Tel: +27(12)432 1300 Info Centre: 086 00 65383 web: www.nlcsa.org.za National Lotteries Commission (NLC) P.O. Box 1556 Brooklyn Square 0083, Pretoria



# **NATIONAL LOTTERIES COMMISSION**

REQUEST FOR PROPOSALS FOR THE APPOINTMENT OF A PANEL OF COUNCIL ON HIGHER EDUCATION / QUALITY COUNCIL FOR TRADES AND OCCUPATION ACCREDITED SERVICE PROVIDERS TO RENDER TRAINING SERVICES FOR A PERIOD OF THREE YEARS

BID PROCESS	BID REQUIREMENTS
Tender number	NLC2024-2025-003
Bid Advertisement Date	20 May 2025
Closing date and time	12 June 2025 @11:00 (South African Standard Time)
Tender validity period	The validity period of the request for proposal is 120 days.
Compulsory Briefingmeeting	N/A
Submission instruction:	The bid document must be submitted <b>ONLY</b> via USBand be delivered to: (USBs with passwords or codes will not be considered)
	Manager: Supply Chain Management National LotteriesCommission 333 Grosvenor Street Block D, Hatfield GardensHatfield, Pretoria 0083  NO email or hard copies submissions will be accepted.

REQUEST FOR PROPOSALS FOR THE APPOINTMENT OF A PANEL OF COUNCIL ON HIGHER EDUCATION / QUALITY COUNCIL FOR TRADES AND OCCUPATION ACCREDITED SERVICE PROVIDERS TO RENDER TRAINING SERVICES FOR A PERIOD OF THREE YEARS

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

## 1. INTRODUCTION

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

### 2. BACKGROUND

- 2.1. Earlier this year, the new Commissioner and new Board members were appointed to steer the organisation in a new direction. The Department of Trade, Industry and Competition (DTIC) as the shareholder also introduced the ministerial impact targets, which has a huge direct and indirect impact on the organization's Strategic Plan.
- 2.2. During the 23/24 financial year skills audit exercise was conducted for the NLC employees, this resulted in skills audit gaps that were identified as well as recommendations being made on how to close those gaps.
- 2.3. Prioritized Learning & Development training interventions for the whole organization were recommended as part of reskilling and upskilling close to 352 NLC employees, which will assist in closing the gaps.

#### 3. OBJECTIVE

3.1. The NLC is seeking to appoint a competent and experienced Council on Higher Education (CHE)
/ Quality Council for Trades and Occupation (QCTO) Accredited Training Service Providers to implement the NLC prioritized Learning & Development training interventions.

# 4. SCOPE OF WORK

4.1. The NLC seeks to appoint competent and experienced CHE/QCTO Accredited Skills Development Providers (SDPs) to implement the identified and prioritized Learning & Development interventions that are aimed at developing and strengthening NLC's institutional capacity.

# 5. DELIVERABLES

5.1. The competent and experienced, CHE/QCTO-accredited SDPs are expected to implement the following interventions for Head Office and 9 provincial offices using a blended training delivery methodology for a cohort of delegates not exceeding 25 participants.

NO	LEARNING AND DEVELOPMENT TRAINING INTERVENTIONS
1.	Minute Taking & Report Writing (Business Writing Skills)
2.	Finance for Non-Financial Managers
3.	Customer & Stakeholder Relationship Management
4.	Broad Based Black Economic Empowerment (BBBEE)
5.	Skills Development Facilitation
6.	Occupational Health & Safety (OHS)
7.	Theft, Fraud and Safety in the workplace
8.	Supply Chain Management (SCM); PFMA and Treasury Regulations
9.	Grant Makers Programme
10.	Data Analytics- Visualizing Data
11.	Managerial Development – People Management
12.	Power Business Intelligence
13.	Microsoft Packages (Computer Literacy Advanced Skills);
14.	Communication for Education & Awareness
15.	Presentation Skills
16.	Artificial Intelligence (In different specialization Areas)
17.	Cultural Competence and Understanding of Social Diversity as well as the basics of Community
	Knowledge and Situational Analysis
18.	Emotional Intelligence, Stress management, Conflict Management, Dealing with Change and
	Uncertainty
19.	Adobe Graphic Design Intermediate with Adobe Photoshop
20.	Quality Management, Understanding the principles and writing of SOPs
21.	Corporate Governance as well as Governance and Ethics ISO 37 000 standards
22.	Project Management
23.	Secretariat and Administrative Services to Meetings
24.	Knowledge and Records Management
25.	Business Plan Development

