

INVITATION TO BID

Bid Number	Description of Bid	Closing Date & Time	Enquiry Details
RFP/2022-065	REQUEST FOR BID PROPOSALS FOR THE APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO PROVIDE A LEGAL OPINION THAT WILL ADVISE THE BOARD OF THE NLC ON REQUEST BY NATIONAL TREASURY FOR NLC TO TRANSFER A PORTION OF RETAINED SURPLUS / MONEY INVESTED IN TERMS OF SECTION 25 OF THE NATIONAL LOTTERIES ACT, 1997 AS AMENDED.	26 October 2022 @ 11h00 AM	All enquiries should be in writing and may be directed to bids@nlcsa.org.za attention Mr. Njabulo Mavuma. Tel: (012) 432 1302.

Bid documents can be downloaded on the NLC website <https://www.nlcsa.org.za/tenders/>



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

NATIONAL LOTTERIES COMMISSION

Registration number

RFP FOR LEGAL SERVICES DIVISION

REQUEST FOR BID PROPOSALS FOR THE APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO PROVIDE A LEGAL OPINION THAT WILL ADVISE THE BOARD OF THE NLC ON REQUEST BY NATIONAL TREASURY FOR NLC TO TRANSFER A PORTION OF RETAINED SURPLUS / MONEY INVESTED IN TERMS OF SECTION 25 OF THE NATIONAL LOTTERIES ACT, 1997 AS AMENDED

BID PROCESS	BID REQUIREMENTS
Tender number	RFP/2022 – 065
Bid Advertisement Date	21 October 2022
Closing date and time	26 October 2022 at 11:00 (South African Standard Time)
Tender validity period	90 business working days <i>from the closing date</i>
Compulsory Briefing meeting	There will be no briefing session
Tenders are to be delivered to the following address on the stipulated closing date and time:	<p>The original bid document must be submitted via a USB and handed in / delivered to:</p> <p>The Procurement Manager Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria 0083</p> <p>Tender enquiries can also be emailed to: Bids@nlcsa.org.za</p> <p>Only USB bid submissions will be accepted.</p>

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**RFP FOR LEGAL SERVICES DIVISION
REQUEST FOR BID PROPOSALS FOR THE APPOINTMENT A LEGAL
PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO PROVIDE A LEGAL
OPINION THAT WILL ADVISE THE BOARD OF THE NLC ON REQUEST BY
NATIONAL TREASURY FOR NLC TO TRANSFER A PORTION OF RETAINED
SURPLUS / MONEY INVESTED IN TERMS OF SECTION 25 OF THE NATIONAL
LOTTERIES ACT, 1997 AS AMENDED**

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. Introduction

The National Lotteries Commission (“the NLC”) is a public entity established in terms of Lotteries Act 57 of 1997, as amended to regulate the South African lotteries industry. The functions of the NLC 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

The Legal and Investigation Services Division’s primary mandate is to ensure that the National Lotteries Commission (NLC) holistically fulfils its legislative mandate outlined in the Lotteries Act, 1997 (Act No. 57 of 1997), as amended and the concomitant Regulations issued in terms thereof. In so doing, the Division must ensure that NLC as a public entity listed under Schedule 3A of the Public Finance Management Act, 1999 (Act No. 1 of 1999), complies with the Constitution of the Republic of South Africa, 1996 which is the supreme law of the country, all other pertinent legislation, regulatory frameworks, and policy prescripts applicable thereto and governing the public sector. To that end, the Division’s direct mandate in relation to the NLC include, but shall not be limited to, rendering the following effectively and/or efficiently:

- a) provision of legal and advisory support across the NLC.
- b) litigation management and debt recovery.
- c) contract management.
- d) contribution to the legislation, regulations, policy, and process reviews.
- e) provision of effective investigations services.
- f) management, coordination, and provision of statutory information requests (in terms of the Constitution, (Promotion of Access to Information Act, 2000 (PAIA); Promotion of Administrative Justice Act 3 of 2000 (PAJA); Protected Disclosures Act 6 of 2000 (PDA).
- g) implementation of education and awareness campaigns.

2. Purpose of the terms of reference

The purpose of this request for proposal (RFP) is to appoint suitable, qualified, and experienced service providers to provide a comprehensive legal opinion that will advise the Board of the NLC on whether or not the Board is obliged to transfer or surrender to National Treasury any surplus funds or money invested in term of section 25 of the National Lotteries Act, 1997, as amended.

