

NATIONAL LOTTERIES COMMISSION

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF LEGAL PRACTITIONERS (ADMITTED AND ENROLLED AS SUCH IN TERMS OF SECTIONS 24 AND 30 OF THE LEGAL PRACTICE ACT, 2014) FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF FIVE YEARS

BID PROCESS	BID REQUIREMENTS
Tender Number	NLC2025-020
Tender Description	APPOINTMENT OF A PANEL OF LEGAL PRACTITIONERS (ADMITTED AND ENROLLED AS SUCH IN TERMS OF SECTIONS 24 AND 30 OF THE LEGAL PRACTICE ACT, 2014) FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF FIVE YEARS
Tender Issue Date	2025/11/21
Submissions	All submissions Must be addressed to Supply Chain Management, NLC Submission of proposals through (<i>online submission on e-tender</i>) Enquiries ONLY can be emailed to: penelope@nlcsa.org.za and bids@nlcsa.org.za
Closing date and time	2025/12/12 @11:00
Place where bid is advertised	E-tender and NLC Website
Tender Validity Period	The validity period of the Proposals requested must be 200 days from the closing date.

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION & BACKGROUND

The National Lotteries Commission (NLC / the Commission) is established in terms of the Lotteries Act No. 57 of 1997, as amended (Lotteries Act) to regulate the National Lottery as well as other lotteries and societies. The NLC aims to ensure that funds raised through the National Lottery are distributed equitably and expeditiously across South Africa to advance social upliftment of communities in need with the aim of addressing poverty and reducing inequalities in line with the National Development Plan. The Commission is required to apply principles of openness and transparency in the exercise of its functions assigned to it in terms of the Lotteries Act No 57 of 1997, as amended.

Section 51(1)(a)(i) of the Public Finance Management Act, 1999 (PFMA), as amended, requires an “*An accounting authority for a public entity must ensure that public entity has and maintains effective, efficient and transparent systems of financial and risk management and internal control*”. In line with the requirements of the PFMA and Treasury Regulations, the NLC seeks to request a proposal from suitably qualified service providers to be on the panel of Legal Practices for the NLC for a period of five (5) years.

The Panel of Legal Practitioners will ensure that the NLC has easy access, on an “as and when required” basis, to experienced law firms that will protect the interests of the Commission and assist in executing its mandate in an efficient and effective manner.

2. OBJECTIVE

The NLC seeks to appoint a Panel of Legal Practitioners with suitable knowledge and expertise to provide various legal services to the Commission.

3. PURPOSE

The purpose of this request for proposals (RFP) is to outline the NLC’s requirements and criteria for the appointment of suitably experienced service providers to the panel of Legal

Practitioners for a period of 5 years.

4. AREA OF SPECIALITY

4.1. Each Legal Practice must clearly indicate and submit proposal(s) detailing experience together with reference letters for the field(s) they are bidding for. Setting out experience should include any significant cases or projects worked on.

4.2. Indicate which area/field/s of law you are specialising in by ticking the appropriate box. Bidders must submit their response of area/s of speciality /field of law listed in the table below as “*Appendix 1*” titled Area of Speciality / Field of Law.

Table 1: Area of speciality / field of law

No.	Area of specialty / field of law	Mark the appropriate box
1.	Constitutional and Administrative (Public) Law	
2.	Intellectual Property Law	
3.	Construction Law	
4.	Criminal law, anti-bribery, fraud and corruption prevention	
5.	Labour and Employment Law	
6.	Commercial law, contract law and corporate governance	
7.	Data Privacy Law	
8.	General Litigation (Lower and Superior Courts)	
9.	Debt Collection/Debt Recovery	
10.	Legislative Drafting and Review	
11.	Public Procurement Law	
12.	Regulatory and Licensing	
13.	Pension Law	
14.	Civil Law	
15.	Property law	

