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 National Lotteries Commission (NLC)
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NATIONAL LOTTERIES COMMISSION

TERMS OF REFERENCE TO APPOINTMENT A QUALIFIED SECURITY SERVICE PROVIDER TO CONDUCT A THREAT RISK ASSESSMENT AND OTHER SPECIFIED DELIVERABLES FOR SPECIFIC CATEGORIES OF PERSONS WITHIN TWO MONTHS.

BID PROCESS	BID REQUIREMENTS
Tender number	RFQ/2023-272
Bid Advertisement Date	10 November 2023
Closing date and time	17 November 2023 @ 11:00 (South African Standard Time)
Tender validity period	30 business working days <i>from the closing date</i>
Non-Compulsory Briefing meeting	14 November 2023 @ 11:00 (Briefing will be Virtual, please send us email to request teams link on Tuesday between 8:00 – 9:30)
Submission instruction:	<p>The original bid document must be submitted ONLY via USB and be delivered to:</p> <p>Acting Senior Manager: Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield GardensHatfield, Pretoria 0083</p> <p>NO email or hardcopies will be accepted.</p>

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SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION

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 NLC is considering personal security and protection services and requires a threat risk assessment for home, work and travel of the principal and family/ persons on the premises and related services from an experienced, qualified service provider with a national footprint.

2. BACKGROUND

The National Lotteries Commission is committed to a zero-tolerance approach towards fraud, corruption, and maladministration. NLC as represented by its Board of Directors, Commissioner, Management and Staff at all levels is committed to acting professionally, fairly and with integrity in all its dealings and relationships, wherever it operates.

The NLC has been marred by allegations of fraud and corruption of late and have commenced with implementation of various measures to address this. The NLC Board and the Executive has embarked on a comprehensive plan to address the maladministration, fraud and corruption, including consequence management, lifestyle audits and support the various legal and criminal sanctions and remedies.

The NLC therefore needs to consider potential threats and risks to key decision makers at the NLC and implement measures to address this.

PURPOSE

1.1. The purpose of this request is to provide the NLC with a risk threat assessment for two categories:

1.1.1. Employees work environments and travel to and from their homes.

1.1.2. Employees as principal and the family/ persons for home, work and related travel of the principal and family members on the home premises.

3.2 The following services are required:

3.2.1 Conduct a comprehensive risk, threat and vulnerability assessment for home, work and related travel of the principal and family/ persons on the premises for an estimated 5 to 10 NLC employees.

3.2.2 Conduct a comprehensive risk, threat and vulnerability assessment for work and travel to and from their homes and office for 10 to 15 employees (this excludes the home and family of the principle).

3.2.3 Provide a detailed recommendation report on the level of threat and vulnerability and the measures to implement to address and mitigate the risks for both categories.

3.1 Provide a draft functional specification that the NLC can use to procure the services of a security service provider/s to provide the required services recommended in the assessment and recommendation report.

3.2 Provide guidance and assistance regarding related matters.

3. OBJECTIVE

The objectives are as follows:

3.1 To obtain a clear understanding of the personal security threats and risks to persons at the NLC for two categories:

3.1.1 Employees for work and travel to and from their homes.

3.1.2 Employees as principal and the family/ persons for home, work and related travel of the principal and family members on the home premises.

3.2 To be able to procure personal security services based on the functional specification, TRA , recommendations made by the TRA service provider.

4. SCOPE OF WORK

The Scope of work entails the following::

4.1 An experienced security service provider to provide the NLC with a risk threat assessment for two categories:

4.1.1 Employees for work environment and travel to and from their homes.

4.1.2 Employees as principal and the family/ persons for home, work and related travel of the principal and family members on the home premises.

There may be two to three assessments in other provinces. The rest of the assessments are for employees based in Gauteng.

4.2 The following services are required:

4.2.1 Conduct a comprehensive risk, threat and vulnerability assessment for home, work and related travel of the principal and family/ persons on the premises for 5 to 10 NLC employees.

4.2.2 Conduct a comprehensive risk, threat and vulnerability assessment for work and travel to and from their homes and office for 10 to 15 employees.

4.2.3 Provide a detailed recommendation report on the level of threat and vulnerability and the measures to implement to address and mitigate the risks.

4.2.4 Provide a draft functional specification that the NLC can use to procure the services of a security service provider/s to provide the required services recommended in the assessment and recommendation report.

4.2.5 Provide guidance and assistance regarding related matters.

4.3 The Assessment, recommendations and functional specification should include:

4.3.1 Home security measures:

4.3.1.1 Home Boundary / perimeter fence / wall/ Electric fencing

4.3.1.2 Access entrance - pedestrian and vehicle

4.3.1.3 Gate motor – secure to prevent theft

4.3.1.4 Vegetation on boundary – over growth

4.3.1.5 Lighting – boundary / garden / house external

4.3.1.6 Blind spots CCTV – cameras / DVR / Monitor / where monitored

4.3.1.7 Intruder alarm/ Panic alarm/ Beams/ Burglar proofing / Security doors to secure vulnerable windows /doors.

4.3.1.8 Safe room to hide in in the event of a risk / threat / attack

4.3.1.9 UPS / back up power availability and capability.

4.3.1.10 Any other measures applicable.

4.3.2 Work security measures

4.3.2.1 Office / working environment should be reviewed.

4.3.2.2 Access control. Intruder / panic alarms. CCTV – cameras / DVR / monitors / where monitored.

4.3.2.3 Any other measures applicable.

- 4.3.3 Travel security measures
- 4.3.3.1 Vehicle vulnerability.
- 4.3.3.2 Vehicle tracking and panic button.
- 4.3.3.3 Travel to and from primary's family to school/ university/ or other related.
- 4.3.3.4 Any other measures applicable.

