

**NATIONAL LOTTERIES COMMISSION**

Registration number

**TERMS OF REFERENCE TO APPOINTMET A SERVICE PROVIDER TO ASSIST THE  
NLC TO DEVELOP THE KNOW YOUR CUSTOMER (KYC) STRATEGY FOR ONLINE  
LOTTERY PLAY**

<b>BID PROCESS</b>	<b>BID REQUIREMENTS</b>
<b>Tender number</b>	<b>RFP/2023-059</b>
<b>Bid Advertisement Date</b>	<b>21 June 2023</b>
<b>Closing date and time</b>	<b>30 June 2023 at 11:00</b> <i>(South African Standard Time)</i>
<b>Tender validity period</b>	<b>90 business working days from the closing date</b>
<b>Compulsory Briefing meeting</b>	<b>No compulsory briefing session</b>
<b>Submission Instruction</b>	<p>All submissions must be addressed to Supply Chain Management, National Lotteries Commission.</p> <p>The original bid document must be submitted via <b>memory stick (USB), to the address below. Hard copies will NOT be accepted.</b></p> <p>Block D, Hatfield Gardens Corner Hilda and Arcadia Streets Hatfield, Pretoria.</p> <p><b>No email submission will be accepted</b></p>

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## **REQUEST FOR QUOTATIONS TO DEVELOP THE KNOW YOUR CUSTOMER (KYC) STRATEGY FOR ONLINE LOTTERY PLAY**

### **1. BACKGROUND AND OBJECTIVE**

The National Lotteries Commission (“NLC”) is a public entity established in terms of the Lotteries Act 57 of 1997 as amended (“the Act”) to regulate, monitor and police lotteries in the Republic of South Africa.

In terms of the Act, The National Lottery and Sports Pools are currently operated by Ithuba Holdings, through respective licenses issued by the Minister of trade industry and competition (the dtic).

The NLC, among other things, is responsible for licensing, registration and regulation of the following:

- The National Lottery;
- Society and other lotteries; and
- National Sports Pools

Various products of the National Lottery and Sports Pools are retailed throughout the republic through physical retailer networks and various online platforms.

The Act provides for strict requirements on the protection of the integrity of the National Lottery and its participants, while other various pieces of legislation prohibit money laundering, terror financing and fraud. This places various responsibilities on regulated entities that deal with daily cash transactions, such as gaming operators to deploy various measures encapsulated in the “Know your Customer” (KYC) principle, to prevent money laundering, fraud and other illegal activities.

In recent years and post the Covid-19 pandemic, the South African National Lottery has seen rapid rise of online play through websites and mobile Apps. This has made KYC to become even more critical to implement to ensure that participants are who they claim to be and that their financial transactions are legitimate.

It is on this basis that the NLC requires services of a competent and experienced service provider, to conduct research and analysis on KYC for Lotteries and Sports Pools online play and formulate appropriate KYC strategy for the National Lottery Online Play, in order to ensuring optimum compliance with applicable laws.

## **2. SCOPE OF ENGAGEMENT**

The appointed service provider is required to:

- 2.1 Conduct comparative research and analysis on implementation of KYC in various jurisdictions focusing on gaming.
- 2.2 Provide a legal analysis on the local (South African) KYC requirements, as they relate to gaming (inclusive of Lotteries and Sports Pools)
- 2.3 Provide synthesis of the comparative study and how to factor in the local requirements.
- 2.4 Produce a report detailing the results of the research, with clear recommendations for Lotteries and Sports Pools.
- 2.5 Produce a KYC strategy for online lotteries and Sports Pools play.

## **3. REPORTING REQUIREMENT**

The service provider will report to the Regulatory Compliance Division.

## **4. COMPLETION DATE/ DURATION OF THE MANDATE**

This work is expected to be completed within five (5) months from the date of engagement.

## SECTION 2: NOTICE TO BIDDERS

### 1. Terms and conditions of Request for Quotations (RFQ)

- 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 Suppliers are required to register on the Central Supplier Database at [www.csd.gov.za](http://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.

### 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 coordination 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

- 2.3.1 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.
- 2.3.2 Bidders must be registered with the central supplier database (CSD) and submit CSD report reflecting tax compliant.

### 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 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

- 2.9 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 NLC is compelled by law to provide such information. For example, where appropriate, the NLC is compelled to submit information to the National Treasury's Database of Restricted Suppliers.
- 2.9.2 All Personal Information collected will be processed in accordance with POPIA and with the NLC Data Privacy Policy.
- 2.9.3 The following persons will have access to the Personal Information collected:
- 2.9.3.1 The NLC 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 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.
- 2.9.5 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**

There will be no compulsory briefing session.

