

NATIONAL LOTTERIES COMMISSION

APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN ETHICS RISK ASSESSMENT FOR THE NATIONAL LOTTERIES COMMISSION

| BID PROCESS | BID REQUIREMENTS |
|---|---|
| Tender number | RFP/2023 - 075 |
| RFP Issue Date | 16 August 2023 |
| Closing Date and Time | 04 September 2023 |
| RFPs are to be delivered to the following address on the stipulated closing date and time: | <p>The bid document proposal must be submitted via USB only at the below address Tender Box</p> <p>Senior Manager Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield,Pretoria 0083</p> <p>Bids Enquiries ONLY must be emailed to: maureen@nlcsa.org.za</p> |

SECTION 1: INTRODUCTION AND BACKGROUND AND SCOPE OF REQUIREMENTS

1. INTRODUCTION AND BACKGROUND

The National Lotteries Commission (The Commission) is a public entity established by Lotteries Act No. 57 of 1997, as amended to regulate the South African lotteries industry. The functions of the Commission can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.

The Distributing Agencies (DA’s) who are appointed by the Minister of Trade & Industry are responsible for the adjudication of the funding applications as per the Lotteries Act and applicable Regulations.

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

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

- Effective & Ethical Leadership pursuant to Principle 1 of King IV;
- Ethics Management and Culture pursuant to Principle 2 of King IV; and
- Responsible Corporate Citizenship pursuant to Principle 3 of King IV.

The NLC hereby wishes to appoint a qualified and experienced service provider to conduct an Ethics Risk Assessment to evaluate and identify potential ethical risks within the

organisation. The assessment aims to ensure that the NLC operates with the highest standards of ethics, integrity, and accountability.

2. PURPOSE AND SCOPE OF REQUIREMENTS

The appointed service provider shall conduct a comprehensive Ethics Risk Assessment that includes, but is not limited to, the following:

- **Review of Policies and Procedures:** Evaluate existing ethics-related policies, codes of conduct, and standard operating procedures within the NLC to identify strengths and weaknesses in promoting ethical behaviour.
- **Stakeholder Interviews:** Engage with key stakeholders, including board members, management, employees, and external partners, to gain insights into the ethical climate and potential risks within the organisation.
- **Risk Identification:** Identify and assess potential ethics-related risks across various departments and functions of the NLC.
- **Risk Evaluation:** Analyse the identified risks based on their potential impact and likelihood of occurrence, categorising them as high, medium, or low-risk areas.
- **Risk Mitigation:** Provide actionable recommendations and strategies to mitigate identified ethics risks and strengthen the organisation's ethical culture.
- **Compliance Assessment:** Evaluate the NLC's compliance with relevant laws, regulations, and codes related to ethics and integrity.
- **Best Practices Benchmarking:** Conduct a benchmarking exercise to compare the NLC's ethics and integrity practices with those of similar institutions locally and internationally.

3. DELIVERABLES

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

- **Ethics Risk Assessment Report:** A comprehensive report detailing the findings, analysis, and recommendations from the assessment, including risk ratings, identified vulnerabilities, and mitigation strategies.
- **Presentation:** Present the findings and recommendations to the NLC's Executive management and Board Human Capital, Social and Ethics Committee.

4. REPORTING REQUIREMENTS

The service provider will report to the Company Secretariat Division.

5. DURATION OF THE PROJECT

The expected duration of the project is two (2) months after the signing of the SLA.

6. RFP VALIDITY PERIOD

The RFP will have a validity period of 30 days from the closing date.

SECTION 2: NOTICE TO BIDDERS

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

- 1.1 This document may contain confidential information that is the property of the Commission.
- 1.2 No part of the contents may be used, copied, disclosed, or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFP without prior written permission from the Commission.
- 1.3 All copyright and intellectual property herein vests with the Commission.
- 1.4 Late and incomplete submissions will not be accepted.
- 1.5 No services must be rendered, or goods delivered before an official Commission Purchase Order form has been received.
- 1.6 This RFP will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Policy Framework Act of 2000 and PPR of 2022.
- 1.7 Suppliers are required to register on the Central Supplier Database at www.csd.gov.za.
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Summary report) and ensure that their tax matters are compliant.
- 1.9 All questions regarding this RFP must be forwarded to maureen@nlcsa.org.za, no later than within 24 hours of the RFP closing date.
- 1.10 Any supplier who has reasons to believe that the RFP specification is based on a specific brand must inform the Commission via the email addressed in 1.9.