RFP Scope of Requirements

The scope of this work is to provide a comprehensive legal opinion that will advise the Board of the NLC on whether or not the Board is obliged to transfer or surrender to National Treasury any surplus funds or money invested in term of section 25 of the National Lotteries Act, 1997, as amended.

3. Deliverables

The service providers will be required to deliver a comprehensive legal opinion that will advise the Board of the NLC on whether or not the Board is obliged to transfer or surrender to National Treasury any surplus funds or money invested in term of section 25 of the National Lotteries Act, 1997, as amended.

4. Reporting Requirements

The service providers will report to the Executive Legal Manager

5. Duration of the Project

The expected deadline is 26 October 2022

RFP FOR LEGAL SERVICES DIVISION**REQUEST FOR BID PROPOSALS FOR THE APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO PROVIDE A LEGAL OPINION THAT WILL ADVISE THE BOARD OF THE NLC ON REQUEST BY NATIONAL TREASURY FOR NLC TO TRANSFER A PORTION OF RETAINED SURPLUS / MONEY INVESTED IN TERMS OF SECTION 25 OF THE NATIONAL LOTTERIES ACT, 1997 AS AMENDED****SECTION 2: NOTICE TO BIDDERS****1. Terms and conditions of Request for Proposals (RFP)**

- 1.1 This document may contain confidential information that is the property of the 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 This RFP will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2017.
- 1.7 Suppliers are required to register on the Central Supplier Database at www.csd.gov.za.
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Summary report) and ensure that their tax matters are compliant.
- 1.9 All questions regarding this RFP must be forwarded to bids@nlcsa.org.za, no later than within 24 hours of the RFP closing date.
- 1.10 Any supplier who has reasons to believe that the RFP specification is based on a specific brand must inform the 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 a number of sections. Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.
 - 2.2.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter, and which appear in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the 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 RFP. 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

2.3.1 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.

2.3.2 The NLC shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) to this proposal read together with the Preferential No. 5 of 2000) to this proposal read together with the Preferential Procurement Regulations published in Government Notice No.32 in Government Gazette No. 40553 dated 20 January 2017("the Preferential Procurement Regulations, 2017").

2.4 National Industrial Participation Programme

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

2.5 Language

2.5.1 Bids shall be submitted in English.

2.6 Gender

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

2.7 Headings

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

2.8 Occupational Injuries and Diseases Act 13 of 1993

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

2.9 Processing of the Bidder's Personal Information

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

Procurement Regulations, 2017. 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.

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

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

2.9.3.1 The commission personnel participating in procurement/award procedures; and

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

2.9.3.2.1 contract description and bid number;

2.9.3.2.2 names of the successful bidder(s) and preference points claimed;

2.9.3.2.3 the contract price(s) (if possible);

2.9.3.2.4 contract period;

2.9.3.2.5 names of directors; and

2.9.3.2.6 date of completion/award.

2.9.4 The 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.

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

3. Formal Briefing Session

3.1 There will be no briefing session for this RFP.

4. Validity Period

4.1 The NLC requires a validity period of one ninety [90] Business Days [from closing date] against this RFP.

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

5. National Treasury's Central Supplier Database

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

6. Confidentiality

- 6.1 Bids submitted for this Request for Proposals will not be revealed to any other bidders and will be treated as contractually binding;
- 6.2 The NLC reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in Bid Proposals.
- 6.3 The Bidder acknowledges that it will obtain and have access to personal information of The NLC and agrees that it shall only process the information disclosed by the NLC in terms of this bid award and only for the purposes as detailed in this RFP and in accordance with any applicable law.
- 6.4 The Bidder shall notify the NLC in writing of any unauthorised access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such

7. Communication

- 7.1 Specific queries relating to this RFP 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 Commission in respect of this RFP 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.

RFP FOR LEGAL SERVICES DIVISION

REQUEST FOR BID PROPOSALS FOR THE APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO PROVIDE A LEGAL OPINION THAT WILL ADVISE THE BOARD OF THE NLC ON REQUEST BY NATIONAL TREASURY FOR NLC TO TRANSFER A PORTION OF RETAINED SURPLUS / MONEY INVESTED IN TERMS OF SECTION 25 OF THE NATIONAL LOTTERIES ACT, 1997 AS AMENDED

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 five (5) phase evaluation criteria will be considered in evaluating the proposals as follows:

Stage 1: Tender Closing and Opening

1.1 Tender closing details

The deadline for Tender submission is **26 October 2022 at 11:00AM** Standard South African Time. Any late tenders will not be accepted. Tenders are to be submitted to the commissions tender box at the following physical address:

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

Tender enquiries can be emailed to: Bids@nlcsa.org.za

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 USB 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 submit USBs 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 USB on time.

Tender submission USBs 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 USB submission or receipt of the USB 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

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

Evaluation Criteria	Supporting Document
<ul style="list-style-type: none"> In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable). 	JV Agreement.
<ul style="list-style-type: none"> Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time. 	Bid Proposal.
<ul style="list-style-type: none"> Proof of company registration with CIPC. 	CK Documents.
<ul style="list-style-type: none"> Whether the Bid contains a priced offer. 	Pricing and delivery schedule.
<ul style="list-style-type: none"> Standard Bidding Documents. 	SBD1, SBD4, SBD6.1.
<ul style="list-style-type: none"> Latest updated CSD registration report. 	Proof of Central Supplier Database (CSD) registration.
<ul style="list-style-type: none"> Original signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA). 	Signed SCM Consent form.

<ul style="list-style-type: none">• Submission of a valid Fidelity fund certificate.	Fidelity Fund Certificate.
<ul style="list-style-type: none">• Submission of a letter of good standing with the Legal Practice Council.	Letter of Good Standing.

Stage 3: Technical evaluation

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

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

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

Category	Criteria Description	Weightings (%)	Scoring matrix (0 to 5)
Company Experience Specific details must be given to indicate the extent	Provide a company profile clearly demonstrating the years of experience in providing legal services as it relates to the fiscal regulatory frameworks, public financial management frameworks, tax revenue	20%	<ul style="list-style-type: none"> 10 years or more – 5 points 7 – 9 years – 4 points

to which these previous experiences relate to the work described in the RFP, addressing specific legal services outlined above.	<p>practices, Constitutional and administrative law you are responding to.</p> <p>The bidder is required to list the nature of work undertaken and specific details must be given to indicate the extent to which these previous experiences relate to the work described in the RFP.</p>		<ul style="list-style-type: none"> • 4 – 6 years – 3 points • 3 years – 2 points • Up to 2 years – 1 point • Less than 2 years – 0 points
Contactable References	<p>Provide written reference letters from contactable existing/recent clients where similar service as per the RFP were successfully rendered. References should align to the fiscal regulatory frameworks, public financial management frameworks, tax revenue practices, Constitutional and administrative law you are responding to.</p> <p>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 five (5) years. The reference letters must be on the client's letterhead and must be dated and signed.</p> <p>No appointment letters from clients will be accepted.</p> <p>NB: In instances where the service was provided to one organisation under different fiscal regulatory frameworks, public financial management frameworks, tax revenue practices, Constitutional and administrative law the experience relates to.</p> <p>Otherwise, multiple reference letters from the same organisation shall be counted as one.</p>	20%	<ul style="list-style-type: none"> • 5 and more reference letters - 5 points • 4 reference letters - 4 points • reference letters - 3 points • reference letters - 2 points • 1 reference letter - 1 point • No reference letters – 0 points
Key Personnel Experience/Capabilities	<p>Provide key personnel's proof of expertise as it relates to the fiscal regulatory frameworks, public financial management frameworks, tax revenue practices, Constitutional and administrative law you are responding to.</p> <p>Abbreviated Curriculum Vitae (CV's) of key personnel to be involved on the provision of required services not</p>	20%	<p>Experience of the Team/Project Leader:</p> <ul style="list-style-type: none"> • More than 10 years – 5 points • Between 6 to 10 years – 4 points

	<p>longer than one page each, shall be included in your proposal.</p> <p>NB: Key personnel should be indicated in the proposal</p>		<ul style="list-style-type: none"> Between 4 to 6 years – 3 points Between 1 - 4 years – 2 points Up to 1 year – 1 point Less than 1 year – 0 points
Project Management & Methodology	<p>The bidder must provide a project implementation plan which details how the service will be carried out. The project plan must have deliverables and time frames and reporting. The methodology and plan must detail services to be provided as it relates to the fiscal regulatory frameworks, public financial management frameworks, tax revenue practices, Constitutional and administrative law you are responding to.</p> <p>Consider the responsiveness to the TOR, the level of detail in the proposal, attention to project management and innovative approaches and ideas. Respondent's responsiveness to and understanding of the assignment (methodology and proposed work plan).</p> <p>The bidder will be required to deliver a comprehensive legal opinion that will advise the Board of the NLC on whether or not the Board is obliged to transfer or surrender to National Treasury any surplus funds or money invested in term of section 25 of the National Lotteries Act, 1997, as amended.</p>	40%	<ul style="list-style-type: none"> No plan provided = 0 points The bidder provides with the project plan including 1 factor = 1 point The bidder provides with the project plan including 2 – 3 factors = 2 points The bidder provides with the project plan including 3 factors = 3 points The bidder provides with the project plan addressing 4 factors = 4 points The bidder provides with the project plan including 5 factors = 5 points
Total Weighting:		100	
Minimum qualifying score required:		80	

