



**NATIONAL LOTTERIES
COMMISSION**

**APPOINTMENT OF A SERVICE PROVIDER FOR THE LEASING OF OFFICE SPACE FOR THE
NATIONAL LOTTERIES COMMISSION LIMPOPO OFFICE FOR A PERIOD OF SIX (6) MONTHS**

BID PROCESS	BID REQUIREMENTS
Bid Number	RFP 2023-038
Bid Advertisement Date	10 MAY 2023
Closing Date and Time	26 May 2023 at 11h00 <i>(South African Standard Time)</i>
Bid Validity Period	90 business working days from the closing date [26 May 2023 to 23 August 2023]
Compulsory Information Session	Date: 19 May 2023 @10h00 No. 5 Landros Mare Street Polokwane 0699 Tel: 015 299 4660 or 012 431 1470
Bids are to be delivered to the following address on the stipulated closing date and time:	The bid document must be submitted via USB, couriered /handed in /delivered to: Acting Senior Manager: Supply Chain & Facilities National Lotteries Commission No. 5 Landros Mare Street Polokwane 0699 Enquiries must be emailed to: bids@nlcsa.org.za and maureen@nlcsa.org.za Only USB will be accepted

1. INTRODUCTION AND BACKGROUND

The National Lotteries Commission (The NLC) 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.

The NLC has been leasing a property in the Limpopo province to execute its mandate as stipulated in the Lotteries Act. The lease agreement of the Limpopo Province is coming to an end on 30 June 2023. The purpose of the Terms of Reference (TOR) is to request proposals for the leasing of office space for the NLC in Limpopo for a period of six (6) months.

2. PURPOSE AND SCOPE OF THE TERMS OF REFERENCE

The appointed bidder is expected to provide office space for leasing as follows: -

Occupancy date

- 01 July 2023

Location

- Polokwane
- Accessible by public transport
- Preferably close to a well-known landmark
- In a secure area
- The neighborhood must be safe.

Site Accessibility

- universally accessible location
- Easy access for visitors and/or suppliers
- parking for both visitors and staff (25 parking bays)

Building Type

- A or B+ grade building as per SAPOA or relevant bodies
- Floor space ranging from 450 square metres to 650 square metres (provide building plans approved by Polokwane Local Municipality)
- Ready for occupation space as per the NLC's requirements.
- Shop front.

Lease Option

- Six (6) months lease contract
- 25 parking bays (inclusive of two (2) accessible parking spaces)
- Building Maintenance
- Building should be at an access-controlled (boom/motorized gate etc.) property.
- Gated perimeter fencing or equivalent measures.

Amenities

- Pause areas:
 - Kitchen
 - Boardroom
 - Meeting room
 - Server room
 - Storage rooms
 - Staff restrooms (Male; female and accessible toilets – Minimum of 3 Female toilet cubicles and 2 male cubicles with 2 urinals)
 - Guest restrooms (Male; female; and accessible toilets)- Minimum of 2 Female cubicles and 2 male cubicles with 1 urinal
- Heating Ventilation and Air Conditioning (HVAC)
- HVAC remains the responsibility of the landlord.
- Provision for at least two elevators in a multi-story building.

ICT Requirements:

- Fibre access to the building
- Existing server room with HVAC
- Existing LAN cabling

Identity

- There must be allocation of space for signage.

Layout type

- The layout should be a split as follows:
 - Front office inclusive of reception – Walk in Centre 40%, meeting room and restroom for guests.
 - Back Office- Four enclosed offices with predominantly open plan 60%, kitchen, staff restrooms, and boardroom.

3. DELIVERABLES

The appointed bidder must provide:

- Building that is fully compliant with the specification.
- Building maintenance.

4. REPORTING REQUIREMENTS

The service provider will report to the NLC provincial manager and Supply Chain management & Facilities (SCM&F) Department.

5. DURATION OF THE PROJECT

The duration of the lease will be six (6) months after the signing of a Service Level Agreement (SLA).

