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 National Lotteries Commission (NLC)  
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## NATIONAL LOTTERIES COMMISSION

**THE TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER ORACLE-MANAGED SERVICES FOR TECHNICAL AND BUSINESS FUNCTIONAL SUPPORT SERVICES FOR 3 YEARS.**

BID PROCESS	BID REQUIREMENTS
Tender number	NLC/2024-017
Bid Advertisement Date	<b>08 NOVEMBER 2024</b>
Closing date and time	<b>02 DECEMBER 2024 @ 11:00</b> (South African Standard Time)
Tender validity period	<b>120 business working days from the closing date</b>
Compulsory Briefing meeting	<b><i>Compulsory Briefing Session will be held as follows:</i></b> <b><i>Date: 15 November 2024 @ 10:00 at the below address:</i></b> <b><i>333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria, 0083</i></b>
Submission instruction:	The bid document must be submitted <b>ONLY</b> via USB and be delivered to:  Acting Senior Manager: Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria 0083  Enquires <b>ONLY</b> can be emailed to: <a href="mailto:bids@nlcsa.org.za">bids@nlcsa.org.za</a> and <a href="mailto:maureen@nlcsa.org.za">maureen@nlcsa.org.za</a>

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## **SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS**

### **1. INTRODUCTION AND BACKGROUND**

The National Lotteries Commission (NLC), instituted under the Lotteries Act No. 57 of 1997, is pivotal in regulating and overseeing the National Lottery and other lotteries within South Africa. The NLC's mission is to ensure that lottery proceeds are distributed equitably to advance social development and upliftment in alignment with the country's broader developmental objectives. Adherence to transparency and accountability is central to the NLC's mandate under the principles outlined in the Lotteries Act.

The NLC operates from its head office in Hatfield, Gauteng, and extends its services through nine provincial offices, all linked by a robust national private MPLS network. The organisation's ICT ecosystem includes a hybrid configuration featuring Oracle Fusion and E-Business Suite (EBS) Payroll environments, which encompass key ERP (Enterprise Resource Planning) modules such as Oracle Fusion Human Capital Management (HCM), Oracle Fusion Finance (FIN), and Oracle Fusion Supply Chain Management (SCM).

Complementing these core modules, the NLC utilises an integrated, custom-configured Grant Management Solution built on standard Oracle Fusion applications, including Oracle Fusion Sourcing, Oracle Project Portfolio Management (PPM), Oracle WebCenter Content Management, and Oracle WebCenter Enterprise Capture.

It is important to note that the current Oracle ERP platform runs an older on-premises version that will not be upgraded. The NLC is aware that this system is out of support, which underscores the need for a managed service provider to ensure stability and efficiency until the transition to a new modernised platform is completed.

The NLC's primary data centre is located at its head office in Hatfield, Gauteng, where the main Oracle ERP environment, including Oracle Database Appliances (ODAs), ZFS (Zettabyte File System) Network Storage Appliances, and network infrastructure, is housed. For business continuity, the NLC has a disaster recovery (DR) site. While the exact location of the DR site is not disclosed for security reasons, it is shared infrastructure that will be made available to the successful bidder. The bidder must be prepared to work with the NLC's disaster recovery setup to ensure effective backup and recovery operations between the primary data centre and the DR site.

## **2. PURPOSE AND OBJECTIVES**

The NLC is embarking on a digital transformation journey to modernise its technological infrastructure. During this transition period, the NLC will require a dedicated service provider to maintain and support its current Oracle ERP environment. It is crucial to clarify that the appointed service provider's role is not to modernise the Oracle infrastructure but to provide comprehensive support services to ensure the seamless operation and stability of the existing Oracle ERP platform, covering both the primary and disaster recovery sites, while assisting in the data migration process to the new envisaged NLC Business Solutions platform.

The specific objectives of this engagement are:

- i. Ensure the continued stability and optimal performance of the current Oracle Fusion and EBS Payroll environments, safeguarding the integrity and reliability of the NLC's operational systems, including the primary data centre and disaster recovery site.
- ii. Reduce system downtime and disruptions by delivering proactive maintenance and timely troubleshooting for both the primary and disaster recovery environments, ensuring that critical business operations are not adversely affected.
- iii. Facilitate a smooth transition and migration of data, where required, to the new modernised platform by providing consistent and reliable support for the current Oracle ERP environment throughout the transformation period, ensuring continuity of operations.
- iv. Maintain transparent communication through regular reporting on system performance, support activities, and any issues encountered across both the primary and disaster recovery sites, keeping the NLC informed and prepared.