2. General rules and instructions

2.1 News and press releases

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

2.2 Precedence of documents

- 2.2.1 This RFP consists of 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 the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the Commission may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by the Commission.
- 2.2.3 It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFP. It, however, remains the exclusive domain and election of the Commission as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the commission in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the Bidder(s). The Bidder(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

2.3 Preferential procurement reform

- 2.3.1 The commission supports B-BBEE as an essential ingredient of its business. In accordance with government policy, the commission insists that the private sector demonstrates its commitment and track record to B- BBEE in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices (SMME Development) etc.

2.4 National Industrial Participation Programme.

- 2.4.1 The Industrial Participation policy, which was endorsed by Cabinet on 30 April 1997, is applicable to contracts that have an imported content. The NIP is obligatory and therefore must be complied with. Bidders are required to sign and submit the Standard

Bidding Document (SBD).

2.5 Language

2.5.1 Bids shall be submitted in English.

2.6 Gender

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

2.7 Headings

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

2.8 Occupational Injuries and Diseases Act 13 of 1993

2.8.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 and that the cover shall remain in force for the duration of the adjudication of this RFP and/ or subsequent agreement. the commission reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to the commission.

2.9 Processing of the Bidder's Personal Information

2.9.1 All Personal Information of the Bidder, its employees, representatives, associates and sub-contractors ("Bidder Personal Information") required under this RFP is collected and processed for the purpose of assessing the content of its tender proposal and awarding the bid. The assessment and award of the bid shall be conducted in accordance with applicable legislation including the PPPFA and NLC SCM Policy.

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

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

2.9.3 The commission will ensure that the rights of the Bidder and of its employees and representatives (i.e., the right of access and the right to rectify) are effectively guaranteed in accordance with the procedures as specified in the commission PAIA manual.

2.9.4 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. National Treasury's Central Supplier Database

- 3.1 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.
- 3.2 The Commission may not award business to a bidder who has failed to register on the CSD.
- 3.3 Only foreign suppliers with no local registered entity need not register on the CSD.
- 3.4 The CSD can be accessed at <https://secure.csd.gov.za/>

4. Confidentiality

- 4.1 Bids submitted for this Request for Proposals will not be revealed to any other bidders and will be treated as contractually binding.
- 4.2 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.
- 4.3 The Bidder acknowledges that it will obtain and have access to personal information of The Commission and agrees that it shall only process the information disclosed by the Commission in terms of this bid award and only for the purposes as detailed in this RFP and in accordance with any applicable law.
- 4.4 The Bidder shall notify the Commission in writing of any unauthorised access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such.

5. Communication

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

SECTION 3: EVALUATION CRITERIA

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

Stage 1: RFP Closing Date and Submission Instructions and Format

1.1 RFP Closing Details

The deadline for RFP submission is **04 September 2023 at 11:00** Standard South African Time. Any late RFP will not be accepted. Tenders are to be submitted to the commissions tender box at the following physical address via **USB only**.

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

Bid submissions must be submitted in a PDF format.

Financial/pricing information must be presented in a separate folder 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.

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

Stage 2: Administrative Compliance

All bid respondents must submit administrative documents that comply with this RFP requirements. Bids that do not fully comply with the administrative requirements will be disqualified and will not be considered for further evaluation. The Administrative Compliance Evaluation will include the following: -

| Evaluation Criteria | Supporting Document |
|---|---|
| <ul style="list-style-type: none"> Signed standard bidding documents (SBD Forms). It is required that the bidder must provide correct information and declaration in the SBD Forms duly signed by the authorized person: | Fully Completed Standard Bidding Documents: SBD 1 SBD 6.1 |
| <ul style="list-style-type: none"> Original signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) | Fully Completed POPIA Consent Form |
| <ul style="list-style-type: none"> BBBEE Certificate in terms of Codes of Good Practice | BEE Certificate/Sworn Affidavit |
| <ul style="list-style-type: none"> Registered with the Central Supplier Database (CSD). Recent Central Supplier Database (CSD) Summarized Report with SARS Tax Compliance Status | Full CSD Report |
| <ul style="list-style-type: none"> CIPC Registrations Documents | CIPC CK Documents |

Stage 2: Mandatory Compliance

| Evaluation Criteria | Supporting Document |
|---|--|
| <ul style="list-style-type: none"> Signed standard bidding documents (SBD Forms). It is required that the bidder must provide correct information and declaration in the SBD Forms duly signed by the authorized person: | Fully Completed Standard Bidding Documents: SBD 4 |