16.	If other, please specify	
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5. BUSINESS AREA

5.1. Locality: The legal practice must indicate their place of business(es) within a province including other regional offices within the Republic of South Africa as follows:

Table 2: Place of business

Item no.	Province	Place of business (physical address)	Contact Person	Office no. / Mobile no.	Email address
1.	Eastern Cape				
2.	Free State				
3.	Gauteng				
4.	KwaZulu - Natal				
5.	Limpopo				
6.	Mpumalanga				
7.	Northern Cape				
8.	Northwest				
9.	Western Cape				

Bidders are required to complete the above Table 2 details about their place(s) of business and attach it to the bid document as “Appendix 2” titled Business Area.

6. SCOPE OF WORK

The appointed panel of legal practitioners will be required, on an as-and-when basis, to render professional legal services to the NLC” across a broad spectrum of specialised areas. The scope of work will include, but not be limited to, the following:

6.1 Litigation and Dispute Resolution

- Represent and act on behalf of the NLC in litigation before all Courts of law, including appeals and reviews.
- Represent the NLC in arbitrations, mediations, conciliations, and other alternative dispute resolution (ADR) mechanisms, as well as before quasi-judicial and regulatory forums.
- Represent the NLC at the Commission for Conciliation, Mediation and Arbitration (CCMA), bargaining councils, and Labour Courts.

6.2 Corporate, Commercial, and Compliance Advisory

- Provide expert legal opinions and advice on corporate, commercial, and compliance matters.
- Review, draft, and negotiate contracts, agreements, memoranda of understanding, and other legal instruments.
- Draft, review, and advise on subordinate legislation, regulations, rules, and policies impacting the mandate of the NLC.
- Conduct legal due diligence assessments as may be required.
- Advise on debt collection, debt recovery, and enforcement strategies.

6.3 Governance and Regulatory Advisory

- Advise the Board and its Committees on corporate governance matters, including fiduciary duties, regulatory compliance, and ethical conduct.
- Provide advice and updates on legislative and regulatory developments affecting the NLC.
- Assist with the development, implementation, and monitoring of strategies, frameworks, and policies to enhance corporate governance and compliance.
- Provide legal advice and support on anti-bribery, corruption prevention, and fraud risk mitigation measures.

6.4 Labour and Employment Law Services

- Preside over and/or initiate disciplinary hearings and provide guidance on labour relations matters.
- Provide labour law advisory services, including advice on employment equity, workplace disputes, and collective bargaining issues.

6.5 Capacity Building and Training

Provide training and capacity-building sessions to the Board, management, and staff of the NLC on applicable legislation, governance obligations, regulatory compliance, and emerging legal issues.

6.6 General Legal Advisory

- Provide ad hoc legal advice and support to the NLC on any matter within the mandate and functions of the Commission.

6.7 Exclusions and Limitations

To ensure compliance with applicable public sector legislation, Treasury prescripts, and governance best practice, the following exclusions and limitations shall apply:

6.7.1 Personal Capacity Matters

Service providers shall not represent or provide legal assistance to individual employees, Board members, or officials of the NLC in their personal capacity or in respect of personal criminal, civil, or disciplinary matters unrelated to the NLC.

6.7.2 Conflict of Interest

- Service providers may not accept instructions that would place them in a position of conflict of interest with the NLC, its Board, or its Executive Management.
- Service providers are required to declare any potential or actual conflict of interest in writing prior to accepting any instruction.

6.7.3 Procurement and Cost Controls

- All services must be rendered strictly in accordance with the NLC's procurement policies, PFMA requirements, and National Treasury cost containment measures.
- Service providers may not incur any expenditure or disbursements on behalf of the NLC without prior written approval.

6.7.4 Limitations on Delegated Authority

- Legal service providers shall act strictly on written instructions issued by the NLC's Legal Services Division or delegated authority.
- No direct instructions may be taken from individual employees, business units, or external parties without prior authorisation.