## **3. NLC ORACLE HARDWARE AND DEPLOYED APPLICATION VERSIONS**

The National Lotteries Commission (NLC) operates various Oracle platforms to support its business operations. These systems include Oracle Engineered Systems (ODA hardware), Oracle Databases, Fusion Middleware, and Oracle ERP Application modules.

The deployed versions are legacy systems, and there is no plan to upgrade them as the NLC is undergoing a comprehensive technology modernisation program. However, it is

important to note that active hardware support is in place for Oracle Engineered Systems (ODA hardware) through a direct agreement with Oracle. This ensures that replacement parts are readily available, and any hardware issues can be resolved promptly through Oracle's support.

In addition, the NLC ensures that the renewal of Oracle software licenses is kept up to date, maintaining access to My Oracle Support for ongoing system stability, performance monitoring, and troubleshooting assistance.

Items	Description	Physical Quantities
<b><u>ORACLE ENGINEERED SYSTEMS (INFRASTRUCTURE)</u></b>		
ODA Hardware	Model: ODA X5-2 Servers System Version: 12.2.1.3.0 OVM Version: 3.4.4 OS: Oracle Linux Version 6.9 Environments: PROD, DEV, UAT, DR	4
Storage Platforms	Model: ZFS- ZS5 -2	2
<b><u>ORACLE DATABASE AND FUSION MIDDLEWARE</u></b>		
Databases	Oracle Fusion Database Version: 11.2.0.4.0  Oracle IDM (Identify Manager) Database Version: 11.2.0.4.0	
Middleware	Oracle WebLogic 11g Version: 10.3.6.0	

<b><u>ORACLE ERP APPLICATIONS</u></b>		
Application Modules	Oracle Fusion Applications Release 9.2 Version: <b>11.1.9.0.0</b>	Human Capital Management Supply Chain Procurement Finance Sourcing Project Portfolio Management WebCenter Portal Spaces
	Oracle E-Business Suite Version: R12.2	EBS Payroll

#### **4. SCOPE OF REQUIREMENTS**

The successful bidder will be required to execute and conduct the following services for the NLC for a period of three (3) years:

- 4.1 SOW-A: Technical Support and Maintenance of the Oracle Hardware Layer.
- 4.2 SOW-B: Technical Support and Maintenance of the Oracle Application Layer.
- 4.3 SOW-C: Business Functional Support Services.

##### **4.1 SOW-A: Technical Support and Maintenance of the Oracle Hardware Layer**

<b>SOW-A</b>	<b>Description</b>	<b>Qty</b>	<b>Activities</b>
Oracle Hardware Layer	Oracle Database Appliance	4	<ul style="list-style-type: none"> <li>• 24/7/365 proactive support</li> <li>• Perform Daily Health checks</li> <li>• Monitor the uptime of hardware</li> <li>• Monitor the uptime of the Oracle network environment</li> <li>• Equipment configuration management</li> <li>• Storage monitoring and management</li> <li>• Network monitoring and troubleshooting</li> </ul>
	ZFS Storage Appliance	2	
	10GB Network Switch	2	
	Storage Tek LTO Tape Drive	1	

			<ul style="list-style-type: none"> <li>• Patching management <ul style="list-style-type: none"> <li>▪ Mandatory</li> <li>▪ Critical</li> </ul> </li> <li>• Hardware component replacement in line with prevailing Oracle licensing arrangements</li> </ul>
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#### **4.2 SOW-B: Technical Support and Maintenance of the Oracle Application Layer**

<b>SOW-B</b>	<b>Description</b>	<b>Activities</b>
Oracle Applications Layer	<ul style="list-style-type: none"> <li>• Oracle Fusion CORE (HCM, SCM, FIN)</li> <li>• Oracle PPM, WebCenter Portal, WebCenter Portal Spaces,</li> <li>• Oracle Fusion Middleware</li> <li>• Oracle BI</li> <li>• Oracle EBS Payroll</li> </ul>	<ul style="list-style-type: none"> <li>• 24/7/365 support</li> <li>• Perform daily health checks and reporting</li> <li>• Upgrade Services</li> <li>• Performance tuning</li> <li>• Monitor uptime of services</li> <li>• Monitor and log Oracle support service requests</li> <li>• Database management: <ul style="list-style-type: none"> <li>○ Monitor tablespaces</li> <li>○ Monitor log files</li> <li>○ Monitor storage and growth patterns</li> </ul> </li> <li>• Backup management: <ul style="list-style-type: none"> <li>○ Database</li> <li>○ Archive logs</li> <li>○ Operating system</li> </ul> </li> <li>• Disaster Recovery and business continuity planning and testing.</li> <li>• Patching management <ul style="list-style-type: none"> <li>○ Mandatory (Payroll Legislative)</li> <li>○ Critical</li> </ul> </li> <li>• Cloning management <ul style="list-style-type: none"> <li>○ As and when required</li> </ul> </li> <li>• UAT to Production Migration <ul style="list-style-type: none"> <li>○ As and when required</li> </ul> </li> </ul>
Oracle Middleware	<ul style="list-style-type: none"> <li>• Oracle Database</li> <li>• Oracle IDM</li> <li>• Oracle Enterprise Manager</li> <li>• Oracle SOA</li> <li>• Oracle Web Logic</li> <li>• Oracle Integrations</li> <li>• API integration with 3<sup>rd</sup> party applications and service providers</li> </ul>	