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26.	Legislation – Lotteries Act and all Related Acts
27.	Prevention of Corrupt Activities Act and Protected Disclosures Act
28.	Risk Management
29.	Labour Relations
	29.1 Chairing of Disciplinary Hearings in line with the disciplinary procedures
	29.2 The role of Line Management in Employees Grievance Resolutions
30.	Human Resources
	30.1 Performance Management & Linked to Divisional Scorecards (AOP)
	30.2 Workforce Transformation
	30.3 Strategic & Change Management
	30.4 Succession Planning
	30.5 Learning & Development Training Programmes
31.	Remunerations
	31.1 Compa Ratio, Benefits and Administration Management
	31.2 Remunerations & Benefits Management.
	31.3 Rewards & Benefits Management.
	31.4 Global Remuneration Professional Certification
	31.5 Job Grading & Evaluation
32.	ArcGIS Programme
	<b>32.1</b> Pro (Basics, Migration, Standard and Advance)
	32.2 Field Data Collection and Management Using ArcGIS.
	32.3 Creating Maps and Visualization with ArcGIS,
	32.4 ArcGIS Essential Workflow Manager.
	32.5 Spatial Analysis Using ArcGIS Pro; ArcGIS Dashboards.
	32.6 Mapping and Visualizing Data in ArcGIS
	32.7 Sybrin Platform Training.
	32.8 Corporate Governance/Law.
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# 6. DURATION OF THE PROJECT

6.1. The expected duration of the project is three years after the signing of a service level agreement (SLA).

# 7. PANEL UTILISATION

- 7.1. Work or task orders must be monitored and distributed fairly and equitably among the panel members.
- 7.2. The allocation of work must be based on market-related rates/prices and may be on a rotation basis to ensure that members of the panel are given an opportunity.
- 7.3. Work or task orders are placed against contracts with sufficient funds and time available for the completion of the supply/services.
- 7.4. Work or task orders are supported by a purchase order number confirming the order/commitment.

- 7.5. The program targets and objectives are monitored and tracked which must be supported by a list and proof of rotation and this report must be drawn every quarter to determine adherence.
- 7.6. NLC revers the rights to negotiate with the enlisted members of the panel the service cost fee/rates at inception and/or anytime during the life of the contract to standardise them across the panel. NLC reserves the right to r-negotiate the prices if the market environment has changed to ensure prices stay on the market-related level.

### 8. FORMAL BRIEFING SESSION

8.1. No briefing session.

### 9. VALIDITY PERIOD

- 9.1. The Commission requires a validity period of **120 Days** from closing date against this RFP.
- 9.2. Bidders are to note that they may be requested to extend the validity period of their bids, on the same terms and conditions. A written letter will be sent to all the bidders that responded to the bid. In terms of procedural fairness, the bidders will be given an opportunity to respond, in writing, to the terms and conditions of the bid and the bid price. Such acceptance of the terms and conditions of bid and bid price becomes legally binding in the procurement process. Should the bidder not respond in writing within the stipulated time on the letter, the NLC will consider the original bid as still valid.

# **SECTION 2: NOTICE TO BIDDERS**

#### 10. Terms and conditions of Terms of Reference

- 10.1. This document may contain confidential information that is the property of the NLC.
- 10.2. 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 these terms of reference (TOR) without prior written permission from the NLC.
- 10.3. All copyright and intellectual property herein vests with the NLC.
- 10.4. Late and incomplete submissions will not be accepted.
- 10.5. No services must be rendered, or goods delivered before an official NLC Purchase Order form has been received.
- 10.6. This TOR will be evaluated in terms of the 80/20 preference point system, where 80 is price and 20 is special goal.
- 10.7. Suppliers are required to register on the Central Supplier Database at www.csd.gov.za.
- 10.8. Suppliers must provide their CSD registration number (and attach a CSD Registration report) and ensure that their tax matters are compliant.
- 10.9. All questions regarding this TOR must be forwarded to penelope@nlcsa.org.za,

10.10. Any supplier who has reasons to believe that the TOR specification is based on a specific brand must inform the NLC via the email addressed in 1.9.