6.7.5 Criminal Defense

Service providers shall not represent the NLC or any of its officials in criminal prosecutions brought against them in their personal capacity.

6.7.6 Confidentiality and Records

- All information, documents, and records obtained in the course of rendering services shall remain the property of the NLC and must be treated as strictly confidential.
- Service providers shall comply with the Protection of Personal Information Act, 2013 (POPIA) and all applicable data protection obligations.

7. FIXED TARIFF STRUCTURE / FEE STRUCTURE FOR LEGAL PRACTITIONERS

The appointed panel of legal practitioners are to render legal services at NLC approved tariff structure aligned to market-related legal fees in South Africa. Refer to the attached NLC Approved Fee Structure available “*Annexure 1*”

7.1. Fee Structure

7.1.1 The successful legal practitioners shall render services at rates not exceeding the approved tariff structure below. The rates are aligned to prevailing market-related legal fees in South Africa and include Value Added Tax (VAT).

7.1.2 The tariff structure distinguishes between Senior Admitted Legal Practitioners (10 years or more post admission) and Junior Admitted Legal Practitioners (1–9 years post admission). The applicable hourly or daily rate shall be determined by the complexity of the matter, the forum in which the services are rendered, and the level of skill and expertise required.

7.1.3 For purposes of uniformity, the tariff structure shall be as follows:

7.1.3.1 Hourly Tariff (VAT inclusive)

Forum / Service	Senior Admitted Legal Practitioner (10+ yrs)	Junior Admitted Legal Practitioner (1–9 yrs)
Superior Courts (High Court / Special Tribunal / SCA / Constitutional Court)	R2 500 – R4 500	R1 200 – R2 500
Labour Court / Labour Appeal	R2 200 – R4 000	R1 200 – R2 300

Court		
Magistrates' Courts	R1 800 – R3 200	R900 – R1 800
Alternative Dispute Resolution / Arbitration	R1 800 – R3 000	R900 – R1 800
Bargaining Councils / CCMA	R1 500 – R2 800	R800 – R1 700
Legal Advisory Services	R1 800 – R3 500	R900 – R1 500
Legislative / Regulatory Drafting	R1 800 – R3 500	R900 – R1 500
Public Procurement / Tender Disputes	R2 500 – R4 500	R1 200 – R2 500
Regulatory Hearings, if any	R2 000 – R3 800	R1 000 – R2 000

7.1.3.2 Day / Trial Rates (VAT inclusive)

- Senior Admitted Legal Practitioner: R10 000 – R35 000 per day (4–8 hours).
- Junior Admitted Legal Practitioner: R4 000 – R12 000 per day (4–8 hours).

7.1.3.3 Other Legal Support Rates (VAT inclusive)

- Candidate Attorneys / Paralegals / Legal Assistants: R350 – R900 per hour.

7.1.4 After-hours, urgent or emergency attendances may be subject to a surcharge of between 25% and 50% of the applicable hourly rate, provided that such surcharge is communicated to and approved by the contracting authority in advance.

7.1.5 Disbursements such as travel, filing fees, courier charges, expert reports and counsel's fees are excluded from the hourly tariff and shall be claimed at cost, subject to prior written approval by the contracting authority.

7.1.6 Alternative fee arrangements (AFAs) may be negotiated on a matter-by-matter basis, including capped fees, phased fixed fees, retainer arrangements and blended hourly rates, to provide cost predictability and value for money.

7.1.7 All invoices must clearly indicate:

- (a) the names and levels of practitioners who performed the work;
- (b) the applicable hourly rate;
- (c) the number of hours billed;

- (d) a description of the work performed;
- (e) disbursements claimed (if any); and
- (f) VAT separately itemised.

7.1.8 The contracting authority, being the NLC Commissioner, reserves the right to request capped or fixed-fee quotations for specific matters, particularly in high-volume or routine workstreams.

8. SPECIAL TERMS AND CONDITIONS

8.1 The following are the special terms and conditions applicable to this bid:

- 8.1.1 The duration of the contract is five years which may be effective on the date of appointment, the date of signing of a service level agreement (SLA), or as directed and at the discretion of the NLC.” The successful bidder will be expected to commence work from the date of appointment until the last item has been delivered, as per the delivery dates to be communicated with the appointed bidder/s on an as and when required basis.
- 8.1.2 Each successful bidder shall be required to sign an SLA after being appointed.
- 8.1.3 If the NLC and the successful bidder do not reach consensus on the SLA, the said firm will cease to be on the Panel of firms of Legal Practitioners with immediate effect (“*Suspensive Condition*”).
- 8.1.4 The successful bidder will be instructed to provide services as and when required. While the NLC will use reasonable endeavours to achieve a fair allocation of work to the Legal Practices, the successful bidder acknowledges that their appointment to the Panel does not guarantee allocation of work. However, a rotation system based on achieved points shall be used to ensure a fair distribution of the work.

- 8.1.5 Bidders will be allocated work on a rotational basis. The register will be maintained to ensure rotation of work during the five years of the contract. A rotation system will only be used to allocate work based on their chronological order of award in the database.
- 8.1.6 When appointing members from the panel to act, the first choice will be the one operating in the same city/province as the company to be placed into litigation. On completion of the issued work, bidder will be added at the bottom of the list for future allocation.
- 8.1.7 Upon the issuing of an instruction by the NLC, the legal practice will respond within the time set out in the instruction with a proposal outlining their proposed approach and methodology to the legal matter, the resources they will dedicate to it as well as their total estimated fee.
- 8.1.8 The NLC may, in its sole discretion, instruct a matter or any part thereof to more than one Legal Practice.
- 8.1.9 A Legal Practice assigned any work may not cede, assign or sub-contract any part thereof to any third party unless with the prior consent of the NLC.
- 8.1.10 Service delivery levels and quality of work will be a critical factor for further and/or continuation of allocation work to the firm of legal practitioners.
- 8.1.11 The successful Legal Practice shall report directly to the Executive Manager: Legal Services or any person delegated by the NLC in writing with regard to finalising court papers, further instructions, status update reports, all administration pertaining to any particular instruction and any matters arising from this RFP.
- 8.1.12 The NLC shall be entitled in its sole discretion, to remove a successful Legal Practice from the panel before the expiry of the 5 year's period by written notice for non-compliance with any obligation contained in this RFP, applicable laws, breach of the SLA and/or persistent non-performance and recall all the files in the legal practice's possession.

8.1.13 Notwithstanding the establishment of a panel of Legal Practitioners, the NLC reserves the right to procure the provision of legal services from any Legal Practice outside the Panel in accordance with applicable laws.

8.2 Duration of the Project

The duration of the contract is five years which may be effective on the date of appointment, the date of signing of a service level agreement (SLA), or as directed and at the discretion of the NLC.” The successful bidder will be expected to commence work from the date of appointment until the last item has been delivered, as per the delivery dates to be communicated with the appointed bidder/s on an as and when required basis.

SECTION 2: NOTICE TO BIDDERS

1. Terms and conditions of Request for Proposals

- 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 PurchaseOrder 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 (CSD) at www.csd.gov.za.
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Registrationreport) and ensure that their tax matters are compliant.
- 1.9 All questions regarding this RFP must be forwarded to bids@nlcsa.org.za
- 1.10 Any supplier who has reasons to believe that the RFP specification is based on aspecific brand must inform the NLC via the email addressed in 1.9.

2. General rules and instructions

2.1 News and press releases

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

2.2 Precedence of documents

2.2.1 This RFP consists of a number of sections. Where there is a contradiction in terms between the clauses, phrases, words, stipulations, or terms and herein referred to generally as stipulations in this RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.