Disqualifying Criteria:

The service provider must be registered with PSIRA.

5. Deliverables

5.1 The successful service providers will be required to:

- 5.1.1 Provide the NLC with a comprehensive TRA for both categories.
- 5.1.2 Provide the NLC with recommendations to mitigate the threats and risks identified.
- 5.1.3 Provide the NLC with a functional specification to obtain said services.
- 5.1.4 Assist the NLC to strengthen its internal control environment with regards to compliance within the security and related areas..
- 5.1.5 Provide for effective communications, documentation and skills transfer measures.
- 5.1.6 Provide independent advice to the Commissioner.

6. Duration of the Project

- The expected duration should take 1 to 2 months from the date of signing of the service level agreement (SLA).

SECTION 2: NOTICE TO BIDDERS

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

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

2. General rules and instructions

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

2.2 Precedence of documents

- 2.2.1 This RFQ 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 RFQ and the stipulations in any other document attached hereto, or the RFQ submitted hereto, the relevant stipulations in this RFQ shall take precedence.
- 2.2.2 Where this RFQ is silent on any matter, the relevant stipulations addressing such matter, and which appear in section 217 of the constitution of the republic shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the NLC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any 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 interpretations required to ensure the necessary consensus.

2.3 Preferential procurement reform

- 2.3.1 The commission supports B-BBEE as an essential ingredient of its business. In accordance with government policy, the NLC insists that the private sector demonstrates its commitment and track record to B-BBEE in 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 RFQ 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 RFQ is collected and processed for the purpose of assessing the content of its tender proposal and awarding the bid. The Bidder is advised that Bidder Personal Information may be passed on to third parties to whom the commission is compelled by law to provide such information. For example, where appropriate, the commission is compelled to submit information to 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 following persons will have access to the Personal Information collected:
- 2.9.3.1 The commission personnel participating in procurement/award procedures; and
- 2.9.3.2 Members of the public: within seven working days from the time the bid is awarded, the following information will have to be made available on National Treasury's e-Tender portal:
- 2.9.3.2.1 contract description and bid number.
- 2.9.3.2.2 names of the successful bidder(s) and preference points claimed.
- 2.9.3.2.3 the contract price(s) (if possible).
- 2.9.3.2.4 contract period.
- 2.9.3.2.5 names of directors; and
- 2.9.3.2.6 date of completion/award.
- 2.9.4 The 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.

- 2.9.5 In signing this document, the Bidder consents to the use of its Personal Information for the purposes as specified in section 2.9.1 above.

3. Formal Briefing Session

Non-compulsory briefing session will be held on the 14 November 2023 @ 11:00 – 12:00
All bidders who want to attend briefing session are requested to send email to Itumeleng.Molekwa@nlcsa.org.za on Tuesday between 8:00 and 9:30 to request teams' link. Any email received after 9:30 will not be entertained. Bidders are advised to join the meeting 15 minutes before the starting time of the meeting.

4. Validity Period

- 4.1 The Commission requires a validity period of 90 Business Days [from closing date] against this RFQ.
- 4.2 Bidders are to note that they may be requested to extend the validity period of their bids, on the same terms and conditions, if the internal evaluation process are not finalised within the validity period.

5. National Treasury's Central Supplier Database

- 5.1 Bidders are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information.
- 5.2 The Commission may not award business to a bidder who has failed to register on the CSD.
- 5.3 Only foreign suppliers with no local registered entity need not register on the CSD.
- 5.4 The CSD can be accessed at <https://secure.csd.gov.za/>

6. Confidentiality

- 6.1 Bids submitted for this Request for Proposals will not be revealed to any other bidders and will be treated as contractually binding;
- 6.2 The Commission reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in Bid Proposals.
- 6.3 The Bidder acknowledges that it will obtain and have access to personal information of the NLC and agrees that it shall only process the information disclosed by the NLC in terms of this bid award and only for the purposes as detailed in this RFQ 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 RFQ should be submitted lucky@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 RFQ 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.

