

**TERMS OF REFERENCE FOR THE APPOINTMENT
OF A SERVICE PROVIDER TO PROVIDE A
COMPREHENSIVE EMPLOYEE WELLNESS
PROGRAMME
FOR THE NATIONAL LOTTERIES COMMISSION
NLC/2021 – 12**

**CLOSING DATE: 13 DECEMBER 2021
CLOSING TIME: 11H00 (South African Standard Time)**



1.	Assignment	The National Lotteries Commission (NLC) requires suitable service providers to submit proposals for the appointment of a service provider to provide comprehensive employee wellness programme for the NLC for a period of three (3) years
2.	Name of the responsible office	Human Capital Management (HCM)
3.	Address for submitting bid proposals & other correspondence	<p>Attention: Senior Manager: Supply Chain Management, National Lotteries Commission, 333 Grosvenor Street, Block D (Main Entrance), Hatfield Gardens, Hatfield, Pretoria, 0083</p> <p>Only electronic (CD/USB) bid submission will be accepted. Due COVID 19, No hand delivery of physical documents will be accepted</p>
4.	Closing date & time for submission of bid proposals	13 December 2021 @ 11:00 am
5.	Compulsory briefing session	N/A
6.	Bid enquiries	All bid enquiries should be sent to bids@nlcsa.org.za
7.	Bid description	Provision of a comprehensive employee wellness programme (EWP) for the National Lotteries Commission for a period of three (3) years
8.	Reference Number	NLC/2021 - 12

1. BACKGROUND

The National Lotteries Commission (NLC) 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 NLC has a dual mandate, namely “regulation of National Lottery and other Lotteries” and “administration of the 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 Employee Wellness Programme (EWP) is a critical service within the NLC. EWP provides psychological, legal, and financial support services, and promotes health and wellbeing within the organization.

In line with the requirements of the Public Finance Management Act (PFMA) No. 1 of 1999, as amended and Treasury Regulations, the NLC invites suitably qualified and experienced service providers to provide a comprehensive employee wellness programme for the NLC.

2. PURPOSE OF THE TERMS OF REFERENCE

The purpose of the terms of reference (TOR) is to appoint a qualified and experienced service provider to provide a comprehensive EWP for the NLC for a period of three (3) years.

3. OBJECTIVES

- 3.1 The primary objective of the bid is to appoint a qualified and experienced service provider that will provide a comprehensive EWP for all NLC employees and their immediate family members who require social, psychological, financial support, and legal guidance at work or at home.
- 3.2 To assess employee needs and risks which will need to be effectively managed through the EWP.
- 3.3 To identify trends and design relevant intervention strategies that are aligned with NLC strategies.

4. SCOPE OF WORK

The service entails the development and provision of a comprehensive EWP that is aimed at all NLC staff members (+300) across nine provincial offices and their immediate family members (as defined by NLC policies) as follows:

- 4.1 Programme design and strategy development.
- 4.2 Project set-up and planning.
- 4.3 Rollout of an EWP that includes the following:
 - Needs analysis and risk identification;
 - 24-hour telephonic/electronic and online service (during and after hours, 24/7/365) or face to face counselling to NLC employees;
 - Communicable disease testing and counselling i.e. COVID 19;

- Social, psychological, and psychiatric counselling services;
 - HIV and AIDS counseling services;
 - Trauma counseling;
 - Critical Incident and Trauma Management (including debriefing services);
 - Provision of referrals for independent medical assessments;
 - Functional Capacity evaluation and opinion as and when required;
 - Reporting and in-depth analysis;
 - Provision of life skills, awareness, and education programmes to promote holistic wellness as per the organizational wellness calendar (i.e., financial education);
 - Training for managers on use of wellness programme;
 - Retirement readiness programme;
 - Executive management wellness;
 - Team effectiveness programmes;
 - Financial advice services;
 - Legal services.
 - Workplace resilience programme; and
 - Workplace re-integration programme.
- 4.4 Counseling services must be available in South African official languages and a counsellor of preferred gender;
- 4.5 Provide comprehensive reports with interpretation of trends, problem profiles and possible interventions that do not compromise confidentiality.
- 4.6 Provide one staff wellness event every year at each NLC office.