SECTION 2: NOTICE TO BIDDERS

1. Terms and conditions of the bid

- 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 bid 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 Suppliers are required to register on the Central Supplier Database at www.csd.gov.za.
- 1.7 Suppliers must provide their CSD registration number (and attach a CSD Summary report) and ensure that their tax matters are compliant.
- 1.8 Any supplier who has reasons to believe that the bid specification is based on a specific brand must inform the NLC via email at bids@nlcsa.org.za and maureen@nlcsa.org.za

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 bid 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 bid consists of several 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 bid and the stipulations in any other document attached hereto, or the bid submitted hereto, the relevant stipulations in this bid shall take precedence.
 - 2.2.2 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, 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 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 (SBDs).

2.6 Language

2.6.1 Bids shall be submitted in English.

2.7 Gender

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

2.8 Headings

2.8.1 Headings are incorporated into this bid 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.

2.9 Occupational Injuries and Diseases Act 13 of 1993

2.9.1 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.

2.10 Processing of the Bidder's Personal Information

2.10.1 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 Preferential Procurement Regulations, 2022. 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.

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

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

2.10.3.1 The NLC personnel participating in procurement/award procedures; and
2.10.3.2 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:

- 2.10.3.2.1 Contract description and bid number;
- 2.10.3.2.2 Names of the successful bidder(s) and preference points claimed;
- 2.10.3.2.3 Contract price(s) (if possible);
- 2.10.3.2.4 Contract period;
- 2.10.3.2.5 Names of directors; and
- 2.10.3.2.6 Date of completion/award.

2.10.4 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.

3. Compulsory Briefing Session

A compulsory briefing session will be conducted on **19 MAY 2023 @ 10h00** at the below address:-

No. 5 Landros Mare Street
Polokwane
0699

Tel: 015 299 4660/ 012 432 1470

4. Validity Period

- 4.1 The bid documents submitted will be held and considered valid for a period of 120 days after the closing date **[26 May 2023 to 23 August 2023]**.
- 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 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 bid 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. Prices

- 7.1 All services' pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand.

8. Communication

- 8.1 Specific queries relating to this bid should be submitted bids@nlcsa.org.za and maureen@nlcsa.org.za, before the closing date.
- 8.2 In the interest of fairness and transparency the NLC's response to such a query may be made available to other bidders.
- 8.3 It is prohibited for bidders to attempt, either directly or indirectly, to canvass any officer or employee of the NLC in respect of this bid between the closing date and the date of the award of the business.
- 8.4 Bidders found to be in collusion with one another will be automatically disqualified and restricted from doing business with organ of state for a specified period.

SECTION 3: EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Regulation 2022 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). The six (6) stage evaluation criteria will be considered in evaluating the proposals, being: -

Stage 1: Bid Closing and Opening

1.1 Bid Closing Details

The deadline for bid submission is **26 MAY 2023 at 11:00** Standard South African Time. Any late bid will not be accepted. Bid proposals (USBs) are to be submitted to the NLC Tender Box at the following physical address:

**National Lotteries Commission
No. 5 Landros Mare Street
Polokwane
0699**

Tel: 015 299 4660 or 012 432 1470

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

1. Mandatory Compliance

Bidders are required to submit the required mandatory requirement for their bid submission to be considered responsive and compliance to the terms and condition specified below. Failure to comply with the below requirement will disqualify your bid submission: -

Mandatory Supporting Document	Supporting documents required
Building Insurance Cover	A copy of the building insurance

	cover for the proposed building.
Declaration of Interest (SBD 4) Fully & Duly Completed and Signed Declaration of Interest Form (SBD 4). All blank spaces must be completed. Bidders to indicate items that are not applicable	Fully & Duly Completed and Signed Declaration of Interest Form (SBD 4).
Registered with the Central Supplier Database (CSD). Recent Central Supplier Database (CSD) Summarized Report with SARS Tax Compliance Status	CSD Summary Report
Bidders must be members of Property related Associations/Boards, i.e., South African Property Owners Association (SAPOA), Estate Agents Board (EAB), South African Estate Agents Association (SAEAA) etc.	Certified copy of the membership with the listed Associations/Boards
Proof of Compliance with local municipality bylaws i.e., Electricity supply bylaw, building management bylaws, environmental management bylaws, parking bylaws	Copy of the compliance certificate of local municipality by laws