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Section 3: EVALUATION CRITERIA

The Five (5) phases evaluation criteria will be considered in evaluating this RFQ, being:

Stage 1: Tender Closing and Opening

1.1 Tender closing details

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

National Lotteries
Commission333
Grosvenor Street
Block D, Hatfield
Gardens,
Pretoria
0083

1.2 Bid Formats

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

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

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

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

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

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

Stage 2: Administrative Compliance

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

Evaluation Criteria	Supporting Document
<ul style="list-style-type: none"> Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time 	Bid Proposal
<ul style="list-style-type: none"> Whether the Bid document has been duly signed by the authorised bid official 	Company resolution as proof of authorised individuals' delegation
<ul style="list-style-type: none"> Whether the Bid contains a priced offer (basic hourly rate for various levels of expertise) 	Pricing and delivery schedule
<ul style="list-style-type: none"> Whether the Bidder tax affairs in order 	Tax Compliance System Pin
<ul style="list-style-type: none"> Whether Bidders have failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD 	Proof of Central Supplier Database (CSD) registration reflecting Tax compliant status

Stage 3: Mandatory Compliance

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

Evaluation Criteria	Supporting Document
1. In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable)	JV Agreement
2. Bidders must submit a fully complete declaration of interest form (failure to declare honestly will lead to bidder being disqualified)	SBD 4
<p>3. <i>Only bidders who are compliant with the requirements of this stage will proceed to stage 4.</i></p> <p>Bidders must submit proof of registration with PSIRA.</p> <p><u>(Please submit certified true copies not older than 6 months of the bid closing date).)</u></p>	Please attach a certified registration certificate.

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

PRICE

Break down all costs to enable the bid evaluation committee to compare line item level by line item. Categorize costs in terms of fixed and variable costs. Clearly state what items are not included in the bid.

ITEM	DELIVERABLE/ SERVICE/ DESCRIPTION OF WORK	Per person	Total
	Conduct risk, threat and vulnerability assessments for both categories (To include all costs including any travel, subsistence, etc.)		
	Provide a comprehensive report and risk mitigation implementation recommendation plan		
	Provide a functional specification based on the risk assessment and recommendation		
	Clearly state any additional costs or hourly rates for ad hoc services that may be required.		

Stage 3: Pricing and Special goal

Pricing Schedule: Please refer to Annexure B

The evaluation for Pricing and Special goal will include the following:

1. Procurement from entities who are at least 51% black women Owned	Sub - points for specific goals	Maximum points for specific goals
91% - 100%	10	10
81% - 90%	9	
71% - 80%	8	
61% - 70%	7	
51% - 60%	6	
41% - 50%	5	
0% - 40%	0	
2. B-BBEE Status Level of Contributor		
Level 1 - EME /QSE	10	
Level 2 - EME /QSE	9	
Level 1 - Generic / Level 3 EME / QSE	8	
Level 2 - Generic / Level 4 EME / QSE	7	

Level 3 - Generic / Level 5 EME / QSE	6	10
Level 4 - 5 Generic / Level 6 EME / QSE	5	
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0	

Stage 4: Due Diligence

NLC reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

Stage 5: 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.

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Section 4: INVITATION TO BID (SBD 1)

YOU ARE HEREBY INVITED TO BID FOR RFQ2023-087							
BID NUMBER:	RFP/2023-272	ISSUE DATE:	10/11/2023	CLOSING DATE:	17/11/2023	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT A QUALIFIED SECURITY SERVICE PROVIDER TO CONDUCT A THREAT RISK ASSESSMENT AND OTHER SPECIFIED DELIVERABLES FOR SPECIFIC CATEGORIES OF PERSONS WITHIN TWO MONTHS.						
BID RESPONSE DOCUMENTS							
BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	SCM			CONTACT PERSON		End user	
TELEPHONE NUMBER	012 432 1309			TELEPHONE NUMBER		012 432 1327	
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				E-MAIL ADDRESS			
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>						
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHO							

NE NUMBER					
FACSIMILE NUMBER	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 STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] Yes No		B-BBEE STATUS LEVELSWORN AFFIDAVIT		[TICK APPLICABLE BOX] Yes No

RFP2023-007 – WORK STUDY

1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?

☐ Yes ☐ No
[IF YES ENCLOSE PROOF]

2 ARE YOU A FOREIGNBASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?

☐ Yes ☐ No

[IF YES, ANSWER QUESTIONNAIRE BELOW]

☐

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

☐ DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

☒ IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

☐

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.

**PART B
TERMS AND CONDITIONS FOR BIDDING****1. TAX COMPLIANCE REQUIREMENTS**

- 1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company
resolution)DATE: _____



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 institution	State

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

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?
YES/NO

2.2.1 If so, furnish particulars:

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

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

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

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

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

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

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

.....

.....

Signature

Date

.....

.....

...

Position

Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

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:

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

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 either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

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

1. Procurement from entities who are at least 51% black women Owned	Sub - points for specific goals	Maximum points for specific goals
91% - 100%	10	10
81% - 90%	9	
71% - 80%	8	
61% - 70%	7	
51% - 60%	6	
41% - 50%	5	
0% - 40%	0	
2. B-BBEE Status Level of Contributor		10
Level 1 - EME /QSE	10	
Level 2 - EME /QSE	9	
Level 1 - Generic / Level 3 EME / QSE	8	
Level 2 - Generic / Level 4 EME / QSE	7	
Level 3 - Generic / Level 5 EME / QSE	6	
Level 4 - 5 Generic / Level 6 EME / QSE	5	
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0	

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

SECTION 6: CONSENT REQUEST FORM

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