Note: The NLC has offices across all nine (9) provinces of South Africa as follows:

Head Office and Gauteng	-	Pretoria (same location)
Limpopo	-	Polokwane
Mpumalanga	-	Mbombela
Northwest	-	Mafikeng
Northern Cape	-	Kimberley
Free State	-	Welkom
Eastern Cape	-	East London
Western Cape	-	Cape Town
KwaZulu-Natal	-	Durban

5. DELIVERABLES

- To provide a comprehensive EWP service to all NLC employees and immediate family members.
- To provide monthly, quarterly, and annual reports to management on the level of service offered and trends.

6. REPORTING REQUIREMENTS

The service provider will report to the Human Capital Management (HCM) Department.

7. DURATION OF THE PROJECT

The expected duration of the project is three (3) years after the signing of a Service Level Agreement (SLA).

8. EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Regulation of 2017 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). Three (3) phase evaluation criteria will be considered in evaluating the proposals, being

Phase	Description
1.	Compliance with mandatory bid requirements
2.	Technical evaluation
3.	Financial evaluation

8.1 Phase 1: Pre - Qualification Criteria (Mandatory Requirements)

Only bidders who are found compliant on this phase will proceed to phase 2. Bidders must submit all the mentioned below requirements. The following mandatory requirements must be met to qualify for this bid:

- Proof of registration by the bidder with Health professionals Council of South Africa (HPCSA). Please attach a certified certificate of HPCSA membership. In the event of the bidder being a joint venture (JV), one of the companies in the JV must fully comply with this mandatory requirement.
- In the event of the bidder being in a JV, a signed JV agreement must be submitted (where applicable).
- Bidders must be Level 1 - 3 in terms of the B-BBEE Codes of Good Practice.
- Registered with the central supplier database (CSD). Please submit the current summarised CSD Report which reflect tax clearance compliance status and valid tax clearance certificate with SARS Pin.

- Signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (Consent Forms Attached to the bid document).

8.2 Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidders' responses in respect of the bid proposal (evaluated on the minimum functional specifications). Prospective bidders who score a minimum of 70% points or more will be considered for the next phase 3 (Price and B-BBEE status level contributor).

CRITERIA	WEIGHT
1. Service provider experience	15
<p>Provide three (3) written reference letters from contactable existing/ recent clients (public / private sector) within the past 3 years of similar employee wellness programme successfully completed. Letters must include the company name, contact name, address, phone number, duration of contract, value of the contract, a brief description of the services that you provided, and the reference letter should not be older than two (2) years. The reference letters must be on the client's letterhead and must be dated and signed.</p> <p><i>No appointment letters from clients will be accepted as reference letters.</i></p> <p>Maximum of 15 points will be awarded as follows:</p> <ul style="list-style-type: none"> • No references = 0 points • One (1) relevant reference = 5 points • Two (2) relevant reference letters = 7 points • Three (3) relevant reference letters = 10 points • Four (4) relevant reference letters = 15 points 	

2. Relevant Experience & Qualification of Key Personnel		30								
<p>2.1 Key Account Manager Experience (Maximum of 20 Points)</p> <p>Abridged CV of the incumbent must be provided for the person that will occupy this Position.</p> <table><tr><td>More than 10 years' experience in employee wellness services</td><td>20</td></tr><tr><td>6 - 10 years of experience in employee wellness services</td><td>15</td></tr><tr><td>5 years of experience in employee wellness services</td><td>10</td></tr><tr><td>Less than 5 years of experience in employee wellness services.</td><td>0</td></tr></table>		More than 10 years' experience in employee wellness services	20	6 - 10 years of experience in employee wellness services	15	5 years of experience in employee wellness services	10	Less than 5 years of experience in employee wellness services.	0	
More than 10 years' experience in employee wellness services	20									
6 - 10 years of experience in employee wellness services	15									
5 years of experience in employee wellness services	10									
Less than 5 years of experience in employee wellness services.	0									
<p>2.2 Key Account Manager Qualification (Maximum of 10 Points)</p> <p>Key Account Manager must be registered with any recognized health professional body and should at least have a minimum qualification in Psychology or Social Work.</p> <table><tr><td>Postgraduate / Honours and above in Psychology or Social Work or related field</td><td>10</td></tr><tr><td>Bachelor's Degree in Psychology or Social Work or related field</td><td>7</td></tr><tr><td>National Diploma in Psychology or Social Work or related field.</td><td>5</td></tr><tr><td>No proof of qualification or qualification is lower than the National Diploma or irrelevant qualification provided.</td><td>0</td></tr></table>		Postgraduate / Honours and above in Psychology or Social Work or related field	10	Bachelor's Degree in Psychology or Social Work or related field	7	National Diploma in Psychology or Social Work or related field.	5	No proof of qualification or qualification is lower than the National Diploma or irrelevant qualification provided.	0	
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National Diploma in Psychology or Social Work or related field.	5									
No proof of qualification or qualification is lower than the National Diploma or irrelevant qualification provided.	0									
3. Implementation Plan and Methodology		45								
<p>3.1 Implementation Plan (Maximum of 20 Points)</p> <p>Bidders are required to provide implementation plan for the duration of the project with the following:</p>										