2.2.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter, and which appearing 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 purpose of 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 are hereby acknowledging that the decision of the commission in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the Bidder(s). The Bidder(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretation 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 the areas of

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 part 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) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 and that the cover shall remain in force for the duration of the adjudication of this RFP and/ or subsequent agreement. the commission reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to the commission.

2.8 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 to third parties to whom the Commission is compelled by law to provide such information. For example, where appropriate, the

Commission is compelled to submit information to National Treasury's Database of Restricted Suppliers.

2.8.2 All Personal Information collected will be processed in accordance with Protection of Personal Information Act, 2013 (POPIA) and with the commission's 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 2.8.1 above.

3. Formal Briefing Session

3.1 No briefing session

4. Validity Period

4.1 The Commission requires a validity period of 200 Days [from closing date against this bid.

- 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 finalized within the validity period.

5. National Treasury's Central Supplier Database

- 5.1 Bidders are required to self-register on National Treasury's 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 RFP 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 personal 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 to bids@nlcsa.org.za, before the closing date.

- 7.2 In the interest of fairness and transparency the NLC's response to such a query may be made available to other bidders.
- 7.3 It is prohibited for bidders to attempt, either directly or indirectly, to canvass any officer or employee of the 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 NLC 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

1. Bid Opening and Closing

- 1.1 The deadline for Bid submission is **12 December 2025 @11:00** Standard South African Time bidders will be submitted via e-Tender portal. **(no physical submissions will be accepted)**
- 1.2 No late submissions will be accepted.

2. Stage 2: Administrative Compliance

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

Evaluation Criteria	Supporting Document
1. Whether all returnable documents and/or schedules [where applicable] were completed and returned by the closing date and time	Bid Proposal & standard bidding documents (SBD) forms
2. Whether the bid document has been duly signed by the authorised bidder's official	Company resolution as proof of authorised individuals' delegation
3. Whether the bidder's tax affairs are in order	Tax Compliance System Pin
4. 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 CSD registration reflecting Tax compliant status at the closing date of the bid

Stage 2: Mandatory Compliance

2.3. 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 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 completed declaration of interest form (failure to declare honestly will lead to the bidder being disqualified)	SBD 4

1. The bidder must indicate practice area/s they are bidding for as per Table 1	Marked area on table 1
2. <u>Certified copies of Admission as an Attorney</u> for the Lead Legal Practitioner (Director or Partner) and three (3) support admitted legal practitioners. The certification must <u>not be older than 6 months at the time of the closing of the tender.</u>	Certified Copies of the Admission Certificates
3. <u>A valid copy of the Legal Practitioner's Fidelity Fund Certificate for the current year. It must have been certified in the last six months</u> issued in terms of the Legal Practice Act (Act No.28 of 2014) for the Legal Practitioner (Director) practicing for his/her own account.	Fidelity Fund Certificate
4. <u>Letters of good standing</u> from the relevant Legal Practice Council for the lead Legal Practitioner and three (3) support admitted legal practitioners which must have been issued in the last six months.	Letters of good standing from the LPC.
5. Whether the bid contains a priced offer	Pricing Schedule available as 'Annexure 2' of the bid document. Bidders must propose market related prices within the parameters of the NLC Approved Fee Structure available as

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

3. Stage 3: Technical Evaluation

Rating	Definition	Score
Excellent	Exceeds 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.	5
Good	Satisfies the requirement with minor additional benefits. 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.	4
Acceptable	Satisfies 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.	3
Minor Reservations	Does not meet the requirement with minor reservations. Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	2
Serious Reservations	Does not meet the requirement with major reservations. 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.	1
Unacceptable	Does not meet the requirement. 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.	0

- 3.1 Only bid proposals that meets mandatory requirements will be further evaluated on functionality criteria.

The bidder must score a minimum of 80% during phase 3 (functionality/technical) of the evaluation to be able to be listed on the panel.