### **4. Validity Period**

- 4.1 The NLC requires a validity period of 90 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 is not finalized 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 unauthorized 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 [lucia@nlcsa.org.za](mailto:lucia@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 NLLC 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 the state for a specified period.



# REQUEST FOR QUOTATION TO DEVELOP THE KNOW YOUR CUSTOMER (KYC) STRATEGY FOR ONLINE LOTTERY PLAY

## Section 3: EVALUATION CRITERIA

The NLC 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.

### Stage 1 : Tender Closing and Opening

#### 1.1 Tender closing details

The deadline for Tender submission is **30 June 2023** Standard South African Time. Any late bids will not be accepted.

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

## 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.

Bidders are advised to submit at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. 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.

### Stage 2: Administrative 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. The Administrative Compliance Evaluation will include the following:

<b>Evaluation Criteria</b>	<b>Supporting Document</b>
1. Returnable documents (standard bidding documents) and/or schedules were completed, duly signed by the authorized person.	Standard Bidding Document (SBD6.1) Forms
2. 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
3. registered with the central supplier database (CSD) with valid tax clearance compliant status on the closing date of submission of bidd.	CSD Report with Tax Compliant Status.

4. Joint Venture agreements must be submitted in a case of a bidder being in a joint venture.	Signed Joint Venture agreements
5. BEE/Sworn affidavit	Certified Copy

### Stage 3: Technical evaluation Mandatory Compliance requirements

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.

Pre-Qualification Criteria (Mandatory Requirements)

The following mandatory requirements must be met to qualify for this bid:

- Fully completed Standard Bidding Documents (SBD4)

### Stage 4: Technical evaluation

The following rating scale will be used to evaluate bid proposals:

Rating	Definition	Score
<b>Excellent</b>	<b>Exceeds</b> the requirement. Exceptional demonstration by the bidder 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.	<b>5</b>
<b>Good</b>	<b>Satisfies</b> the requirement with <b>minor additional benefits</b> . Above average demonstration by the bidder 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.	<b>4</b>
<b>Acceptable</b>	<b>Satisfies</b> the requirement. Demonstration by the bidder of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	<b>3</b>
<b>Minor Reservations</b>	Satisfies the requirement with <b>minor reservations</b> . 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	<b>2</b>

	supporting evidence.	
<b>Serious Reservations</b>	Satisfies the requirement with <b>major reservations</b> . Considerable reservations of the bidder's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	<b>1</b>
<b>Unacceptable</b>	<b>Does not meet the requirement.</b> Does not comply and/or insufficient information provided to demonstrate that the bidder has the ability, understanding, experience, skills, resource & quality measures required to provide the goods / services, with little or no supporting evidence.	<b>0</b>

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

<b>CRITERIA</b>		
<b>1. Company Experience</b>	<b>Scoring matrix (0-5)</b>	<b>Weight (%)</b>
<p>The bidder must provide the company profile/proposal which contain the entity's organizational experience and achievements in delivering a similar service.</p> <p>The bidder must demonstrate number of years of experience in KYC and anti-money laundering control environment, and related research/strategy development.</p>	<ul style="list-style-type: none"> <li>• No Experience = 0 points</li> <li>• 1 - 2 years = 1 point</li> <li>• 2 - 4 years = 3 points</li> <li>• 5 years and more = 5 points</li> </ul>	<b>20%</b>
<b>2. Key Personnel Experience/Capabilities</b>		
<p>The bidder must provide the company profile/proposal which contain the entity's organizational structure, as well as a profile of core staff and their experience, in delivering a similar service.</p> <p>Abbreviated Curriculum Vitae (CV's) of key personnel to be involved on the provision of</p>	<p>Combined experience of the Team:</p> <ul style="list-style-type: none"> <li>• Up to 1 year = 1 point</li> <li>• Between 1 – 3 years = 2 points</li> <li>• Between 3 to 5 years = 3 points</li> <li>• 5 years and more = 5 points</li> </ul>	<b>20%</b>