2. Administrative Compliance

All bidders must submit the below Standard Bidding Documents and Certificates for the bid as part of the administrative requirements: -

Administrative Supporting Document	Comply/Not Comply
Invitation to Bid (SBD 1) Fully & Duly Completed and signed Invitation to BID, Part A and B (SBD 1). All blank spaces must be completed. Bidders to indicate items that are not applicable	
Preference Points/Special Goals Claim Forms (SBD 6.1) Fully & Duly Completed and Signed Preference points claim form in terms of PPPFA and its Regulations of 2022 (SBD6.1). All blank spaces must be completed. Bidders to indicate items that are not applicable	
Signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA)	
BEE Certificate / Sworn Affidavit	

Stage 3: Technical Evaluation

Bidders to be evaluated based on the compliance to the minimum technical specification as follows and failure to comply with all of the minimum technical requirements specified below will be disqualified. The evaluation of minimum technical specification to be conducted on site at the proposed office space for leasing.

Technical Evaluation Criteria: Minimum Specification	Compliance Yes or No
1. Premise in Polokwane Municipality or CBD in good condition (A or B+ Grading).	
2. Accessible by public transport. The proposed office building must be accessible at all links to public transport.	
3. Minimum of 450 m ² and maximum of 650 m ²	
4. Availability of 25 secured parking bays (inclusive of two (2) accessible parking spaces)	
5. Availability of separate male, female, and accessible toilets	
6. Office Space: Site Location. The required and preferred site location is the Ground floor / standalone office space / First and Second Floor on a multi-story office building	
7. Universal Access. The building must have a universally accessible and comfortable working environment for all. The building must be designed to be used by all people regardless of age, size, ability or disability.	

Bidders who did not comply with one (1) or more of the minimum technical specification as stated above will be disqualified.

Stage 4: Evaluation on Price and Specific Goals as Per PPR2022 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.

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 underconsideration</p> <p>P_{min} = Price of lowest acceptable Bid</p> <p>Stipulated Specific Goals</p>	<p>80</p> <p>20</p>
TOTAL SCORE:	100

A maximum of 20 points will be awarded to a bidder for the specific goal 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		6	B-BBEE Certificate / B-BBEE Sworn Affidavit
Level 1 - EME /QSE	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)		4	
Procurement from entities who are at least 51% women owned	4		CSD Recent Report
4. Procurement from Disabilities (Historically Disadvantaged Individuals)		2	
Procurement from entities who are at least 51% owned by persons with disabilities	2		CSD Recent Report
5. Procurement from youth ownership		2	
Procurement from youth owned companies	2		CSD Recent Report

Final appointment to be awarded to the bidder scoring the highest points.

Stage 5: Due Diligence

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.

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.



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 2023-038	ISSUE DATE:	10 MAY 2023	CLOSING DATE:	26 MAY 2023	CLOSING TIME:	11:00am
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR THE LEASING OF OFFICE SPACE FOR THE NATIONAL LOTTERIES COMMISSION LIMPOPO OFFICE FOR A PERIOD OF SIX (6) MONTHS						
BID RESPONSE DOCUMENTS (USBs) MUST BE SEND TO ADDRESS BELOW							
No. 5 Landros Mare Street Polokwane 0699							
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 1470		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				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 No:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <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]		
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? 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 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); 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	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 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - Pmin}{P r n} \right)$$

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:

$$Ps = 80 \left(1 + \frac{80/20 \cdot (Pt - P_{max})}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{90/10 \cdot (Pt - P_{max})}{P_{max}} \right)$$

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 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
 - (b) 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.)

1. Procurement from entities who are Black Owned	Sub - points for specific goals	Maximum points for specific goals	Number of points 80/20 preference point system Specific Goals Claimed (To be Completed by 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		6	
Level 1 - EME /QSE	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)		4	
Procurement from entities who are at least 51% women owned	4		
4. Procurement from Disabilities (Historically Disadvantaged Individuals)			

Procurement from entities who are at least 51% owned by persons with disabilities	2	2	
5. Procurement from youth ownership			
Procurement from youth owned companies	2	2	

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number:

5.3. 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]

4.5. 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:

