



NATIONAL LOTTERIES COMMISSION

REQUEST FOR PROPOSALS FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A TECHNICAL ANALYSIS AND/OR INVESTIGATION ON THREE (3) WEBSITES OFFERING INTERNATIONAL LOTTERIES (FOR A PERIOD OF three (3) MONTHS

BID PROCESS	BID REQUIREMENTS	
Bid Number	RFP 2022 -045	
Bid Advertisement Date	15 September 2022	
Closing Date and Time	23 September 2022	
Tender Validity Period	90 Days	
Briefing session	20 September 2022 @ 11:00 via virtual (Bidders will receive link an hour before starting time)	
Tenders are to be submitted to the following address on the stipulated closing date and time:	The original bid document must be submitted via USB ; and delivered to: Block D, Hatfield Gardens 333 Grosvenor Street. Pretoria. Supply Chain Management National Lotteries Commission	

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SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION

The National Lotteries Commission (The Commission) is a public entity established by Lotteries Act 57 of 1997, as amended to regulate the South African lotteries and sports pool. The functions of the Commission can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.

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

2. BACKGROUND

Ithuba Holdings (RF) Pty Ltd (“Ithuba”) is the current Operator licenced to conduct the National Lottery in South Africa. A prescribed percentage of revenue raised by Ithuba is distributed to good causes. More importantly in terms of the Lotteries Act, South Africans are prohibited from participating in international lotteries. Notwithstanding that we have seen a proliferation of “DOT COM” websites offering participants in various jurisdictions including South Africa to participate in international lotteries in contravention of the Act. It is therefore imperative that as a regulator, we determine the extent of participation to guide the development of an informed enforcement strategy to limit participation and access by South Africans.

It is on this basis that we seek a service provider to assist with a technical analysis and/or investigation of three (3) identified websites offering online international lotteries and advise on the appropriate technical enforcement strategy to restrict and/or prohibit access to these websites.

3. PURPOSE OF THE TERMS OF REFERENCE

The purpose of the terms of reference (TOR) is to appoint a suitably qualified and experienced service provider to provide technical analysis of the three (3) identified websites offering international lotteries and advise on the appropriate technical enforcement strategy for a period of three (3) months.



4. OBJECTIVES

The objective of this TOR is to appoint a suitably qualified and experienced service provider to provide technical analysis of the three (3) identified websites offering international lotteries and advise on the appropriate technical enforcement strategy for a period of three (3) months.

5. SCOPE OF WORK AND DELIVERABLES

5.1. The scope of work entails the following duties:

- Analysis and/or investigation of the website to determine the domain name registrant and the registrar of identified websites;
- Determine the location of the systems for the identified websites;
- Determine the *modus operandi* and extent of traffic/ participation by South African;
- Determine the feasibility to eliminate participation/access and advise on various technical options to devise appropriate enforcement strategies to eliminate access;
- Conduct a review of international jurisdiction on how similar phenomena is addressed;
- Advise on the pros and cons of the proposed technical strategies to eliminate access;
- Explore the views of stakeholders in the gambling industry;

6. DELIVERABLES

Deliverable for this service is to provide a detailed technical analysis report of the three (3) identified websites that should include the following:

- A detailed technical analysis of the three (3), inclusive of pros and cons of regulating websites offering international lotteries;
- Technical regulatory/ prohibition options to inform enforcement strategy; and
- International experience and views of stakeholders; and
- Proposed enforcement strategies to properly regulate websites offering international lotteries.

7. REPORTING REQUIREMENTS

The service provider will report to the Senior Manager Regulatory Compliance & Enforcement.