Stage 3: Technical Evaluation

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

| Criteria Description | Weightings(%) | Scoring Matrix |
|--|---------------|---|
| 1. Company Experience | 20% | (0 to 5) |
| <p>The bidder must provide details of work of a similar nature (supply, installation and maintenance of an electronic conflict of interest declaration system) undertaken by the bidder within the previous 10 years. Specific details must be given to indicate the extent to which these previous experiences relate to the work described in the TOR. Bidders are required to submit their company profile that contains the entity's organizational structure, its size, staff complement, infrastructure, location, experience and achievements.</p> <p>The bidder must demonstrate that they have the capacity to render the required service by submitting a company profile detailing core staff, their experience in the supply, installation and maintenance of an electronic conflict of interest declaration system and achievements that were successfully completed within the past 10 years, relevant to the project.</p> | | <p>Experience will be rated using the following sub-weighting:</p> <p>Less than 1 year relevant experience = 0 Point</p> <p>1 year and less 2 years relevant experience = 1 point</p> <p>2 and less than 3 years relevant experience = 2 Points</p> <p>3 – 4 years relevant experience = 3 Points</p> <p>4 – 5 years relevant experience = 4 Points</p> <p>5 years and above relevant experience = 5 Points</p> |
| 2. Key Personnel Experience/Capabilities | 20 % | (0 to 5) |
| <p>Provide key personnel's proof of expertise with regards to the requirements of the services required as per the RFP. Abbreviated Curriculum Vitae (CV's) of key personnel to be involved on the implementation of the project not longer than one page each, shall be included in your proposal.</p> <p>NB: Key personnel should be indicated in the proposal</p> | | <p>Experience of the Team/Project Leader:</p> <p>Less than 1 year – 0 points.</p> <p>Up to 1 year – 1 point. Between 1 - 4 years – 2 points.</p> <p>Between 4 to 6 years – 3 points.</p> <p>Between 6 to 10 years – 4 points.</p> <p>More than 10 years – 5 points</p> |
| 3. Project Management & Methodology | 20% | (0 to 5) |
| <p>The bidder must demonstrate knowledge of the key requirements and expectations mentioned in this document. A project implementation strategy detailing how the service will be delivered. The project plan must include deliverables, timelines, as well as project monitoring and reporting.</p> <p>Consider the responsiveness to the TOR, the level of detail in the proposal, attention to project management and innovative approaches and ideas. Respondent's responsiveness to and understanding of the assignment (methodology and proposed work plan).</p> | | <p>The proposal will be rated using the below criteria:</p> <ul style="list-style-type: none"> • Proposal not addressing any of the five factors – 0 points • Project Methodology addressing 1 factors = 1 point • Project Methodology addressing 2 factors = 2 points |

| | | |
|---|------------|--|
| <p>The bidder is required to provide a detailed plan depicting how the services will be delivered to the NLC. The bidder must provide a detailed project plan that specifically addresses the following 5 factors:</p> <ol style="list-style-type: none"> 1. Online submissions (individual credentials, usernames, passwords, access, etc.); 2. Evaluation of submissions; 3. Vetting of submissions (interface with CIPC); 4. Workflows and alerts; 5. Data and information security and reporting. <p>Bidders are also required to submit a proposal of no longer than 5 pages (Minimum of 3 pages & Maximum of 5 pages) setting out a recommended approach in how the electronic conflict of interest declaration system will be installed and maintained. The methodology must include requirements outlined under the scope of work as defined in paragraph 3 above.</p> | | <ul style="list-style-type: none"> • Project Methodology addressing 3 factors = 3 points • Project Methodology addressing 4 factors = 4 points • Project Methodology addressing 5 factors = 5 point |
| 4. Contactable References | 20% | (0 to 5) |
| <p>Bidders must provide relevant contactable client references where their services can be verified. References should be presented in the form of a written letter on an official letterhead from clients where similar services have been provided and maynot be older than five (5) years. The reference letters will be assessed based on experience of similar work done as required by the TOR. Reference Letters from same organization will be counted as one.</p> <p><i>No appointment letters from clients will be accepted. Note to bidders: Valid multiple reference letters obtained from the same organization will count as 1 reference letter.</i></p> <p><i>Reference letters must indicate the year in which the related service was rendered.</i></p> | | <p>The reference letters will be rated using the criteria below:</p> <p>0 reference letters = 0 points</p> <p>1 reference letter = 1 point</p> <p>2 reference letters = 2 points</p> <p>3 reference letters = 3 points</p> <p>4 reference letters = 4 points</p> <p>5 reference letters = 5 points</p> |

| 5. Presentation of the solution to the NLC | 20% | |
|--|-----|--|
| <p>As part of the system functionality evaluation. Bidders must scored the total of 60% or more on technical criteria 1 to 4 above to be invited to present their solution demonstration to the bid evaluation committee for further assessment. System functionality must be able to address the following aspects:</p> <ol style="list-style-type: none"> 1. Access controls; 2. Data confidentiality; 3. System availability; 4. Reporting; 5. Processing time; 6. Accessibility (mobile devices); 7. Repository for uploaded supporting documents and NLC access to those documents; 8. Online technical support; 9. Updating of disclosures throughout the year; and 10. Ability to integrate with NLC's back-end systems. 11. Access controls; 12. Data confidentiality; 13. System availability; 14. Reporting; 15. Processing time; 16. Accessibility (mobile devices); 17. Repository for uploaded supporting documents and NLC access to those documents; 18. Online technical support; 19. Updating of disclosures throughout the year; and 20. Ability to integrate with NLC's back-end systems. | | <ul style="list-style-type: none"> • System addressing all 10 factors – 5 points • System addressing 7 - 9 factors – 4 points • System addressing 5 - 7 factors – 3 points • System addressing 3 – 5 factors – 2 points • System addressing 1 – 3 factors – 1 point • System addressing only 1 factor- 0 point |
| Total Weighting: | | 100 |
| Minimum qualifying score required: | | 70 |

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

The 80/20 Principle based on Price and special goals for the NLC.

The following formula to be used to calculate the points out of 80 for price inclusive of all applicable taxes. A maximum of 80 points is allocated for price on the following basis:

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{max} = Price of highest acceptable bid

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

| 1. Procurement from entities who are Black Owned | Sub - points for specific goals | Maximum points for specific goals | Evidence to be submitted |
|---|---------------------------------|-----------------------------------|---|
| 91% - 100% | 10 | 10 | Full CSD Report ID Copies of Directors |
| 81% - 90% | 8 | | |
| 71% - 80% | 6 | | |
| 61% - 70% | 4 | | |
| 51% - 60% | 2 | | |
| 41% - 50% | 1 | | |
| 0% - 40% | 0 | | |
| 2. SMME's and B-BBEE Status Level of Contributor | | 10 | Full CSD Report Sworn Affidavit or BEE Certificate |
| Level 1 - EME /QSE | 10 | | |
| Level 2 - EME /QSE | 8 | | |
| Level 1 - Generic / Level 3 EME / QSE | 6 | | |
| Level 2 - Generic / Level 4 EME / QSE | 4 | | |
| Level 3 - Generic / Level 5 EME / QSE | 2 | | |
| Level 4 - 5 Generic / Level 6 EME / QSE | 1 | | |
| Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant | 0 | | |
| Total points for special goals | | 20 | |
| Total points for price and special goals | | 100 | |

✚ The following must be submitted to claim the points for specific goals: -

- CIPC Report from <https://eservices.cipc.co.za/>. Failure to submit the CIPC Report will result in zero (0) scoring for specific goals.
- The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- Final appointment to be awarded to the tenderer scoring the highest points.

Stage 5: Due Diligence

The Commission reserves the right to undertake a due diligence exercise on the preferred bidder/s as part of a material risk evaluation aimed at determining to its satisfaction, the validity of the information provided by the Bidder.

Stage 6: Contract and Award

The stage is for negotiation after receipt of formal tenders and before the conclusion of contracts with suppliers/contractors submitting the lowest acceptable tender with a view to obtaining an improvement in price, delivery, or content, in circumstances which do not put other tenderers at a disadvantage or affect adversely their confidence or trust in the competitive system. Bidders may be requested to provide their best and final offers based on contract negotiations.



SCM: **CONSENT** **REQUEST FORM**

REQUEST FOR THE CONSENT OF A DATA SUBJECT FOR PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF PROCUREMENT OF GOODS AND SERVICES APPLICATION, IN LINE WITH THE NLC's SUPPLY CHAIN MANAGEMENT POLICY, IN TERMS OF SECTION 11(1)(a) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013) ("**POPIA**").

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B,

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

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

the person.