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

CRITERIA	WEIGHT
1. COMPANY EXPERIENCE	25%
<p>Bidders are required to submit their detailed company profile demonstrating that they have the capacity and experience to render the required service as per the area of expertise they selected. The profile must contain the entity's years of experience.</p> <p>Specific details must be given to indicate the extent to which each area these previous experiences have been rendered, for how long and the clients they were rendered to (the bidder must provide proof experience provided)</p> <p>Bidders who do not demonstrate capacity to render the services will be scored zero even if they have listed the experience.</p> <ul style="list-style-type: none"> Company profile with no relevant company experience = 0 point. Company profile with relevant company experience of 3-year to 4 years = 1 points. Company profile with relevant company experience of more than 4 to 6 years = 2 points. Company profile with company experience of more than 6 to 8 years = 3 points. Company profile with company experience of more than 8 to 10 years = 4 points. Company profile with company experience of more than 10 = 5 points. 	
2. BIDDER EXPERIENCE AND EXPERTISE (REFERENCE LETTERS)	20%

CRITERIA	WEIGHT
<p>The bidders are required to provide contactable client references letters where their services can be verified (on completed cases or projects). References should be presented in the form of a written letter on an official letterhead from clients where similar services have been provided (as per the areas selected) and may not be older than five (5) years from the date that this RFP closes. The reference letters will be assessed based on experience of similar work done as required by the TOR (May be refer to the exact section of selection of expertise). No appointment letters from clients will be accepted as reference letters. Only three reference letters will be considered during the evaluation. Bidders should note that multiple reference letters from the same company/client will be regarded as one.</p> <ul style="list-style-type: none"> • 3 relevant references = (5) • 2 relevant references = (3) • 1 relevant reference = (1) <p>No references = 0 points</p>	
3. EXPERIENCE OF THE TEAM	40%
3.1. KEY PERSONNEL EXPERIENCE/CAPABILITIES	20%
<p>The Lead must have a relevant experience in practice as an attorney working in the areas of expertise selected.</p> <p>As evidence of experience the bidder should provide CV of a Lead to be assigned to this project, the CV should clearly demonstrate relevant experience on leading legal work on a panel of attorneys</p> <ul style="list-style-type: none"> • No CV submitted, or less than 5 years' relevant experience provided. = 0 points. • 5 years up to – 7 years of relevant post admission experience = 1 point. • Above 7 years up to - 9 years of relevant post admission experience = 2 points • Above 9 years up to 11 - years of relevant post admission experience = 3 points. • Above 11 years up to 13- years of relevant post admission experience = 4 points. • Above 13 years of relevant post admission experience = 5 points. 	
3.2 TEAM EXPERIENCE/CAPABILITIES	20%

CRITERIA	WEIGHT
<p>The team members must have sufficient experience. The names and CVs of three members who will primarily work on the project. Each individual member will be scored according to the criteria below. Those scores will be averaged to provide the final points for this section of the evaluation criteria.</p> <p>As evidence of experience, the bidder should provide CV of a team to be assigned to this project, the CV should clearly demonstrate relevant post admission experience on the implementation.</p> <ul style="list-style-type: none"> No CV submitted, or less than 4 years' relevant post admission experience provided. = 0 points. 4 years up to – 5 years of relevant post admission experience = 1 point. Above 5 years up to - 6 years of relevant post admission experience = 2 points Above 6 years up to 7 - years of relevant post admission experience = 3 points. Above 7 years up to 8- years of relevant post admission experience = 4 points. Above 8 years of relevant post admission experience = 5 points. 	
5. METHODOLOGY	15%
<p>The Bidder must provide detailed and comprehensive proposals on how the legal services in the <u>specific areas of expertise selected above in Table 1 under paragraph 4</u> will be delivered. This should at least cover consultation, turn-around times for specific types of work and standards to be met.</p> <ul style="list-style-type: none"> Does not satisfy the requirement and/or not comply or provide sufficient information relating to the requirements outlined. = 0 points. Satisfies the requirements with major reservations. Considerable reservations of the service provider's understanding of services, with little or no supporting evidence. = 1 point. Satisfies the requirement with minor reservations. Some minor reservations of the service provider's understanding of services, = 2 points. Satisfies the requirement. Demonstration by the service provider of the 	