<ul style="list-style-type: none"> • Project Implementation Plan (project execution) = 10 points <ul style="list-style-type: none"> ▪ Excellent project implementation plan proposed = 10 ▪ Good project implementation plan proposed = 7 ▪ Fair project implementation plan proposed = 5 ▪ Poor project implementation plan proposed = 0 • Project deliverables (measurable and tangible outcome of the project milestones) =10 points <ul style="list-style-type: none"> ▪ Excellent proposal on project deliverables = 10 ▪ Good proposal on project deliverables= 7 ▪ Fair proposal on project deliverables = 5 ▪ Poor proposal on project deliverables = 0 <p>3.2 Methodology (Maximum of 25 Points)</p> <p>3.2.1 Proposed methodology (15 Points)</p> <p>The proposal should include company profile, frameworks, tools, and methodologies used. A list of clients and the nature of projects conducted with contact details.</p> <p>3.2.2 Technology (Smartphone Application / Portal): 10 Points</p> <p>Bidders are required to provide details of the technology (Smartphone Application/ Portal / User-friendly technology) or online services.</p>	
4. Bidders' Presentations	10
<p>Maximum of 10% points for demonstration during bidders' presentations.</p> <p>Bidders that scored the total of 60% or more on technical criteria 1, 2 & 3 above</p>	

to be invited for bidders' presentations.	
Total:	100%

Phase 3: The 80/20 Principle based on Price and B-BBEE status level contributor.

Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant Contributor	0

9. GENERAL GUIDELINES

9.1. Submission Instruction

9.1.1 Only electronically submission will be accepted and bidders are encouraged to use this method of electronic bid submission

9.1.2 Universal serial bus (USB) or compact disc (CD). (1 copy).

9.1.3 Bid submission of USB or CD must be hand delivered/deposited at the following address:

National Lotteries Commission,

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

9.1.4 Bid submission guidelines:

Bidders are required to arrange the electronic folders available in the USB/CD as follows:

- Mandatory Bid Compliance Documents, Standard Bidding Documents (SBD) Forms, Technical and Financial Proposals must be submitted in one (1) electronic (USB/Disc) submission.
- Bidders are requested that folders in the electronic submission be separated, properly named, and indexed as follows:
 - Folder 1: Mandatory Bid Compliance Documents and SBD Forms;
 - Folder 2: Technical Proposal; and
 - Folder 3: Financial (Price) Proposal.

Due to COVID-19 pandemic, strictly no hand delivery of documents will be accepted. Only electronic submissions (USB/CD) will be accepted.

9.1.5 The following reference number must be used:

“COMPREHENSIVE EMPLOYEE WELLNESS PROGRAMME (EWP) FOR THE NATIONAL LOTTERIES COMMISSION), REFERENCE NUMBER: NLC/2021 - 12”

9.2 Take note of the following:

- No costs have been prescribed for the Bidding Document.
- All proposals **must** be costed in South African Rand, inclusive of VAT.
- If the bid does not include all the information required, or is incomplete, this will mean non-compliance and therefore invalidate the bid.

- Any submission received after the deadline will not be considered; and
- The costing must remain valid and open for evaluation for a period of at least six (6) months from the time of submission.

9.3 Late bids

Bids received late shall not be considered. A bid will be considered late if it arrived one second after 11:00 am or any time thereafter.

9.4 Costs to be borne by bidders

All costs and expenses incurred by the bidders in any way associated with the development, preparation and submission of responses and providing any additional information required by the NLC, will be borne entirely and exclusively by the bidders.

9.5 No legal relationship

No binding legal relationship will exist between any of the bidders and the NLC until the execution of a signed contractual SLA. The TOR document will not form part of any such contract or arrangement.