# 11. General rules and instructions

# 11.1. News and press releases

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

### 11.2. Precedence of documents

- 11.2.1. This TOR 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 TOR and the stipulations in any other document attached hereto, or the TOR submitted hereto, the relevant stipulations in this TOR shall take precedence.
- 11.2.2. Where this TOR 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.
- 11.2.3. It remains the exclusive domain and election of the NLC as to which of these stipulations are applicable and to what extent. Bidders hereby acknowledge 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.

# 11.3. Preferential procurement reform

11.3.1. 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 (SMMEDevelopment) etc.

# 11.4. Language

11.4.1. Bids shall be submitted in English.

## 11.5. Gender

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

# 11.6. Headings

11.6.1. Headings are incorporated into this TOR 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.

- 11.7. Occupational Injuries and Diseases Act 13 of 1993
  - 11.7.1. The Bidder warrants that all its employees (including the employees of any subcontractor 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 inforce 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.

## 11.8. Processing of the Bidder's Personal Information

- 11.8.1. All Personal Information of the Bidder, its employees, representatives, associates and subcontractors ("Bidder Personal Information") required under this RFP is 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 collected commission is compelled to submit information to National Treasury's Database of Restricted Suppliers.
- 11.8.2. All Personal Information collected will be processed in accordance with POPIA and with the commission Data Privacy Policy.
- 11.8.3. The following persons will have access to the Personal Information collected:
  - 11.8.3.1. The commission personnel participating in procurement/award procedures; and
  - 11.8.3.2. Members of the public: within seven working days from the time the bid is awarded, the following information will have to be made available on National Treasury's e- Tender portal:
  - 11.8.3.3. contract description and bid number.
  - 11.8.3.4. names of the successful bidder(s) and preference points claimed.
  - 11.8.3.5. the contract price(s) (if possible).
  - 11.8.3.6. contract period.
  - 11.8.3.7. names of directors; and
  - 11.8.3.8. date of completion/award.
- 11.8.4. The commission will ensure that the rights of the Bidder and of its employees and representatives (i.e., the right of access and the right to rectify) are effectively guaranteed in accordance with the procedures as specified in the commission PAIA manual.
- 11.8.5. In signing this document, the Bidder consents to the use of its Personal Information for the purposes as specified in section 2.9.1 above.

# 12. National Treasury's Central Supplier Database

- 12.1. 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.
- 12.2. The Commission may not award business to a bidder who has failed to register on the

CSD.

- 12.3. Only foreign suppliers with no local registered entity need not register on the CSD.
- 12.4. The CSD can be accessed at https://secure.csd.gov.za/

# 13. Confidentiality

- 13.1. Bids submitted for this Request for Proposals will not be revealed to any other biddersand will be treated as contractually binding.
- 13.2. The Commission reserves all the rights afforded to it by POPIA in the processing any of its information as contained in Bid Proposals.
- 13.3. 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 NLCin terms of this bid award and only for the purposes as detailed in this RFP and in accordance with any applicable law.
- 13.4. The Bidder shall notify the NLC in writing of any unauthorized access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such.

### 14. Communication

- 14.1. Specific queries relating to this TOR should be submitted penelope@nlcsa.org.za, before the closing date.
- 14.2. In the interest of fairness and transparency the NLC's response to such a querymay be made available to other bidders.
- 14.3. It is prohibited for bidders to attempt, either directly or indirectly, to canvass any officeror employee of the NLC in respect of this **TOR** between the closing date and the dateof the award of the business.
- 14.4. 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.

# 15. SUPPLIER PERFORMANCE

- 15.1. The National Lotteries Commission conducts regular performance reviews in accordance with the requirements for the classification of the contract and orstakeholder by making use of supplier evaluation forms. The evaluation is conducted against the deliverables or scope of the contract with a minimum of an annual review done for contracts longer than a year and a review at completion of contract for those contracts less than a year.
- 15.2. Ad-hoc performance reviews shall be conducted where non-performance is identified outside the review period.
- 15.3. Non-performance will be addressed with at least a formal letter advising specificnon-performing areas and stating remedial action/s required within specific time frames. Non-adherence to remedial actions shall lead to escalating performance management actions.