### **4.3 SOW-C: Business Functional Support Services**

<b>SOW-C</b>	<b>Description</b>	<b>Activities</b>
Oracle Functional Support Services	<ul style="list-style-type: none"> <li>• Oracle HCM</li> <li>• Oracle SCM</li> <li>• Oracle FIN</li> <li>• Oracle PPM</li> <li>• Oracle Sourcing</li> <li>• Oracle WebCenter</li> <li>• Oracle EBS-Payroll</li> <li>• Oracle BI Reporting</li> </ul>	<ul style="list-style-type: none"> <li>• Business end-user support</li> <li>• Service desk and ticket management</li> <li>• Problem analysis</li> <li>• Following up with Oracle Support if required for problem resolution.</li> <li>• User access and workflow administration</li> <li>• System configuration management</li> <li>• Weekly and Monthly ticket reporting</li> <li>• Documentation and administration</li> </ul>
Business Enhancement Services (where required)	<ul style="list-style-type: none"> <li>• New Business Requirements (if any)</li> <li>• BI Reporting Requirements (if any)</li> <li>• Integration to 3<sup>rd</sup> party systems and applications (if Any)</li> <li>• Data Extraction Requirements (if Any)</li> </ul>	<ul style="list-style-type: none"> <li>• Business and process analysis</li> <li>• Stakeholder engagement.</li> <li>• User requirements gathering.</li> <li>• System Reports development and enhancements</li> <li>• Modification and adaptation of existing workflow to new workflow requirements.</li> <li>• Modification of existing reports and new BI report development</li> <li>• Data extraction services</li> <li>• Risk and Issue Management.</li> <li>• Version control</li> <li>• System Change control processes</li> <li>• Quality assurance (i.e. testing, acceptance, standards and procedure)</li> <li>• Programme, Project and Audit Management</li> </ul>

### **Service Level Framework**

The bidder is to propose an SLA framework that addresses as outlined in the table below:

<b>SLA</b>	<b>Description</b>
Service Level Agreement	SOW-A – Technical Support and Maintenance of the Oracle Hardware Layer.



	SOW-B – Technical Support and Maintenance of the Oracle Application Layer.
	SOW-C – Business Functional Support Services.

## 5. DELIVERABLES

1	<b><i>System Maintenance and Technical Support</i></b>	Regular maintenance of the Oracle ERP system, including payroll legislative patching, real-time monitoring, and 24/7 technical support for both primary and DR sites.
2	<b><i>System Uptime and Stability</i></b>	Ensuring 99.9% system uptime with real-time monitoring and proactive performance optimisation for consistent availability for both primary and DR sites.
3	<b><i>Incident Response and Resolution</i></b>	<p>A structured incident management process with response times within 2 hours for critical incidents and full resolution within 24-48 hours.</p> <p>Critical incidents include both technical and functional issues that significantly disrupt the operation of the Oracle ERP system. These incidents require immediate attention and include:</p> <ul style="list-style-type: none"> <li>• Technical Critical Incidents: <ul style="list-style-type: none"> <li>i. Complete system outages.</li> <li>ii. Severe performance degradation.</li> <li>iii. Data corruption or loss.</li> <li>iv. Security breaches.</li> <li>v. Critical infrastructure failures.</li> <li>vi. Failure of disaster recovery systems.</li> </ul> </li> <li>• Functional Critical Incidents: <ul style="list-style-type: none"> <li>i. Inability to process payroll or calculate employee benefits.</li> <li>ii. Failure of financial transactions, such as payments or invoices.</li> <li>iii. Inability to manage procurement or the supply chain.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>iv. Disruptions in the Grant Management system preventing workflow processes and payment disbursements.</li> <li>v. Broad user access issues affecting multiple departments. <ul style="list-style-type: none"> <li>o Data entry or transactional integrity errors that compromise reporting or compliance.</li> </ul> </li> </ul>
<b>4</b>	<b><i>Risk Management and Mitigation</i></b>	A comprehensive risk management plan including risk identification, mitigation strategies, contingency plans and regular risk assessments.
<b>5</b>	<b><i>Reporting and Documentation</i></b>	Monthly reports on system performance, incidents and risk assessments with accessible documentation for audit requests when requested.