CRITERIA	WEIGHT
<p>understanding of services, with supporting evidence. = 3 points.</p> <ul style="list-style-type: none"> Satisfies the requirement. Above average demonstration by the service provider of the relevant service required. = 4 points. Exceeds the requirement. Exceptional demonstration by the service provider of the service understanding. = 5 Points. 	
TOTAL	100
MINIMUM QUALIFYING SCORE	80

Special goals

Pricing Schedule: Please refer to 'Annexure 1'.

The evaluation for Special goals will include the following:

Evaluation Criteria	Final Weighted Scores
<p>Price</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: or 90 or rand value above R50 million inclusive of all applicable taxes</p> $P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$ <p>Where:</p> <p>P_s = Score for the Bid under consideration</p> <p>P_t = Price of Bid under consideration</p> <p>P_{min} = Price of lowest acceptable Bid</p>	80
	80

Table 5.2

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

1. Procurement from entities who are Black Owned	Sub - point s for specific goals	Maximum points for specific goals	Relevant Evidence
Tenderer who have 100% black Ownership	6	8	CSD report /B-BBEE Certificate / B-BBEE Sworn Affidavit
Tenderer who have 51% to 99% black ownership	4		
Tenderer who have less than 51% black ownership	0		
2. Procurement from entities who are Black women Owned		4	CSD report /B-BBEE Certificate / B-BBEE Sworn Affidavit
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		
3. Black Youth Ownership		4	CSD report
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		
4. Procurement from Disabilities		4	Letter from the Doctor confirming disability and CSD report
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		

Bidders are required to submit the CSD Summary Report and B-BBEE Certificate or B-BBEE Sworn Affidavit to claim the points for the special goals.

Stage 6: Due Diligence

NLC reserves the right to conduct supplier due diligence prior to final award or at

anytime during the contract period. This may include site visits, review of court judgments/regulatory actions relating to passed supplier conduct and requests for additional information. The NLC reserves the right to conduct ongoing due diligence relating to the conduct and professional standing (admission and current Fidelity Fund certificate) of the supplier even after award.

Stage 7: 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.

INVITATION TO BID (SBD 1)

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS							
BID NUMBER:		ISSUE DATE:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION							
BID RESPONSE MUST BE SUBMITTED VIA THE BELOW EMAIL							
BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACTPERSON	Supply Chain Management			CONTACT PERSON	Penelope Soyingwa		
TELEPHONENUMBER	012 432 1300			TELEPHONE NUMBER	012 432 1414		
FACSIMILENUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	bids@nlcsa.org.za			E-MAIL ADDRESS	penelope@nlcsa.org.za		
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELL PHONENUMBER							
FACSIMILENUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:			O R	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA	
B-BBEE STATUSLEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] YES <input type="checkbox"/> NO <input type="checkbox"/>		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLEBOX] 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]
--	--	---	--

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 PINCODE 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

BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
i.	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN)
ii.	ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE	
iii.	SARS WEBSITE WWW.SARS.GOV.ZA .
v.	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
iv, vi.	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.

2. Bidder's Declaration

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

- 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

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

YES/NO

- If so, furnish particulars:

.....

.....

4. 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

- 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:

- a. I have read and I understand the contents of this disclosure;
- b. I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- c. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- d. 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, bidsthat 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 maybe restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

SBD 6.1

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
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

P min

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 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 - point s for specif ic goals	Maximum points for specific goals	To be completed by bidder.
Tenderer who have 100% black Ownership	6	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 Black 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		
3. Black Youth Ownership		4	
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		
4. Procurement from Disabilities		4	
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		

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 *audialteram 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: _____

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).

you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 2.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

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

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

Signature of Designation person

