that the bidder must provide correct information and declaration in the SBD Forms.	Fully Completed Standard Bidding Documents: <ul style="list-style-type: none"> • SBD 1 • SBD 6.1
2. Original signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA)	POPIA Consent Form
3. CIPC Registrations Documents	CK Documents
4. Certified Copy of BEE Certificate/Sworn Affidavit	BEE Certificate/Sworn Affidavit

Stage 3: Mandatory Requirements (Compliance)

Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

Mandatory Requirements	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. Be a member of a Professional body e.g. IoDSA	Certified copy of the membership with the Professional Body
3. Returnable documents (standard bidding documents) and/or schedules were completed, duly signed by the authorized person	Bid Proposal; Standard Bidding Document (SBD 4) Forms

Stage 4: Technical Evaluation

Rating scale to be followed for evaluation process.

TABLE 1

Rating	Definition	Score
Excellent	Exceeds the requirement. Exceptional demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	5
Good	Satisfies the requirement with minor additional benefits . Above average demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	4
Acceptable	Satisfies the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	3
Minor Reservations	Satisfies the requirement with minor reservations . Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	2
Serious Reservations	Satisfies the requirement with major reservations . Considerable reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	1
Unacceptable	Does not meet the requirement . Does not comply and/or insufficient information provided to demonstrate that the supplier has the ability, understanding, experience, skills, resource & quality measures required to provide the goods / services, with little or no supporting evidence.	0

TABLE 2: TECHNICAL EVALUATION CRITERIA

Category	Criteria Description	Weightings (%)	Scoring matrix (0 to 5)
1. Company Relative Experience	The bidder must provide details of work of a similar nature for the provision of Training on Corporate Governance particularly King IV. Bidders are required to submit their company profile that contains the entity's organizational structure, staff qualifications, experience	10%	Less than 2 years – 0 points . Up to 2 years – 1 point . 3 years – 2 points . 4 – 6 years – 3 points .

	or expertise and achievements.		7 – 9 years – 4 points. 10 years or more – 5 points.
2. Key Personnel Experience/Capabilities	<p>Provide key personnel's (Facilitator) proof of expertise with regards to the requirements of the services required as per the RFP.</p> <p>Abbreviated Curriculum Vitae (CV) of key personnel (Facilitator) to be involved on the implementation of the project not longer than one page each, shall be included in your proposal.</p> <p>NB: Key personnel (Facilitator) should be indicated in the proposal</p>	20%	<p>Experience of the Team/Project Leader:</p> <p>Less than 1 year – 0 points.</p> <p>Up to 1 year – 1 point.</p> <p>Between 1 - 4 years – 2 points.</p> <p>Between 4 to 6 years – 3 points.</p> <p>Between 6 to 10 years – 4 points.</p> <p>More than 10 years – 5 points.</p>
3. Project Management & Methodology	<p>The bidder must demonstrate knowledge of the key requirements and expectations mentioned in this document.</p> <p>Consider the responsiveness to the TOR, the level of detail in the proposal, attention to project management and innovative approaches and ideas. Respondent's responsiveness to and understanding of the assignment (methodology and proposed work plan). Bidders are also required to submit a proposal of no longer than five (5) pages for both the proposed work plan and methodology.</p> <p>3.1 Proposed work plan (10%)</p> <p>The bidder is required to provide a detailed plan depicting how the services will be delivered to the NLC.</p>	25%	<p>Rating scale (0 – 5) as provided on Table 1 to be followed for the evaluation of this criteria and sub-criteria.</p>

	<p>3.2 Methodology (15%)</p> <p>Bidders are also required to submit a proposal of no longer than 3 pages. The methodology must include requirements outlined under the scope of work as defined in paragraph 3 (scope of work) and paragraph 4 of the TOR document.</p>		
4. Contactable References	<p>Bidders must provide relevant contactable client references where their services (Training to Board of Directors) can be verified. References should be presented in a form of a written letter on an official letterhead from clients where similar services have been provided and may not be older than five (5) years from the closing date of the bid submission. The reference letters will be assessed based on experience of similar work done as required by the TOR. Reference Letters from same organisation will be counted as one.</p> <p>No appointment letters from clients will be accepted. Note to bidders: Valid multiple reference letters obtained from the same organisation will count as 1 reference letter.</p> <p>Reference letters must indicate the year in which the related service was rendered</p>	20%	<p>No relevant reference letters – 0 points.</p> <p>1 relevant reference letters - 1 point.</p> <p>2 relevant reference letters - 2 points.</p> <p>3 relevant reference letters - 3 points.</p> <p>4 relevant reference letters - 4 points</p> <p>5 and more relevant reference letters - 5 points.</p>
5. Presentation of the solution to the NLC	<p>As part of the system functionality evaluation. Bidders that scored the total of 45% or more on technical criteria 1 to 4 above would be invited to make their presentations to the bid evaluation committee for further assessment.</p>	25%	
Total Weighting:		100	
Minimum qualifying score required:		70	

Stage 5: Evaluation on Price and Specific Goals as Per PPR 2022

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.