## 6. DURATION OF CONTRACT

The appointment period for the Oracle managed services is three (3) years, commencing from the date of formal appointment. During this time, the appointed service provider will deliver comprehensive maintenance and support services and adhere to the agreed-upon Service Level Agreement (SLA).

## SECTION 2: NOTICE TO BIDDERS

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

- 1.1 This document may contain confidential information that is the property of the NLC.
- 1.2 No part of the contents may be used, copied, disclosed, or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFP without prior written permission from the NLC.
- 1.3 All copyright and intellectual property herein vests with the NLC.
- 1.4 Late and incomplete submissions will not be accepted.
- 1.5 No services must be rendered, or goods delivered before an official NLC Purchase Order form has been received.
- 1.6 This RFP will be evaluated in terms of the 80/20 preference point system.
- 1.7 Suppliers are required to register on the Central Supplier Database at [www.csd.gov.za](http://www.csd.gov.za).
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Registration report) and ensure that their tax matters are compliant.

- 1.9 All questions regarding this RFP must be forwarded to [bids@nlcsa.org.za](mailto:bids@nlcsa.org.za) and [maureen@nlcsa.org.za](mailto:maureen@nlcsa.org.za).
- 1.10 Any supplier who has reasons to believe that the RFP specification is based on a specific brand must inform the NLC via the email addressed in 1.9.

## **2. General rules and instructions**

### **2.1 News and press releases**

- 2.1.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, the NLC.

### **2.2 Precedence of documents**

- 2.2.1 This RFP consists of 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 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 section 217 of the constitution of the republic, 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 interpretation unless it has been so imported or acknowledged by the NLC.

It remains the exclusive domain and election of the NLC as to which of these stipulations are applicable and to what extent. Bidders 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 NLC insists that the private sector demonstrates its commitment and track record to B-BBEE in ownership (shareholding), skills transfer, employment equity and procurement practices (SMME

Development) etc.

## **2.4 Language**

2.4.1 Bids shall be submitted in English.

## **2.5 Gender**

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

## **2.6 Headings**

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

## **2.7 Occupational Injuries and Diseases Act 13 of 1993**

2.7.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) 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.

## **2.8 Processing of the Bidder's Personal Information**

2.8.1 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 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 the National Treasury's Database of Restricted Suppliers.

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

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

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

2.8.3.2 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:

- 2.8.3.2.1 contract description and bid number.
  - 2.8.3.2.2 names of the successful bidder(s) and preference points claimed.
  - 2.8.3.2.3 the contract price(s) (if possible).
  - 2.8.3.2.4 contract period.
  - 2.8.3.2.5 names of directors; and
  - 2.8.3.2.6 date of completion/award.
- 2.8.4 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.
- 2.8.5 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 Compulsory briefing session as follows:

***Date: 15 November 2024 @ 10:00 at the below address:***

***333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria, 0083.***

### **4. Validity Period**

- 4.1 The Commission requires a validity period of 120 Business Days [from closing date of **02 December 2024 – 01 April 2025**] 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 NLC and agrees that it shall only process the information disclosed by the NLC in terms of this bid award and only for the purposes as detailed in this RFP and in accordance with any applicable law.
- 6.4 The Bidder shall notify the NLC in writing of any unauthorised access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such.

## **7. Communication**

- 7.1 Specific queries relating to this RFP should be submitted [bids@nlcsa.org.za](mailto:bids@nlcsa.org.za) and [maureen@nlcsa.org.za](mailto:maureen@nlcsa.org.za), before the closing date.
- 7.2 In the interest of fairness and transparency, the NL C'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 NLC 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.

## **8. Supplier Performance**

- 8.1 The National Lotteries Commission conducts regular performance reviews in accordance with the requirements for the classification of the contract and or stakeholder by making use of supplier evaluation forms. The evaluation is conducted against the deliverables or scope of the contract with a minimum of an annual review done for contracts longer than a year and a review at completion of contract for those contracts less than a year.
- 8.2 Ad-hoc performance reviews shall be conducted where non-performance is identified outside the review period.
- 8.3 Non-performance will be addressed with at least a formal letter advising specific non-

performing areas and stating remedial action/s required within specific time frames. Non-adherence to remedial actions shall lead to escalating performance management actions.