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

Signature of Designation person

PART B

I, _____ (full names), duly authorized, hereby:
Consent to the processing of my/our personal information for the application of
procurement of goods and services, in line with the NLC supply chain management
policy, in terms of section 11(1)(a) of POPIA.

SPECIFY GOODS AND SERVICES (Edit/Click on services not required):

- ☐ Product Information
- ☐ Product Updates
- ☐ Industry Newsletters
- ☐ Price Changes

Method of Communication will be via: Email/Postal

- ☐ Give my consent.

By Ticking the next box, I am aware that I am Digitally Signing this Consent
request Form:

☐

Full Name:

Date:

WITHDRAWAL OF CONSENT ONCE GIVEN

You may withdraw your consent at any time.

Write or email us at the address above, advising us of your consent withdrawal

PART A INVITATION TO BID

| | | | | | | | |
|---|---|-------------|----------------|--|-------------------|---|---------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | | | |
| BID NUMBER: | RFP 2023-075 | ISSUE DATE: | 16 August 2023 | CLOSING DATE: | 04 September 2023 | CLOSING TIME: | 11:00am |
| DESCRIPTION | APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN ETHICS RISK ASSESSMENT FOR THE NATIONAL LOTTERIES COMMISSION | | | | | | |
| BID RESPONSE (USBs) MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | | | |
| National Lotteries Commission | | | | | | | |
| Block D, Hatfield Gardens | | | | | | | |
| 333 Grosvenor Street | | | | | | | |
| Hatfield | | | | | | | |
| Pretoria, 0083 | | | | | | | |
| ONLY USBs WILL BE ACCEPTED, NO HARDCOPIES | | | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO | | | | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: | | | |
| CONTACT PERSON | SCM | | | CONTACT PERSON | SCM | | |
| TELEPHONE NUMBER | 012 432 1470 | | | TELEPHONE NUMBER | 012 432 1470 | | |
| FACSIMILE NUMBER | | | | FACSIMILE NUMBER | | | |
| E-MAIL ADDRESS | maureen@nlcsa.org.za | | | E-MAIL ADDRESS | | | |
| SUPPLIER INFORMATION | | | | | | | |
| NAME OF BIDDER | | | | | | | |
| POSTAL ADDRESS | | | | | | | |
| STREET ADDRESS | | | | | | | |
| TELEPHONE NUMBER | CODE | | | NUMBER | | | |
| CELLPHONE NUMBER | | | | | | | |
| FACSIMILE NUMBER | CODE | | | NUMBER | | | |
| E-MAIL ADDRESS | | | | | | | |
| VAT REGISTRATION NUMBER | | | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | OR | CENTRAL SUPPLIER DATABASE No: | MAAA | | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | | [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | | | |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW] | |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | | | | | | | |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA) | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO | |

| | |
|--|--|
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | <input type="checkbox"/> YES <input type="checkbox"/> NO |

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B TERMS AND CONDITIONS FOR BIDDING

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

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

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

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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

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

YES/NO

2.2.1 If so, furnish particulars:

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

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....

.....

Signature

Date

.....

.....

...

Position

Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included)

1.2 To be completed by the organ of state

(Delete whichever is not applicable for this tender).

a) The applicable preference point system for this tender is the **80/20** preference point system.

b) The **80/20 preference point system** will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

| | POINTS |
|--|------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that the 80/20 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that the 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,then the organ of state must indicate the points allocated for specific goals for the 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below. (Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

| 1. Procurement from entities who are Black Owned | Sub - points for specific goals | Maximum points for specific goals | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---------------------------------|-----------------------------------|---|
| 91% - 100% | 10 | 10 | |
| 81% - 90% | 8 | | |
| 71% - 80% | 6 | | |
| 61% - 70% | 4 | | |
| 51% - 60% | 2 | | |
| 41% - 50% | 1 | | |
| 0% - 40% | 0 | | |
| 2. SMME's and B-BBEE Status Level of Contributor | | 10 | |
| Level 1 - EME /QSE | 10 | | |
| Level 2 - EME /QSE | 8 | | |
| Level 1 - Generic / Level 3 EME / QSE | 6 | | |
| Level 2 - Generic / Level 4 EME / QSE | 4 | | |
| Level 3 - Generic / Level 5 EME / QSE | 2 | | |
| Level 4 - 5 Generic / Level 6 EME / QSE | 1 | | |
| Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant | 0 | | |

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company

Y State Owned
Company[TICK
APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct.
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process.
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favorable 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:

.....