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

The six (6) phases evaluation criteria will be considered in evaluating theproposals, being:

# 16. Stage 1: Tender Closing and Opening

# 16.1. Tender closing details

The deadline for Tender submission is **12 June** *2025 at 11:00am* Standard South African Time. no late tenders will be accepted. Tenders are to be submitted to the NLC's tenderbox at the following physical address: (bidders must sign a bid register)

National LotteriesCommission

333 Grosvenor StreetBlock D,

Hatfield Gardens,

Hatfield, Pretoria

0083

#### 16.2. Bid Formats

- 16.2.1. Bid submissions must be submitted in a PDF format that is protected from any modifications, deletions, or additions.
- 16.2.2. 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.
- 16.2.3. Submissions must be prominently marked with the full details of the tender namely Bidder's Name, Tender No and Tender Title.
- 16.2.4. Tender submissions received after submission date and time will be declared late and will not be accepted for consideration by the NLC.
- 16.2.5. The NLC will not be responsible for any failure or delay in the submission or receipt of the bid including but not limited to:
  - 16.2.6. Traffic.
  - 16.2.7. Struggling to find parking.
  - 16.2.8. Courier arriving late.

# 17. 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
SBD 1: Invitation to tender	Fully Completed Standard Bidding Documents

Evaluation Criteria	Supporting Document	
SBD 6.1: Preference points claim form in terms of the preferential procurement regulations 2022	Fully Completed Standard Bidding Documents	
Bidder's tax compliance confirmation	Valid SARS Tax Pin	
Whether Bidders is registered on CSD. Only foreign suppliers with no local registered entity need not register on the CSD-	Proof of Central Supplier Database (CSD) registration report.	
Signed consent form in terms of the Protection of Personal Information Act No.4 of 2013 (POPIA)	POPIA Consent Form	
BBBEE Certificate in terms of Codes of Good Practice- Valid	A valid B EE Certificate/Sworn Affidavit	
Returnable documents (standard bidding documents) and/or schedules were completed, duly signed by the authorised person.	SBD Forms duly completed and signed and pricing schedules.	

# 18. Stage 3: Mandatory Compliance

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

Evaluation Criteria	Supporting		
	Document		
In the event of the bidder being in a joint venture (JV), a	JV Agreement		
signed JV agreement must be submitted (where applicable)			
Bidders must submit a fully complete declaration of interestfor	SBD 4		
(failure to declare honestly will lead to bidder being disqualified)			
Returnable documents (standard bidding documents) and/or	SBD Forms duly		
schedules were completed, duly signed by the authorized person.	completed and signed		
	and pricing schedules.		
Valid accreditation with CHE / QCTO. Proof of registration and	Copy of a valid		
Accreditation Certificates with CHE/QCTO should be provided.	Accreditation		
	CHE/QCTO Certificate.		
Pricing proposal (separate from the technical proposal)	Pricing schedule		

Failure to comply with the above mandatory requirements will render your submissionnon-responsive and unacceptable and will not be evaluated any further.

# 19. STAGE 5: TECHNICAL EVALUATION

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

**Table 1: Rating Scale** 

Rating	Definition	Score
Excellent	Exceeds the requirement. Exceptional demonstration by the	
	bidder of the relevant ability, understanding, experience, skills,	
	resource, and quality measures required to provide the goods /	
	services. Response identifies factors that will offer potential	
	added value, with supporting evidence.	
Good	Satisfies the requirement with minor additional benefits. Above	4
	average demonstration by the bidder of the relevant ability,	
	understanding, experience, skills, resource, and quality measures	
	required to provide the goods / services. Response identifies	
	factors that will offer potential added value, with supporting	
	evidence.	
Acceptable	Satisfies the requirement. Demonstration by the bidder of the	3
	relevant ability, understanding, experience, skills, resource, and	
	quality measures required to provide the goods / services, with	
	supporting evidence.	
Minor	Satisfies the requirement with minor reservations. Some minor	2
Reservations	reservations of the supplier's relevant ability, understanding,	
	experience, skills, resource and quality measures required to	
	provide the goods / services, with little or no supporting evidence.	
Serious	Satisfies the requirement with major reservations. Considerable	1
Reservations	reservations of the bidder's relevant ability, understanding,	
	experience, skills, resource, and quality measures required to	
	provide the goods / services, with little or no supporting evidence.	
Unacceptable	Does not meet the requirement. Does not comply and/or	0
	insufficient information provided to demonstrate that the bidder	
	has the ability, understanding, experience, skills, resource &	
	quality measures required to provide the goods / services, with	
	little or no supporting evidence.	