- 8.4 Any party to this agreement may request to participate in a joint performance review where appropriate and seek continuous improvement opportunities.

### **SECTION 3: EVALUATION CRITERIA**

The following phases of evaluation criteria will be considered in evaluating the proposals, being:

#### **Stage 1: Tender Closing and Opening**

##### **1.1 Tender closing details**

The deadline for Tender submission is **02 December 2024 @ 11:00** Standard South African Time. Any late tenders will not be accepted. Tenders are to be submitted to the NLC's tender box at the following physical address:

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

##### **1.2 Bid Formats**

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

Only submission in a form of Universal serial bus (USB) and one (1) hard copy will be accepted.

##### **1.3 Bid submission guidelines:**

Bidders are required to ensure that the bid submission is saved properly and accessible in the USB as blank/empty USB will be disqualified. The USB must be clearly marked with the name of the bidder and arranged and properly as follows:

- Mandatory Bid Compliance Documents, Standard Bidding Documents (SBD) Forms, Technical and Financial Proposals must be submitted in one (1) electronic (USB) submission.
- Bidders are requested that folders in the electronic submission be separated, properly named, and indexed as follows:

- Folder 1: Mandatory Bid Compliance Documents and SBD Forms;
- Folder 2: Technical Proposal; and
- Folder 3: Financial (Price) Proposal.

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

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

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

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

- Traffic.
- Struggling to find parking.
- Courier arriving late.

## **BIDDERS MUST SIGN ON THE BOOK REGISTER ON THE TENDER BOX WHEN SUBMITTING**

### **Stage 2: Administrative Compliance**

All bid respondents must submit the relevant documents that comply with administrative compliance, which will include the following:

<b>Evaluation Criteria</b>	<b>Supporting Document</b>
• Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time	Bid Proposal (SBD1, SBD 6.1,)
• Whether the Bid document has been duly signed by the authorised bidder official	Company resolution as proof of authorised individuals' delegation
• Whether the Bid contains a priced offer	Pricing and delivery schedule
• Whether Bidders have failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD	Proof of Central Supplier Database (CSD) registration reflecting Tax compliant status



### Stage 3: Mandatory Compliance

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation. The Mandatory Compliance Evaluation will include the following:

Evaluation Criteria	Supporting Document
1. In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable)	JV Agreement
2. Bidders must submit a fully complete declaration of interest form (failure to declare honestly will lead to bidder being disqualified)	SBD 4
3. Bidders must provide Proof of Oracle Partnership	Please attach a valid Oracle Partner Network (OPN) membership certificate

***Failure to comply with the above mandatory requirements will render your submission non-responsive and unacceptable.***

### Stage 4: Technical Evaluation

The following weighting system will apply and only bidders scoring a minimum of 70 points or more will be eligible to migrate to the evaluation phase of this bid.

EVALUATION CRITERIA	Scoring Matrix	% Weight
<b>1. Company Experience</b>		
<b>1.1. Written Reference Letters</b>		<b>15%</b>
Provide Five (5) written reference letters from contactable existing/recent clients (public/private sector) within the past 5 years in Oracle ERP support services. Letters should include the company name, contact name, address, phone number, duration of the contract and a brief description of the services provided. The year of service on the reference letters must be between 2019 and 2024.	No reference letters = 0 Points. <hr/> 1 reference letter = 1 Point. <hr/> 2 reference letters = 2 Points. <hr/> 3 reference letters = 3	