8. DURATION OF THE PROJECT

The expected duration of the contract is three (3) months after the signing of the service level agreement (SLA)



SECTION 2: NOTICE TO BIDDERS

1. Terms and conditions of the bid

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

2. General rules and instructions

- 2.1 News and press releases
 - 2.1.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, the NLC.
- 2.2 Precedence of documents
 - 2.2.1 This RFP consists of several sections. Where there is a contradiction in terms between the clauses, phrases, words, stipulations, or terms and herein referred to generally as stipulations in this RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this bid shall take precedence.
 - 2.2.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter, and which appearing the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the 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.
 - 2.2.3 It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this bid. It, however, remains the exclusive domain and election of the NLC as to



which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the NLC in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the Bidder(s). The Bidder(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

2.3 Preferential procurement reform

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

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

2.6 Language

2.6.1 Bids shall be submitted in English.

2.7 Gender

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

2.8 Headings

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

2.9 Occupational Injuries and Diseases Act 13 of 1993

2.9.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 and that the cover shall remain in force for the duration of the adjudication of this RFP and/ or subsequent agreement. the NLC 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 NLC.

2.10 Processing of the Bidder's Personal Information

2.10.1 All Personal Information of the Bidder, its employees, representatives, associates and sub-contractors ("Bidder Personal Information") required under this RFP is collected and processed for the purpose of assessing the content of its tender proposal and awarding the bid. The Bidder is advised that Bidder Personal Information may be passed on to third parties to whom the NLC is compelled by law to provide such information. For example, where appropriate, the NLC is compelled to submit information to National Treasury's Database of Restricted Suppliers.

2.10.2 All Personal Information collected will be processed in accordance with POPIA and with the NLC



Data Privacy Policy.

2.10.3 The following persons will have access to the Personal Information collected:

2.10.3.1 The NLC personnel participating in procurement/award procedures; and

2.10.3.2 Members of the public: within seven working days from the time the bid is awarded, the following information will have to be made available on National Treasury's e-Tender portal:

2.10.3.2.1 Contract description and bid number;

2.10.3.2.2 Names of the successful bidder(s) and preference points claimed;

2.10.3.2.3 Contract price(s) (if possible);

2.10.3.2.4 Contract period;

2.10.3.2.5 Names of directors; and

2.10.3.2.6 Date of completion/award.

2.10.4 The NLC 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 NLC PAIA manual.

3. Validity Period

3.1 The bid documents submitted will be held and considered valid for a period of 90 days after the closing date.

3.2 Bidders are to note that they may be requested to extend the validity period of their bids, on the same terms and conditions, if the internal evaluation process are not finalized within the validity period.

4. National Treasury's Central Supplier Database

4.1 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.

4.2 The NLC may not award business to a bidder who has failed to register on the CSD.

4.3 Only foreign suppliers with no local registered entity need not register on the CSD.

4.4 The CSD can be accessed at <https://secure.csd.gov.za/>

5. Confidentiality

5.1 Bids submitted for this Request for Proposals will not be revealed to any other bidders and will be



treated as contractually binding.

- 5.2 The NLC reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in Bid Proposals.
- 5.3 The Bidder acknowledges that it will obtain and have access to personal information of The NLC and agrees that it shall only process the information disclosed by the NLC in terms of this bid award and only for the purposes as detailed in this bid and in accordance with any applicable law.
- 5.4 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.

6. Prices

- 6.1 All services' pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand.
- 8.2 Bidders are required to use the pricing schedule available as "*Annexure 1*" for the prices.

7. Communication

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



SECTION 3: 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). The three (3) phase evaluation criteria will be considered in evaluating the proposals, being

Stage 1: Tender Closing and Opening

1.1 Bid closing details

The deadline for Tender submission is **23 September 2022 at 11:00** Standard South African Time. Any late tenders will not be accepted. Tenders are to be submitted to the NLC Tender Box **via USB** at the following physical address:

Supply Chain Management
National Lotteries Commission

Commented [MM1]: I propose that we have briefing session

1.2 Bid Formats

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

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

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

Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email

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

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

- ☐ Receipt of incomplete bid
- ☐ File size (must not exceed 30mb)
- ☐ Delay in transmission or receipt of the bid
- ☐ Failure of the Bidder to properly identify the bid
- ☐ Illegibility of the bid; or
- ☐ Security of the bid data.

Stage 2: Administrative and Mandatory Compliance

1. Administrative Compliance

Bidders are required to submit the required documents for administrative compliance.

The Administrative Compliance Evaluation will include the following:

Evaluation Criteria	Supporting Document
1. Returnable documents (standard bidding documents) and/or schedules were completed, duly signed by the authorized person (SBD 1, SBD 4, and Pricing Schedule)	Bid Proposal, Standard Bidding Document (SBDs) Forms
2. Signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (Consent Forms Attached to the Bid as part of the SBDs).	Signed POPIA Consent Form
3. Submission of electronic bid document in a form of universal serial bus (USB) will be accepted. Due to COVID 19, no hand delivery of physical documents will be accepted. Only electronic bid document submitted on/or before the closing date and time will be submitted.	USB
4. Registered with the central supplier database (CSD).	Please submit the current summarized CSD Report which reflect tax clearance compliant status
5. Signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (Consent Forms Attached to the Bid as part of the SBDs).	Signed POPIA Consent Form
6. Sworn Affidavit / BEE Certificate	EME/QSE

Stage 4: Technical evaluation

RATING SCALE THAT BEC MEMBERS MAY USE ARE AS FOLLOWS:

Rating	Definition	Score
<u>Excellent</u>	<u>Exceeds</u> the requirement. Exceptional demonstration by the supplier 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.	<u>5</u>
<u>Good</u>	<u>Satisfies</u> the requirement with <u>minor additional benefits</u> . Above average demonstration by the supplier 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.	<u>4</u>
<u>Acceptable</u>	<u>Satisfies</u> the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	<u>3</u>
<u>Minor Reservations</u>	<u>Satisfies</u> the requirement with <u>minor reservations</u> . Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	<u>2</u>
<u>Serious Reservations</u>	<u>Satisfies</u> the requirement with <u>major reservations</u> . Considerable 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.	<u>1</u>
<u>Unacceptable</u>	<u>Does not meet the requirement</u> . Does not comply and/or insufficient information provided to demonstrate that the supplier has the ability, understanding, experience, skills, resource & quality measures required to provide the goods / services, with little or no supporting evidence.	<u>0</u>

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

Category & Criteria description	Weightings (%)	Scoring Matrix(0 to 5)
1. Company Experience	10%	



<p>Experience in information Communication Technology("ICT")</p> <p>OR</p> <p>Experience in IT/digital forensics and cybercrime investigation</p> <p>The bidder must submit a company profile with a list of previous work done.</p>	<ul style="list-style-type: none"> - 0 (zero) experience = 0 - 1 year experience in ICT/IT/digital forensics and cybercrime investigation = 1 - 2-3 years' experience in ICT/ IT/digital forensics and cybercrime investigation = 2 - 4-5 years' experience in ICT/digital forensics and cybercrime investigation = 3 - 5-8 years' experience in ICT/digital forensics and cybercrime investigation = 4 - 8-10 and above in ICT/digital forensics and cyber crime investigation = 5
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<p>2 Technical experience:</p> <p>In website and cybercrime investigation</p> <p>The bidder must provide details of work of a similar nature (website/cybercrime analysis/ investigation) undertaken by the bidder previous years. Specific details must be given to indicate the extent to which these previous experiences relate to the work described in the TOR.</p>	<p>20%</p>	<ul style="list-style-type: none"> - relevant company experience in website/cybercrime analysis/ investigation: no work done= 0 - any website/cybercrime analysis/ investigation related work related = 1 - One (1) website/cyber crime technical analysis or investigation = 2 - Two (2) website/cybercrime technical analysis or investigation = 3 - Three (3) website/cybercrime technical analysis or investigation = 4 - 4 and more website/cybercrime technical analysis or investigation = 5
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2.1 Reference Letters Provide written reference letters from contactable clients where similar services were rendered in the last 5 years. No appointment letters from clients will be accepted.	20%	No reference letter - 0 One (1) reference letter - 2 Two (2) reference letter – 3 Three (3) reference letter - 4 4 or more letters - 5
i. Individual member and/or project leader experience The bidder must demonstrate that they have the capacity to render the required service by submit the CV/profile of core staff outlining individual previous work done and experience	10%	0 (zero) experience = 0 - 1 year experience in ICT/IT/digital forensics and cybercrime investigation = 1 - 2-3 years' experience in ICT/ IT/digital forensics and cybercrime investigation = 2 - 4-5 years' experience in ICT/digital forensics and cybercrime investigation = 3 - 5-8 years' experience in ICT/digital forensics and cybercrime investigation = 4 - 8-10 and above in ICT/digital forensics

Commented [MM2]: It seems the company experience and team members criteria is the same, be specific.

		and cybercrime investigation = 5 -
Project plan and methodology		
<ul style="list-style-type: none"> - Clear response plan on how the project scope will be delivered and clear timelines. : Clear response and timelines should display the understanding of the project and all project scope requirements properly addressed. The profile of the team to work on this project should be included 	40%	<ul style="list-style-type: none"> - No project plan and methodology presented = 0 - The bidder provides poor methodology and poor project plan including all of the project scope factors = 1 - The bidder provides average methodology and average project plan including 2-3 of the project scope factors = 2 - The bidder provides fair methodology and fair project plan including 4-5 of the project scope factors = 3 - The bidder provides good methodology and good project plan including 6 of the project scope factors = 4 - The bidder provides excellent methodology and excellent project plan including all(7) of the project scope factors = 5



Total Weighting	100	
Minimum qualifying score required:	70	

Bidders who score a minimum of 70 point on functionality will be evaluated further for price.

8. Contract and Award

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



SECTION 4: INVITATION TO BID (SBD 1)

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF A SERVICE PROVIDER TO CONDUCT A TECHNICAL ANALYSIS AND/OR INVESTIGATION ON THREE (3) WEBSITES OFFERING INTERNATIONAL LOTTERIES (FOR A PERIOD OF THREE (3) MONTHS)					
BID NUMBER:	RFQ 2022- 045	ISSUE DATE:	515SEPT EMBER 2022	CLOSING DATE:	23 SEPTMBER 2022
				CLOSING TIME:	11:00
DESCRIPTI ON	THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A TECHNICAL ANALYSIS AND/OR INVESTIGATION ON THREE (3) WEBSITES OFFERING INTERNATIONAL LOTTERIES (FOR A PERIOD OF three (3) MONTHS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Lucky Lesufi		CONTACT PERSON	Adv. Lindhorst	
TELEPHONE NUMBER	012 432 1309		TELEPHONE NUMBER	012 432 1335	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	lucky@nlcsa.org.za		E-MAIL ADDRESS	Makhosazana@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 SUPPLIE R DATABA SE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA



B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]	B-BBEE STATUS LEVELSWORN AFFIDAVIT	[TICK APPLICABLEBOX]
<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Yes <input type="checkbox"/> No <input type="checkbox"/>

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

1 ARE YOU THE ACCREDITED REPRESENTATI VE IN SOUTH AFRICA FOR THEGOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	2 ARE YOU A FOREIGNBASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

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

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

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

**PART B
TERMS AND CONDITIONS FOR BIDDING**



1. TAX COMPLIANCE REQUIREMENTS

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

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

SIGNATURE OF BIDDER:

.....

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

.....

resolution)

DATE: _____



SECTION 6: BIDDER'S DISCLOSURE (SBD 4)

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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

2.1.3 If so, furnish particulars:



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

- 2.2.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.5 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, 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

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



SECTION 6: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (SBD 6.1)

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 not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- 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) **“prices”** 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. POINTS AWARDED FOR PRICE

3.1 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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{\min} = Price of lowest acceptable bid

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

- 4.1 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



5. BID DECLARATION

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

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

6.1 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.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 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		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....



8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

8.8 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-BBEE 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
.....
.....

SECTION 7: SCM CONSENT REQUEST FORM



SCM:

CONSENT REQUEST FORM

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

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B, you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.
2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 2.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 2.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.



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

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

Signature of Designation person

PART B

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

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

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

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