Stage 4: Due Diligence

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

Stage 5: Contract and Award

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

INVITATION TO BID

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF							
RFQ NUMBER:	RFP/2022-065	ISSUE DATE:	21/10//2022	CLOSING DATE:	26/10/2022	CLOSING TIME:	11h00AM
DESCRIPTI ON	APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO PROVIDE A LEGAL OPINION THAT WILL ADVISE THE BOARD OF THE NLC						
RFP RESPONSES DOCUMENTS MUST BE SUBMITTED TO: <i>Block D, Hatfield Gardens, 333 Grosvenor Street, Hatfield, Pretoria, 0083.</i>							
BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Njabulo Mavuma			CONTACT PERSON			
TELEPHONE NUMBER	012 432 1302			TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	Bids@nlcsa.org.za			E-MAIL ADDRESS			
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE				NUMBER		
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE				NUMBER		
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIAN CE SYSTEMPIN:		OR		CENTRAL SUPPLIER DATABA SE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA	

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] Yes <input type="checkbox"/> No <input type="checkbox"/>	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] 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 REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES ENCLOSE PROOF]	2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES, ANSWER QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
<p>IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>DOES THE ENTITY HAVE A BRANCH IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/></p> <p>DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>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.</p>			

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

DECLARATION OF INTEREST SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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

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

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

.....

Signature

.....

Date

Position

.....

Name of bidder

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

2 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.

PREFERENCE POINTS CLAIM FORM (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).

1.2.1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore thepreference 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) **“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:

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

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 of 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 last 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

One person corporation
Company
[TICK

☐ Partnership/Joint Venture / Consortium
☐ business/sole propriety Close
☐ (Pty) Limited
☐ 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-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

.....



CONSENT REQUEST FORM

SCM:

CONSENT REQUEST FORM

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

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B, you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.
2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

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

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

Signature of Designation person

PART B

I, _____ (full names), duly authorized, hereby: Consent to the processing of my/our personal information for the application of procurement of goods and services, in line with the NLC supply

chain management policy, in terms of section 11(1)(a) of POPIA.

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

☐ Product Information

☐ Product Updates

☐ Industry Newsletters

☐ Price Changes

Method of Communication will be via: Email/Postal

☐ Give my consent.

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

☐

Full Name: Date:

WITHDRAWAL OF CONSENT ONCE GIVEN

You may withdraw your consent at any time.

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

ANNEXURE A

PRICING SCHEDULE

APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO PROVIDE A LEGAL OPINION TO ADVISE THE BOARD OF THE NLC ON REQUEST BY NATIONAL TREASURY FOR NLC TO TRANSFER A PORTION OF RETAINED SURPLUS / MONEY INVESTED IN TERMS OF SECTION 25 OF THE NATIONAL LOTTERIES ACT, 1997 AS AMENDED

RFP/2022 – 065

Name of bidder.....

1. Please provide prices (VAT Inclusive) for the appointment of legal practitioner / firm of legal practitioners to provide a legal opinion for the National Lotteries Commission (NLC). For comparative purposes, bidders are requested to quote on an hourly rate for each team member (attorney) proposed for the legal opinion required. The number of resources is limited to two (2) team members for this service and comparison purposes.
2. Please provide with the following in response to the request for legal opinion
 - 2.1 Hourly rate (VAT inclusive) aligned to the Department of Public Service Commission (DPSA) 1 July 2020 Rates (Model A Short-Term, Option A 1 All Overheads, A1.1 Mark Up) or relevant Council Rates using Table 1 below.
 - 2.2 Estimate hours to complete the legal opinion required for NLC.
 - 2.3 Total comparable amount (Vat Include).

ANNEXURE A

TABLE 1

#	Title of Team Member/Resource	Hourly Rate (VAT Inclusive)	Estimated Hours to complete the legal task	Total Amount (Vat Inclusive)
1.	Lead Attorney / Director			
2.	Junior / Middle Attorney			
3.	Disbursements			
Total Amount				

.....

Name of representative

.....

Signature

.....

Date