EVALUATION CRITERIA	Scoring Matrix	% Weight
<p>The reference letters must be on the client's letterhead and must be dated and signed.</p> <p><u>Appointment letters are not permissible.</u></p>	<p>Points.</p> <p>4 Reference letters = 4 Points.</p> <hr/> <p>5+ reference letters = 5 Points.</p>	
<p><b>1.2. Company Experience &amp; Capability</b></p>		<p><b>15%</b></p>
<p>Bidders must submit their company profile demonstrating their capacity to render the required Oracle ERP support and maintenance service.</p> <p>The company profile must contain the entity's years of experience, with specific details indicating how these experiences relate to the required NLC requirement for managed services.</p>	<p>5+ Years experience = 5 Points.</p> <hr/> <p>4 years' experience = 4 Points.</p> <hr/> <p>3 years' experience = 3 Points.</p> <hr/> <p>2 years' experience = 2 Points.</p> <hr/> <p>1 year experience = 1 <b>Points</b></p> <hr/> <p>No Experience Indicated = 0 Points.</p>	
<p><b>2. Capacity and Ability to Implement</b></p>		
<p><b>2.1. Experience – Oracle Technical Lead/ Manager</b></p>		<p><b>10%</b></p>
<p>Attach an abridged CV (not longer than one page) that stipulates the name and surname of the technical lead/ manager.</p> <ul style="list-style-type: none"> <li>Number of years as a technical lead/manager with relevant experience indicating projects</li> </ul>	<p>5+ Years Experience = 5 Points</p> <hr/> <p>4 Years Experience = 4 Points</p> <hr/>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
<p>related to the support of Oracle ERP and technology advisory services.</p>	<p>3 Years Experience = 3 Points</p> <hr/> <p>2 Years Experience = 2 Point.</p> <hr/> <p>1 year experience = 1 Point.</p> <hr/> <p>No Experience indicated = 0 points.</p>	
<p><b>2.2. Experience – Oracle Project Manager</b></p>		<p><b>10%</b></p>
<p>Attach an abridged CV (not longer than one page) that stipulates the name and surname of the Oracle Project manager.</p> <ul style="list-style-type: none"> <li>Number of years as an Oracle Project Manager with relevant experience indicating projects related to the support of Oracle ERP and account management experience related to the scope of work.</li> </ul> <p>No points will be allocated if no CV is submitted.</p>	<p>5+ Years Experience = 5 Points</p> <hr/> <p>4 Years Experience = 4 Points</p> <hr/> <p>3 Years Experience = 3 Points</p> <hr/> <p>2 Years Experience = 2 Point.</p> <hr/> <p>1 year experience = 1 Point.</p> <hr/> <p>No Experience indicated = 0 points.</p>	
<p><b>3. Oracle ERP Maintenance and Support Services</b></p>		
<p>This section evaluates the bidder's capability to provide comprehensive maintenance and support services for the National Lotteries Commission's Oracle Legacy ERP environment, which the vendor no longer supports.</p>		

EVALUATION CRITERIA	Scoring Matrix	% Weight
<p>In line with the <b>Deliverables</b> section, the bidder must demonstrate their ability to maintain system stability and uptime, proactively manage and mitigate risks, and respond quickly to incidents. Additionally, the bidder must provide a clear disaster recovery plan to ensure rapid system recovery in the event of failures.</p> <p>The evaluation will focus on how the bidder's proposed solution aligns with the <b>Deliverables</b> by assessing their overall maintenance strategy, risk management and disaster recovery approach, system uptime guarantees, and incident response plans to ensure the uninterrupted operation of the Oracle ERP environment.</p>		
<p><b>3.1. System Maintenance and Technical Support</b></p>		<p><b>20%</b></p>
<p>The bidder must provide a clear and easy-to-understand plan that outlines how they will provide 24/7 technical support, real-time system monitoring, and maintenance for an unsupported Oracle Fusion ERP system. The plan should include who will be responsible, how issues will be resolved, and how often maintenance will occur.</p>	<p>The plan states that support is available 24/7 with a dedicated team.</p> <p>The bidder mentions real-time system monitoring and explains how they will constantly monitor the system for problems.</p> <p>The monthly maintenance schedule is included, and it's clear who will perform it.</p> <p>Clear steps are included for what happens when the system has a problem (e.g., a troubleshooting process).= 5 Points (Excellent).</p> <hr/> <p>The plan says support is usually available (e.g., during business hours or 16+ hours a day).</p>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<p>System monitoring is mentioned, but not 24/7, or the process is unclear.</p> <p>Maintenance schedule is provided, but not clear who will perform it.= 4 Points (Good)</p> <hr/> <p>The plan mentions support but doesn't specify how long or when it will be available.</p> <p>Monitoring is included but not explained.</p> <p>Maintenance is mentioned, but there's no clear schedule or person responsible. = 3 Points (Acceptable)</p> <hr/> <p>Support is mentioned, but no details are provided about when or how often.</p> <p>Monitoring and maintenance are mentioned but not explained clearly.</p> <p>= 2 Points. (Minor Reservations)</p> <hr/> <p>Support and monitoring are briefly mentioned but are vague or incomplete.</p>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<p>Maintenance is mentioned, but no process or schedule is provided. = 1 Point. (Serious Reservations)</p>	
	<p>No maintenance and support plan = 0 Points. (Unacceptable)</p>	
<p><b>3.2. System Uptime and Stability</b></p>		<p><b>10%</b></p>
<p>The bidder must provide a plan to maintain a high level of system uptime (99.9%) and ensure system stability.</p> <p>The plan should include how they will monitor the system, prevent issues, and respond when the system goes down.</p>	<p>The plan clearly states that the system will have 99.9% uptime.</p> <p>The bidder explains how they will monitor the system to prevent problems before they occur.</p> <p>The plan includes a clear process for handling system downtime quickly. = 5 Points(Excellent)</p> <p>The plan states that the system will have 99.5% uptime.</p> <hr/> <p>Monitoring is included but not detailed on how they will prevent issues.</p> <p>The plan includes a basic process for handling system downtime.= 4 Points (Good)</p> <hr/>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<p>Uptime is mentioned but not specified as 99.9%. Monitoring is included but lacks detail. The plan for handling downtime is mentioned but unclear. = 3 Points. (Acceptable)</p> <hr/> <p>Limited risk management plan with minimal mitigation strategies. Uptime and monitoring are mentioned but are vague. The process for downtime is unclear or missing key details = 2 Points. (Minor Reservations)</p> <hr/> <p>Uptime is mentioned, but no monitoring or downtime process is explained. = 1 Point. (Serious Reservations)</p> <hr/> <p>No plan for uptime, monitoring, or stability is provided. = 0 Points. (Unacceptable)</p>	
<b>3.3. Incident Response and Resolution</b>		<b>10%</b>
<p>In accordance with the deliverables section, the bidder must outline how it will respond to system issues (incidents), including its response times for critical issues and how quickly it will resolve them.</p>	<p>The plan clearly states response times of <b>2 hours</b> for both technical and functional critical incidents, with full resolution within <b>24-</b></p>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<p><b>48 hours.</b></p> <p>The bidder provides a detailed list of <b>both technical and functional critical incidents</b> and how they will be handled.</p> <p>= 5 Points. (Excellent)</p> <hr/> <p>The plan states response times of 2-4 hours for critical incidents, with resolution times within 48-72 hours.</p> <p>The bidder includes both technical and functional incidents, but with less clarity on certain functional issues.</p> <p>The plan outlines who will respond but lacks some details on the resolution process. = 4 Points. (Good)</p> <hr/> <p>The plan mentions response times for critical incidents, but does not clearly specify functional critical incidents.</p> <p>Resolution times are provided, but they may not meet the desired timeline.</p> <p>Roles and responsibilities are mentioned but not detailed. = 3 Points.</p>	