- 19.2. The evaluation for the Technical and Functional threshold will include the following:
- 19.3. Bidders must obtain a minimum of 70% in order to qualify for further evaluation to pricing and specific

Rating scale of 0 – 5 to be applied.

CRITERIA	WEIGHT
1. COMPANY EXPERIENCE	20%
Bidders are required to submit their company profile demonstrating that they	
have the capacity to render the required service. The profile must contain the	
entity's years of experience.	
Specific details must be given to indicate the extent to which these previous	
experiences relate to the implementation of the NLC prioritized Learning &	
Development training interventions.	
Company profile with no relevant company experience = 0 point.	
Company profile with relevant company experience of 1-year to 2 years = 1	
point.	
Company profile with relevant company experience of more than 2 to 4 years	
= 2 points.	
• Company profile with company experience of more than 4 to 6 years = 3	
points.	
Company profile with company experience of more than 6 to 8 years = 4	
points.	
• Company profile with company experience of more than 8 to 10 years = 5	
points.	
2. BIDDER EXPERIENCE AND EXPERTISE (REFERENCE LETTERS)	15%
The bidders are required to provide a maximum of three (3) contactable client	
references letters 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 (implementation of the prioritized learning & development training	
interventions, etc), have been provided and may not be older than five (5) years.	
The reference letters will be assessed based on experience of similar work done as	
required by the TOR. No appointment letters from clients will be accepted as	
reference letters. Only three reference letters will be considered during the	
evaluation. Bidders should note that multiple reference letters from the same	
company/client will be regarded as one.	
No references = 0 points	
One (1) relevant reference = 1 points	
Two (2) relevant reference letters = 3 points	
Three (3) relevant reference letters = 5 points	
3. ACCREDITATION CRITERIA	25%

CRITERIA	WEIGHT
Bidders are required to submit their company profile demonstrating their	
accreditations both as an institution and their accredited programmes, showing the	
capacity to render the required service. Specific accreditation details must be	
indicated as the latest registration relating to their implementation of the NLC	
prioritized Learning & Development training interventions.	
<ul> <li>No Company Accreditation and Programmes Accreditations confirmations. = 0 point.</li> <li>Company Accreditation and no Programmes Accreditation with relevant company experience for 1-year up to and -including - 2 years = 1 point.</li> <li>Company Accreditation and Programmes Accreditation with relevant company experience of more than 2 up to and including - 4 years = 2 points,</li> <li>Company Accreditation and Programmes Accreditation with relevant company experience of more than 4 up to and including 6 years = 3 points,</li> <li>Company Accreditation and Programmes Accreditation with relevant company experience of more than 6 up to and including- 8 years = 4 points,</li> <li>Company Accreditation and Programmes Accreditation with relevant company experience of more than 8 years = 5 points.</li> </ul>	
4. KEY PERSONNEL EXPERIENCE/CAPABILITIES	15%
The Lead Facilitator must have a minimum of three (3) years' experience in	
facilitation.	
As evidence of experience the bidder should provide CV of a Lead Facilitator tobe	
assigned to this project, the CV should clearly demonstrate relevant experience on	
the implementation of the NLC prioritized Learning & Development training	
interventions.	
<ul> <li>No CV submitted, or less than 3 years' relevent experience provided. = 0 point.</li> <li>3 years up to – 4 years of relevant experience = 1 point.</li> <li>Above 4 years up to - 5 years of relevant experience = 2 points</li> <li>Above 5 years up to 6 - years of relevant experience = 3 points.</li> <li>Above 6 years up to 8- years of relevant experience = 4 points.</li> <li>Above 8 years of relevant experience = 5 points.</li> </ul>	
5. METHODOLOGY	25%

CRITERIA	WEIGHT
The Bidder must provide detailed and comprehensive proposals on how the training	
interventions/solutions will be delivered.	
<ul> <li>Does not satisfy the requirement and/or not comply or provide sufficient information relating to the requirements outlined. = 0 points.</li> <li>Satisfies the requirements with major reservations. Considerable reservations of the service provider's understanding of services, with little or no supporting evidence. = 1 point.</li> </ul>	
Satisfies the requirement with minor reservations. Some minor reservations of the service provider's understanding of services, = 2 points.	
Satisfies the requirement. Demonstration by the service provider of the	
understanding of services, with supporting evidence. = 3 points.	
<ul> <li>Satisfies the requirement. Above average demonstration by the service provider of the relevant service required. = 4 points.</li> </ul>	
Exceeds the requirement. Exceptional demonstration by the service provider	
of the service understanding. = 5 Points.	
TOTAL	100
MINIMUM QUALIFYING SCORE	70