9.6 Evaluation of offers

Each bidder acknowledges and accepts that the NLC may, at its absolute discretion, apply selection criteria specified in this document for the evaluation of proposals for short listing/ selecting the eligible bidder(s).

9.7 Format of your proposal

The proposal should be presented in two sections i.e. technical proposal and financial proposal.

10 STANDARD REQUIREMENT OF THE BID

10.1 Disclosures

The bidder must disclose:

- a) If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy/ insolvency.
- b) If they have been convicted of, or are the subject of any proceedings, relating to:
 - A criminal offence or other offence, involving the activities of a criminal nature in its organisation or found by any regulator or professional body to have committed professional misconduct.
 - Corruption, including the offer or receipt of any inducement of any kind in relation to obtaining any contract with any contracting authority; and
 - Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.
- c) If a bidder or related bidder or any individual discloses details of any previous misconduct or complaint, the NLC will seek an explanation and background details from them. At the sole discretion of the NLC, an assessment as to whether the bidder will be allowed to continue to the next phase of the evaluation phase will then be made.
- d) Disclosure extends to any bidder in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the bidder is associated in respect of this tender.

11. DISCLAIMER

11.1 The NLC reserves the right not to appoint a bidder. The NLC may appoint more than one bidder.

11.2 The NLC also reserves the right to:

- a) Award the contract or any part thereof to one or more bidders;
- b) Reject all bids;
- c) Decline to consider any bids that do not conform to any aspect of the bidding requirements.
- d) Request further information from any bidder after the closing date for clarity purposes.
- e) Cancel this tender or any part thereof at any time; and
- f) Should any of the above occur, it will be communicated in writing to the bidders.

12. CONFIDENTIALITY

- a) Bids submitted will not be revealed to any other bidders and will be treated as contractually binding;
- b) All information pertaining to the NLC obtained by the bidder as a result of participation in this RFP is confidential and must not be disclosed without written authorisation from the NLC; and
- c) The successful bidder will be expected to sign the SLA with the NLC.

13. DISQUALIFICATION

- a) Any form of canvassing/lobbying/influence regarding the short listing will result in disqualification.
- b) Any non-disclosure of any other information pertaining to this bid will result in disqualification;

- c) Non-compliance with the bid requirements will invalidate the bid; and
- d) Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

13.1 Prices

Bidders are required to provide prices according to 'Annexure 1' as attached.

13.2 Prices adjustments

Prices submitted for this bid will be regarded as non-firm subject to the following price adjustments:

- a) Annual price adjustment.
- b) Bidders are required to include their annual price adjustment in 'Annexure 1'
- c) Application for price adjustments to be accompanied by documentary evidence in support of any adjustment on annual basis.

13.3 Payment terms

- a) The NLC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered.
- b) All supporting documents for services rendered should be submitted together with the tax invoices by the twentieth (20th) of every month;
- c) Valid Tax Invoices for all services rendered are to be submitted to the Chief Financial Officer (CFO) at the NLC's Finance Division at the address on page 2 above or may be sent through an email to the following email address:
Email address: accounts@nlcsa.org.za.

13.4 Validity

- a) A proposal shall remain valid for hundred and twenty (120) days after the closing date of the submission for proposals. A proposal which is valid for a shorter period may be rejected by the NLC for non-responsiveness.
- b) In exceptional circumstances, the NLC may solicit the bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing. A bidder that has been granted the request will neither be required nor permitted to modify the proposal.

13.5 Signatories

All responses to this RFP should be signed off by the authorised signatories of the bidder.

14. SPECIAL TERMS AND CONDITIONS

- a) The NLC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders;
- b) This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract;
- c) Where, however, the special conditions of contract conflict with the general conditions of contract, the general conditions of contract will prevail.
- d) The NLC is the sole adjudicator of the suitability of the venue for the purpose for which it is required. Therefore, the NLC's decision in this regard will be final.

- e) Only electronic bid submission will be accepted.
- f) Bids must only be submitted at the NLC Office Tender by the specified date and time.
- g) The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.
- h) The bid forms must not be retyped or redrafted, but copies may be used.
- i) Failure to comply with the above-mentioned conditions will invalidate the bid.