EVALUATION CRITERIA	Scoring Matrix	% Weight
	<hr/> <p>The plan mentions critical incidents but lacks clear response and resolution times.</p> <p>Functional incidents are briefly mentioned but not adequately addressed.</p> <p>The process for resolving issues is vague.= 2 Points. (Minor Reservations)</p> <hr/> <p>The plan mentions critical incidents but is unclear or incomplete.</p> <p>Both response times and roles are inadequately defined, making it difficult to assess their effectiveness. = 1 Point. (Serious Reservations)</p> <hr/> <p>No plan for responding to or resolving incidents is provided. = 0 Points. (Unacceptable)</p>	
<b>3.4. Risk Management, Mitigation and Disaster Recovery</b>		<b>5%</b>

EVALUATION CRITERIA	Scoring Matrix	% Weight
<p>The bidder must provide a risk management and disaster recovery plan that explains how they will identify risks, prevent problems, and ensure system recovery in case of failures or disasters.</p> <p>The plan should include clear steps for backups and system recovery to ensure minimal disruption.</p>	<p>The plan identifies specific risks and provides clear strategies to prevent them.</p> <hr/> <p>A Disaster Recovery Plan is included, with specific steps on how the system will be backed up and recovered in case of a disaster, including time frames (e.g., system recovery within 24 hours).</p> <p>The plan explains who will be responsible for recovery and how systems will be restored.= 5 Points. (Excellent)</p> <hr/> <p>The plan includes most risks and some strategies for preventing them. A Disaster Recovery Plan is included but lacks detailed time frames or responsibility.= 4 Points. (Good)</p> <hr/> <p>The plan identifies basic risks but lacks clear disaster recovery steps.</p> <p>Backup and recovery are mentioned, but details are vague.= 3 Points. (Acceptable)</p> <hr/> <p>Risks and disaster recovery</p>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<p>are mentioned, but no clear steps or time frames are provided. = 2 Points. (Minor Reservations)</p> <hr/> <p>Risks are mentioned, but the disaster recovery plan is vague and incomplete. = 1 Point. (Serious Reservations)</p> <hr/> <p>No risk management or disaster recovery plan is provided. = 0 Points. (Unacceptable)</p>	
<b>3.5. Reporting and Documentation</b>		<b>5%</b>
<p>The bidder must explain how they will provide regular reports on system performance, incidents, and risks, as well as maintaining documentation for the Oracle Fusion ERP and EBS Payroll system.</p>	<p>The bidder must explain how it will provide regular reports on system performance, incidents, and risks and maintain documentation for the Oracle Fusion ERP system. Documentation will be regularly updated and easily accessible. = 5 Points. (Excellent)</p> <p>Reports will be provided but not as frequently. Documentation will be provided but updates are not clearly defined. = 4 Points. (Good)</p>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<hr/> <p>Reports and documentation are mentioned but with no clear timeline. = 3 Points. (Acceptable)</p> <hr/> <p>Reporting and documentation are mentioned but not explained clearly.= 2 Points. (Minor Reservations)</p> <hr/> <p>Reporting and documentation are vague and incomplete. = 1 Point. (Serious Reservations)</p> <hr/> <p>No plan for reporting or documentation is provided. = 0 Points. (Unacceptable)</p>	
<b>Total:</b>		<b>100%</b>
<b>Minimum Qualifying Points</b>		<b>70</b>