# 20. STAGE 6: PRICING AND SPECIAL GOAL

# 20.1. Pricing Schedule: Please refer to Annexure B

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

DESCRIPTION	Sub - points for specific goals	Maximum points for specific goals	Relevant Evidence
Procurement from entities who are black Owned			Full CSD Recent Report and BBEE
Tenderer who have 100% black Ownership	8		certificate
Tenderer who have 51% to 99% black ownership	4	8	
Tenderer who have less than 51% black ownership	0	-	
2. Procurement from entities who are women Owned		B-BBEE Certificate / B	
Tenderer who have 100% women ownership	4		BBEESworn

DESCRIPTION	Sub - points for specific goals	Maximum points for specific goals	Relevant Evidence
Procurement from entities who are black Owned			Full CSD Recent Report and BBEE
Tenderer who have 100% black Ownership	8		certificate
Tenderer who have 51% to 99% black ownership	4	8	
Tenderer who have less than 51% black ownership	0		
Tenderer who have 30% to 99% women ownership	2	4	Affidavit
Tenderer who have less than 30% women ownership	0		
3. Procurement from Black Youth Ownership		4	B-BBEE
Tenderer who have 100% youth ownership	4		Certificate / B-
Tenderer who have 30% to 99% youth ownership	2		BBEESworn Affidavit
Tenderer who have less than 30% youth ownership	0		Amaavit
4.Procurement from Disabilities Owned			
Tenderer who have 20% or more owners with disability	4	4	Letter from the
Tenderer who have less than 20% but more than 10% owners with disability	2		confirming
Tenderer who have less than 10% owners with disability	0		disability and CSD report
Total points for specific goals		20	

# 21. STAGE 7: DUE DILIGENCE

21.1. 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.

# 22. STAGE 8: CONTRACT AND AWARD

22.1. 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



# SBD 1 PART A INVITATION TO BID YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:			CLOSING DATE:			CL	OSING TIME:	11:00
		EST FOR PROPOSALS F	OR THE APPOINTMENT			HIGH	IER EDUCATION	/ QUALITY
		CIL FOR TRADES AND C PERIOD OF THREE YEA		IED SER	VICE PROVIDERS TO	RENL	ER TRAINING SE	RVICES
DESCRIPTION								
BID RESPONSE DOCU	IMENTS	MAY BE DEPOSITED I	N THE BID BOX SITUA	TED AT (	(STREET ADDRESS)			
NATIONAL LOTTERIES	S COM	MISSION (NLC), BLOCK	D, HATFIELD GARDEN	IS, 333 G	ROSVENOR STREET	Г, НА	TFIELD, PRETOR	RIA
BIDDING PROCEDURE	ENQU	IRIES MAY BE DIRECTE	ED TO	TECHN	IICAL ENQUIRIES MA	Y BE	DIRECTED TO:	
CONTACT PERSON		Penelope Soyingwa		CONTA	ACT PERSON			
TELEPHONE NUMBER		0124321414		TELEPHONE NUMBER				
FACSIMILE NUMBER				FACSIN	MILE NUMBER			
E-MAIL ADDRESS	ION	penelope@nlcsa.org.:	<u>za</u>	E-MAIL	ADDRESS			
SUPPLIER INFORMAT	IUN							
NAME OF BIDDER								
POSTAL ADDRESS								
STREET ADDRESS								
TELEPHONE NUMBER		CODE			NUMBER			
CELLPHONE NUMBER								
FACSIMILE NUMBER		CODE			NUMBER			
E-MAIL ADDRESS	ATION							
VAT REGISTRA NUMBER	ATION							
SUPPLIER COMPLIANO	CE	TAX COMPLIANCE			CENTRAL			
STATUS		SYSTEM PIN:		OR	SUPPLIER DATABASE No:	MAA	ΔΔ	
B-BBEE STATUS LEVE	L	TICK APPLIC	CABLE BOX]	B-BBE	STATUS LEVEL	1417 0	[TICK APPLIC	ABLE BOX]
VERIFICATION				SWOR	N AFFIDAVIT			
CERTIFICATE		☐ Yes	□No				☐ Yes	□No
IA R-RRFF STATUS I	FVFI V	ERIFICATION CERTIFIC	CATE/ SWORN AFFIDA	VIT (FOR	P FMFS & OSFs) MII	ST R	F SUBMITTED IN	ORDER TO
		POINTS FOR B-BBEE]	7172/ 0770KW 7W 7 127	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	CIMEO & QOLO, MO	J. J.	2 005 125	ONDEN 10
ARE YOU THE				ARE Y	OU A FOREIGN BASI	ΞD		
ACCREDITED REPRESENTATIVE IN		☐Yes [	□No	SUPPLIER FOR THE GOODS		□Yes	□No	
SOUTH AFRICA FOR 1	THE			/SERVICES /WORKS		[IF YES, ANSW	ER THE	
GOODS /SERVICES		[IF YES ENCLOSE PRO	OOF]	OFFERED?		QUESTIONNAI	RE BELOW]	
WORKS OFFERED?  QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
•								10
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?								
DOES THE ENTITY HAVE A BRANCH IN THE RSA?								
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				_				
DOES THE ENTITY HA	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?							
IS THE ENTITY LIABLE	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?					0		