15. OTHER CONDITIONS:

- i. Bidders are requested to provide separate financial and technical proposals.
- ii. Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each company in the joint venture agreement should be indicated on the agreement. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid.
- iii. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims. Current and valid original or certified B-BBEE Certificate or Affidavit for Exempted Micro Enterprise (EME)/Qualifying Small Business Enterprise (QSE) must be submitted. (Failure to submit a certificate will result in scoring 0 for B-BBEE.).
- iv. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- v. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE

status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

- vi. Fraudulent practices shall result in immediate disqualification.
- vii. NLC is under no obligation to accept any bid and reserves its right not to proceed with the appointment of any service provider that responded to the invitation to submit proposals, for whatever reasons it may consider appropriate.
- viii. The service provider/s to be appointed must display an unquestionable track record and experience with positive feedback from their existing and previous clients.
- ix. The service provider must comply with all the laws and regulations of the Republic of South Africa.
- x. Central Supplier Database (CSD) Summarized Report. Please submit the current CSD Report.
- xi. The bidder and its directors will be subjected to the NLC Security Vetting Process prior to awarding the bid.

17. CLARIFICATIONS / ENQUIRIES

Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the TOR or any other aspects concerning the bid is to be requested in writing (letter, facsimile, or e-mail) from the below contact persons. The bid reference number should be mentioned in all correspondence

Bid Enquiries

Name and Surname: Njabulo Mavuma

Telephone: 012 432 1309

E-mail: bids@nlcsa.org.za

Cnr Hilda & Arcadia Street
Hatfield Gardens
Hatfield | Pretoria
(T) +27 12 432 1300
(F) +27 12 432 1404



Enquiries received will be responded to within two (2) working days of receiving the enquiry and the cut-off date for enquiries is **3 December 2021**.

THE NLC IS NOT OBLIGED TO ACCEPT THE LOWEST OR ANY BID AND RESERVES THE RIGHT TO ACCEPT ANY BID IN WHOLE OR PART

ANNEXURE 2: BID SUBMISSION CHECKLIST

APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE A COMPREHENSIVE EMPLOYEE WELLNESS PROGRAMME FOR THE NATIONAL LOTTERIES COMMISSION

Name of the bidder B-BBEE Level Representative name & surname..... Email address Contact numbers.....			
Item	Description	Yes	No
1.	Mandatory Requirements:		
1.1	B-BBEE Level 1 - 3		
1.2	Proof of registration by the bidder with Health professionals Council of South Africa (HPCSA).		
	Registered with the central supplier database (CSD). Please submit the current summarised CSD Report which reflect tax clearance compliance status and valid tax clearance certificate with SARS Pin		
	In the event of the bidder being in a JV, a signed JV agreement must be submitted (where applicable).		
1.3	Standard bidding documents Forms Please indicate below if whether the Standard Bidding Document (SBD) Forms are duly completed and signed by the relevant person:		
	SBD 4		
1.3.1	SBD 4		
1.3.2	SBD 6.1		
1.3.3	SBD 8		
1.3.4	SBD 9		

2.	Non - Mandatory Requirements		
2.1	Provide three (3) written reference letters from contactable existing/ recent clients (public / private sector) within the past 3 years of similar employee wellness programme successfully completed.		
2.2	Have you completed the pricing schedule on 'Annexure 1'?		
3.	Submission of Bid Proposals:		
3.1	Mandatory Bid Compliance Documents, Standard Bidding Documents (SBD) Forms, Technical and Financial Proposals must be submitted in one (1) electronic (USB/Disc) submission.		
3.2	Bidders are requested that folders in the electronic submission be separated as follows:		
3.2.1	Folder 1: Mandatory Bid Compliance Documents and SBD Forms. Please refer to page 7 of the terms of reference.		
3.2.2	Folder 2: Technical Proposal		
3.2.3	Folder 3: Financial (Price) Proposal		
4.	Bid Document Responsiveness:		
	Do you adhere to the bid documents and terms of reference?		

ANNEXURE 1: PRICING SCHEDULE

APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE A COMPREHENSIVE EMPLOYEE WELLNESS PROGRAMME FOR THE NATIONAL LOTTERIES COMMISSION

Name of bidder.....