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

<p>Price</p> <p>The following formula will be used to calculate the points out of 80 for price in respect of a bid with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes:</p> $P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$ <p>Where:</p> <p>P_s = Score for the Bid under consideration</p> <p>P_t = Price of Bid under consideration</p> <p>P_{min} = Price of lowest acceptable Bid</p>	80
TOTAL SCORE:	80

A maximum of 20 points will be awarded to a bidder for the specific goals specified for the RFP as follows: -

1. Procurement from entities who are Black Owned	Sub - points for specific goals	Maximum points for specific goals	Relevant Evidence
91% - 100%	6	6	Copies of ID's/ 3 months CIPC Report from the closing date of the bid / CSD Recent Report
81% - 90%	5		
71% - 80%	4		
61% - 70%	3		
51% - 60%	2		
41% - 50%	1		
0% - 40%	0		
2. SMME's and B-BBEE Status Level of Contributor			B-BBEE Certificate /

Level 1 - EME /QSE	6	6	B-BBEE Sworn Affidavit
Level 2 - EME /QSE	5		
Level 1 - Generic / Level 3 EME / QSE	4		
Level 2 - Generic / Level 4 EME / QSE	3		
Level 3 - Generic / Level 5 EME / QSE	2		
Level 4 - 5 Generic / Level 6 EME / QSE	1		
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0		
3. Procurement from women ownership (Historically Disadvantaged Individuals)		4	CSD Recent Report
Procurement from entities who are at least 51% women owned	4		
4. Procurement from Disabilities (Historically Disadvantaged Individuals)		2	CSD Recent Report
Procurement from entities who are at least 51% owned by persons with disabilities	2		
5. Procurement from youth ownership		2	CSD Recent Report
Procurement from youth owned companies who are at least 30% owned by youth	2		

Stage 6: Due Diligence and Contract and Award

- 6.1 The Commission 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.
- 6.2 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



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

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)							
BID NUMBER:	RFP 2023-040	ISSUE DATE:	15 MAY 2023	CLOSING DATE:	23 MAY 2023	CLOSING TIME:	11:00am
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE TRAINING ON KING IV FOR THE NATIONAL LOTTERIES COMMISSION BOARD OF DIRECTORS FOR A PERIOD OF ONE (1) DAY						
BID RESPONSE (USBs) MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
National Lotteries Commission							
Block D, Hatfield Gardens							
333 Grosvenor Street							
Hatfield							
Pretoria, 0083							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	SCM			CONTACT PERSON	SCM		
TELEPHONE NUMBER	012 432 1470			TELEPHONE NUMBER	012 432 1479		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	bids@nlcsa.org.za or maureen@nlcsa.org.za			E-MAIL ADDRESS	bids@nlcsa.org.za or maureen@nlcsa.org.za		
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 No:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]			B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]	
	<input type="checkbox"/> Yes <input type="checkbox"/> No					<input type="checkbox"/> Yes <input type="checkbox"/> No	
[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]							

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

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> 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 2.3 BELOW.	

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 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. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”

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:

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

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.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?
YES/NO

2.2.1 If so, furnish particulars:

.....
...
.....
...

2.3 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**

2.3.1 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.

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.

- 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

**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)

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 **80/20** preference point system.

b) The **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	80
SPECIFIC GOALS	20
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 PREFERENCE POINT SYSTEMS

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

$$Ps = 80 \left(1 - \frac{Pt - P \text{ min}}{P \text{ min}} \right)$$

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:

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = 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—

- (a) an invitation for tender for income-generating contracts, that the 80/20 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that the 80/20 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 the 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.)

1. Procurement from entities who are Black Owned	Sub - points for specific goals	Maximum points for specific goals	Number of points claimed (80/20 system) (To be completed by the tenderer)
91% - 100%	6	6	
81% - 90%	5		
71% - 80%	4		
61% - 70%	3		
51% - 60%	2		
41% - 50%	1		
0% - 40%	0		
2. SMME's and B-BBEE Status Level of Contributor			
Level 1 - EME /QSE	6	6	
Level 2 - EME /QSE	5		
Level 1 - Generic / Level 3 EME / QSE	4		
Level 2 - Generic / Level 4 EME / QSE	3		
Level 3 - Generic / Level 5 EME / QSE	2		
Level 4 - 5 Generic / Level 6 EME / QSE	1		
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0		
3. Procurement from women ownership (Historically Disadvantaged Individuals)			
Procurement from entities	4	4	

who are at least 51% women owned			
4. Procurement from Disabilities (Historically Disadvantaged Individuals)		2	
Procurement from entities who are at least 51% owned by persons with disabilities	2		
5. Procurement from youth ownership		2	
Procurement from youth owned companies who are at least 30% owned by youth	2		

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 authorized 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.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>
<p>SURNAME AND NAME:</p>
<p>DATE:</p>
<p>ADDRESS:</p> <p>.....</p> <p>.....</p> <p>.....</p>