### Stage 4: Pricing and Specific Goals comparatives

Evaluation Criteria	Final Weighted Scores
<p><b>Price</b></p> <p>The following formula will be used to calculate the points out of 80 for price in respect of a tender 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><math>P_s</math> = Score for the Bid under consideration  <math>P_t</math> = Price of Bid under consideration  <math>P_{\min}</math> = Price of lowest acceptable Bid</p>	80
	<b>80</b>

The evaluation for Specific goals will include the following:

### **Stage 5: Due Diligence**

Not applicable

### **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 negotiation.

## SECTION 4: INVITATION TO BID (SBD 1)

## PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS							
BID NUMBER:	<b>NLC/2024-017</b>	ISSUE DATE:	<b>08 NOVEMBER 2024</b>	CLOSING DATE:	<b>02 DECEMBER 2024</b>	CLOSING TIME:	<b>11H00</b>
DESCRIPTION	<b>APPOINTMENT OF A SERVICE PROVIDER TO RENDER ORACLE-MANAGED SERVICES FOR TECHNICAL AND BUSINESS FUNCTIONAL SUPPORT SERVICES FOR 3 YEARS.</b>						
<b>BID RESPONSE USBs MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>							
<b>1 USB AND 1 ORIGINAL HARD COPY DOCUMENT</b>							
<b>333 Grosvenor Street, Block D, Hatfield Gardens, Hatfield, Pretoria, 0001</b>							
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>				<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>			
CONTACT PERSON	<b>Supply Chain Management</b>			CONTACT PERSON	<b>Maureen Senyatsi</b>		
TELEPHONE NUMBER	<b>012 432 1300</b>			TELEPHONE NUMBER	<b>012 432 1470</b>		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	<a href="mailto:Bids@nlcsa.org.za">Bids@nlcsa.org.za</a>			E-MAIL ADDRESS	<a href="mailto:maureen@nlcsa.org.za">maureen@nlcsa.org.za</a>		
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:		<b>OR</b>	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: 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] Yes <input type="checkbox"/> No <input type="checkbox"/>		

**[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]**

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

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

**TAX COMPLIANCE REQUIREMENTS**

- i. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- ii. 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.
- iii. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- iv. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- v. IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- vi. 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 5: BIDDER'S DISCLOSURE (SBD 4)

### 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.

#### Bidder's declaration

**1.1** 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**

**1.1.1** 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

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

**YES/NO**

1.1.3 If so, furnish particulars:

.....

.....

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

**YES/NO**

1.2.1 If so, furnish particulars:.....

.....

**3 DECLARATION**

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or 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

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.

3.5 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

<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.

**SECTION 6: 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
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and SPECIFIC GOALS</b>	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:

$$P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

#### 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 a 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)
Tenderer who have 100% black Ownership	8	8	
Tenderer who have 51% to 99% black ownership	4		
Tenderer who have less than 51% black ownership	0		
2. Procurement from entities who are women Owned		4	
Tenderer who have 100% women Ownership	4		
Tenderer who have 30% to 99% women ownership	2		
Tenderer who have less than 30% women ownership	0		

<b>3. Black Youth Ownership</b>		<b>4</b>	
Tenderer who have 100% black youth ownership	4		
Tenderer who have 30% to 99% black youth ownership	2		
Tenderer who have less than 30% black youth ownership	0		
<b>4. Procurement from Disabilities</b>		<b>4</b>	
Tenderer who have 20% or more owners with disability	4		
Tenderer who have less than 20% but more than 10% owners with disability	2		
Tenderer who have less than 10% owners with disability	0		
<b>Total points for specific goals</b>			

**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]

5.4 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;

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;

- iv) 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:** .....

.....

.....



# **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.

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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.