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, 2022, 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.

#### 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 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."

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

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



# **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 institution	of	State
				•
				•
			•	•

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/shaving 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? <b>YES/NO</b>
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 ornot they are bidding for this contract?  YES/NO
2.3.1	If so, furnish particulars:
3 D	ECLARATION
	I, the undersigned,(name)
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

3.5 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

services to which this bid invitation relates.

intention not to win the bid and conditions or delivery particulars of the productsor

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 acontract

- 3.6 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.
- 3.7 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 (allapplicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (allapplicable 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 pointsystem.
- b) The applicable preference point system for this tender is the 80/20 preference pointsystem.
- 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 meanthat 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 isadjudicated 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:

80/20 or 90/10 
$$Ps = 80 (1 - \frac{Pt - P min}{P min})$$
 or  $Ps = 90 (1 - \frac{Pt - P min}{P r n})$ 

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 INCOMEGENERATING PROCUREMENT

# 3.2.1. POINTS AWARDED FOR PRICE

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

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

$$P \max$$

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, whichstates 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 pointsystem 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 tablebelow.

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

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

DESCRIPTION	Sub - points for specific goals	Maximum points for specific goals	Relevant Evidence
Procurement from entities who are black     Owned			Copies of ID's/3
Tenderer who have 100% black Ownership	8		Report from the
Tenderer who have 51% to 99% black ownership	4	8	closing date of the
Tenderer who have less than 51% black ownership	0		bid/ CSD Recent Report
2. Procurement from entities who are women Owned			B-BBEE
			Certificate / B-
Tenderer who have 100% women ownership	4		BBEESworn
Tenderer who have 30% to 99% women ownership	2	4	Affidavit
Tenderer who have less than 30% women ownership	0	-	
3. Procurement from Black Youth Ownership		4	B-BBEE
Tenderer who have 100% youth ownership	4		Certificate / B-
Tenderer who have 30% to 99% youth ownership	2		BBEESworn
Tenderer who have less than 30% youth ownership	0		Affidavit
4.Procurement from Disabilities Owned			
Tenderer who have 20% or more owners with disability	4	4	Letter from the
Tenderer who have less than 20% but more than 10% owners with disability	2	-	Doctor confirming
Tenderer who have less than 10% owners with disability	0		disability and CSD report
Total points for specific goals		20	

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3.	Name of company/firm					
<b>4.4</b> .	Comp	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				

- 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 documentaryproof 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;

APPLICABLE BOX

- (b) recover costs, losses or damages it has incurred or suffered as aresult of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the audialteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

	SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:	
DATE:	
ADDRESS:	

# SCM:

# **CONSENT REQUEST FORM**

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

TO:	
FROM:	_
ADDDECC:	
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 obtainedfor the purpose of processing of application for procurement of goods and services, in line with the NLC'ssupply chain management policy, and storage of your personal data by means of any form of electroniccommunication, 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, facsimilenumber or e-mail address as stated above.

- 2. "Processing" means any operation or activity or any set of operations, whether or not by automaticmeans, 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 itis 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 theperson;
- 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;
- 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