required services not longer than one page each, shall be included in your proposal.		
<b>3. Project Plan / Methodology</b>		
<p>The bidder must provide a project implementation plan which details how the service will be carried out. The project plan must have deliverables and time frames and systems/tools to be used.</p> <p>Project Plan and methodology must cover all the project deliverable as highlighted in the scope and provide timelines.</p>	<ul style="list-style-type: none"> <li>• No plan provided = 0 Point</li> <li>• The bidder provides a plan that clearly details how and when the scoped deliverables will be delivered, <b>for only 1 – 2 scoped deliverables</b> = 2 Points.</li> <li>• The bidder provides a plan that clearly details how and when the scoped deliverables will be delivered, <b>for 3 – 4 scoped deliverables</b> = 3 Points.</li> <li>• The bidder provides a plan that clearly details how and when <b>all</b> the scoped deliverables will be delivered = 5 Points.</li> </ul>	<b>40%</b>
<b>4. Contactable references</b>		
<p>The bidder is required to <b>provide three (3) contactable client references</b> where its services can be verified. References should be presented in a form of <b>a written letter on an official letterhead from clients</b> where similar services have been provided and may <b>not be longer than three (3) years. No appointment letters</b> from clients will be accepted as reference letters. Reference letters must be <b>signed and dated</b></p>	<ul style="list-style-type: none"> <li>• No references = 0 points</li> <li>• One (1) relevant reference letter = 2 points</li> <li>• Two (2) relevant reference letters = 3 points</li> <li>• Three (3) relevant reference letters = 5 points</li> </ul>	<b>20%</b>
<b>Total</b>		<b>100%</b>
<b>Minimum qualifying score required:</b>	<b>75%</b>	

**Stage 5: The 80/20 Principle based on Price and Special goal as stated below.**

***Points will be awarded to a bidder as follows.***

1. Procurement from entities who are at least 51% 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%	10	10	
81% - 90%	9		
71% - 80%	8		
61% - 70%	7		
51% - 60%	6		
41% - 50%	5		
0% - 40%	0		
<b>2. B-BBEE Status Level of Contributor</b>			
Level 1 - EME /QSE	10	10	
Level 2 - EME /QSE	9		
Level 1 - Generic / Level 3 EME / QSE	8		
Level 2 - Generic / Level 4 EME / QSE	7		
Level 3 - Generic / Level 5 EME / QSE	6		
Level 4 - 5 Generic / Level 6 EME / QSE	5		
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0		

### Stage 6: 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

### 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.



**REQUEST FOR QUOTATION TO DEVELOP THE KNOW YOUR CUSTOMER (KYC) STRATEGY FOR ONLINE LOTTERY PLAY**

**Section 4: INVITATION TO BID (SBD 1)**

<b>YOU ARE HEREBY INVITED TO BID FOR RFQ2023-087</b>							
<b>BID NUMBER:</b>	<b>RFQ/2023-0.....</b>	<b>ISSUE DATE:</b>	<b>21/06/2023</b>	<b>CLOSING DATE:</b>	<b>30/06/2023</b>	<b>CLOSING TIME:</b>	<b>11:00</b>

DESCRIPTION	REQUEST QUOTATION TO DEVELOP THE KNOW YOUR CUSTOMER (KYC) STRATEGY FOR ONLINE LOTTERY PLAY		
<b>BID RESPONSE DOCUMENTS</b>			
<b>BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO</b>		<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>	
CONTACT PERSON	SCM	CONTACT PERSON	Compliance
TELEPHONE NUMBER	012 432 1309	TELEPHONE NUMBER	012 432 1311
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	E-MAIL ADDRESS		
<b>SUPPLIER INFORMATION</b>			
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:		<b>O R</b>	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER:  MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  Yes                      No		B-BBEE STATUS LEVELSWORN AFFIDAVIT		[TICK APPLICABLE BOX]  Yes No

**RFP2023-007 – WORK STUDY**

<p><b>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES ENCLOSE PROOF]</p>		<p><b>2 ARE YOU A FOREIGNBASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>[IF YES, ANSWER QUESTIONAIRE BELOW ] <input type="checkbox"/></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:\_\_\_\_\_



## SECTION 6: CONSENT REQUEST FORM

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### **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

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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



## 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 interest<sup>1</sup> 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 institution	State

<sup>1</sup> 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 consortium<sup>2</sup> 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.

<sup>2</sup> 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	
SPECIFIC GOALS	
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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:

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

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:

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

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 at least 51% 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%	10	10	
81% - 90%	9		
71% - 80%	8		
61% - 70%	7		
51% - 60%	6		
41% - 50%	5		
0% - 40%	0		
<b>2. B-BBEE Status Level of Contributor</b>			
Level 1 - EME /QSE	10	10	
Level 2 - EME /QSE	9		
Level 1 - Generic / Level 3 EME / QSE	8		
Level 2 - Generic / Level 4 EME / QSE	7		
Level 3 - Generic / Level 5 EME / QSE	6		
Level 4 - 5 Generic / Level 6 EME / QSE	5		
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0		

## 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.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

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