Please provide prices (VAT Inclusive) for the Employee Wellness Programme (EWP) as per the requirements listed in the table below. For comparative purposes, prices must be quoted on **the total number of 300 staff** for the following services:

TABLE 1: MONTHLY RETAINER FEE FOR EWP

Description	Year 1 (A)		Year 2 (B)		Year 3 (C)	
	Monthly	Annual 12 Months	Monthly	Annual 12 Months	Monthly	Annual 12 Months
A comprehensive EWP for 300 staff members across nine (9) provincial offices and their immediate family members as follows:						

1. Needs analysis and risk identification.						
2. 24-hour telephonic/electronic and online service (during and after hours, 24/7/365) or face to face counselling to NLC employees.						
3. Communicable disease testing and counselling i.e. COVID 19.						
4. Social, psychological, and psychiatric counselling services.						
5. HIV and AIDS counselling services.						
6. Trauma counselling.						
7. Critical Incident and Trauma Management (including debriefing services).						
8. Provision of referrals for independent medical assessments.						

9. Functional Capacity evaluation and opinion as and when required.						
10. Reporting and in-depth analysis.						
11. Provision of life skills, awareness and education programmes to promote holistic wellness as per the organizational wellness calendar (i.e. financial education).						
12. Training for managers on use of wellness programme.						
13. Retirement readiness programme.						
14. Executive management wellness.						
15. Team effectiveness programmes.						
16. Financial advice services.						
17. Legal services.						
18. Workplace resilience programme.						

19. Workplace re-integration programme.						
20. Counselling services must be available in South African official languages and a counsellor of preferred gender.						
21. Provide comprehensive reports with interpretation of trends, problem profiles and possible interventions that do not compromise confidentiality.						
TOTAL ANNUAL AMOUNT (VAT INCLUSIVE)						
TOTAL AMOUNT FOR THREE (3) YEARS (VAT INCLUSIVE): A + B + C						

TABLE 2: OTHER EWP SERVICES

Description	Prices (E)	Prices (F)	Prices (G)
	Year 1 VAT Inclusive	Year 2 VAT Inclusive	Year 3 VAT Inclusive
1. Programme design and strategy development.			
2. Project set-up and planning.			
3. Provide one staff wellness event every year at each NLC office (9 Offices). Provide a management fee (VAT Inclusive) for the annual staff wellness event.			
TOTAL ANNUAL AMOUNT			
TOTAL AMOUNT (VAT INCLUSIVE) FOR THREE (3) YEARS (E + F + G)			

TABLE 3: TOTAL BID AMOUNT

DESCRIPTION	TOTAL AMOUNT
1. Total amount for the EWP Retainer Fee for the three (3) year period. <i>Please refer to the total amount of Table 1.</i>	
2. Total amount for other EWP Services. <i>Please refer to the total amount of Table 2.</i>	
TOTAL BID AMOUNT (VAT INCLUSIVE)	

.....

Name & Surname of Representative

.....

Signature

.....

Date



PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)							
BID NUMBER:	NLC/2021 - 12	CLOSING DATE:	13 DECEMBER 2021	CLOSING TIME:	11H00		
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE A COMPREHENSIVE EMPLOYEE WELLNESS PROGRAMME FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF THREE (3) YEARS						
ELECTRONIC BID (USB/CD) RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
NATIONAL LOTTERIES COMMISSION (NLC), BLOCK D, HATFIELD GARDENS, 333 GROSVENOR STREET, HATFIELD, PRETORIA							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	NJABULO MAVUMA			CONTACT PERSON	NJABULO MAVUMA		
TELEPHONE NUMBER	012 432 1300 /1309			TELEPHONE NUMBER	012 432 1300 /1309		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	bids@nlcsa.org.za			E-MAIL ADDRESS	bids@nlcsa.org.za		
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE No:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]							
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]			ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS							
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?						<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?						<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?						<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?						<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?						<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.							

PART B TERMS AND CONDITIONS FOR BIDDING

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

DATE:

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:
 - 2.3 Position occupied in the Company (director, trustee, shareholder²):
 - 2.4 Company Registration Number:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.



²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person connected to the bidder is employed :
Position occupied in the state institution:

Any other particulars:
.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have **YES / NO**

[illegible]



4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION
PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 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

- a) The value of this bid is estimated to ~~exceed/not exceed~~ R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“price”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4. POINTS AWARDED FOR PRICE

4.1 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

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

4.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME-GENERATING PROCUREMENT

4.3 POINTS AWARDED FOR PRICE

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

80/20	or	90/10
--------------	-----------	--------------

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{max} = Price of highest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

5.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

7.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted?
(**Tick applicable box**)

YES		NO	
-----	--	----	--

8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE
(***Tick applicable box***)
- | | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|
- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer

- ☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.
 [TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business:.....

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

SBD 9

6. 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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.

³ 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.

SBD 9

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js914w 2



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