



TERMS OF REFERENCE REVIEW OF THE NLC LEGAL SERVICES OPERATING MODEL FOR A PERIOD OF 3 MONTHS

NLC/202-13

CLOSING DATE: 17 DECEMBER 2021

CLOSING TIME: 11H00 (South African Standard Time)



1.	Assignment	The National Lotteries Commission (NLC) requires suitable service provider to review the NLC Legal Services Operating Model for a period of 3 months
2.	Name Of The Responsible Office	Legal Services
3.	Address For Submitting Proposals & Other Correspondence	All submissions must be addressed to Senior Manager: Supply Chain Management, National Lotteries Commission Submission of bids: USB can be delivered or couriered at the below address: 333 Grosvenor Street, Block D Hatfield Gardens Hatfield, Pretoria, 0183
4.	Closing Date & Time For Submission Of Bid Proposals	17 December 2021 @ 11h00
5.	Bid Description	Appointment of a suitable service provider to review the NLC Legal Services Operating Model
6.	Reference Number	NLC/2021 –13

1. BACKGROUND

The National Lotteries Commission (NLC) is a public entity established by Lotteries Act No. 57 of 1997 as amended to regulate the South African lotteries industry. The functions of the Commission can be divided into two categories, namely the regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF.

The Legal Services Division is at its core tasked with providing legal support and advisory services to the National Lotteries Commission in executing its functions in terms of its enabling legislation. Effective legal support is key to the functioning of the Commission to ensure compliance to its legislative mandate. The legal support provided by the division can be encapsulated to include *inter alia* the following:

- Policy research and legislative development;
- Litigation and legal risk management;
- Forensic Investigations Support;
- Well research legal opinions and legal advice;
- Contract management; and
- Debt collection.

In line with the requirements of the Public Finance Management Act No. 1 of 1999 (PFMA), as amended and Treasury Regulations, the NLC seek to engage the services of a duly qualified service provider to the current Legal Services operating model.

2. PURPOSE AND OBJECTIVES

The purpose of this TOR is to appoint a suitably qualified service provider to review the current NLC Legal Services operating model, identify any inefficiencies and make recommendations on how to make the division to operate optimally, effectively, and efficiently. The recommendations must increase the value proposition of the division to enable the division to position itself as a proactive partner to the Commission.

3. SCOPE OF WORK

- 3.1 The NLC is looking to engage a service provider to review the NLC's Legal and Investigation's current operating model, identify possible opportunities for legal support for the business and senior executive, advise and recommend on a future-fit optimized operating model.
- 3.2 The service provider must review the current model including benchmarking how the NLC's Legal and Investigations division is performing relative to similarly situated peers and give recommendations on what technologies, operational capabilities, and support platforms the NLC should consider investing in for the next 1 – 3 years.

4. COMPULSORY BRIEFING SESSION

No compulsory information session (bidders are requested to forward their questions or technical queries to bids@nlcsa.org.za and cc penelope@nlcsa.org.za on or before.

5. REPORTING REQUIREMENTS

The successful bidder will report to the Legal Services Division.

6. DURATION OF THE PROJECT

The successful bidder will be appointed for a period of six (6) months.

7. EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Regulation of 2001 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). three (3) phase evaluation criteria will be followed to evaluate proposals as follows:

Phase	Description
1	Compliance with mandatory bid requirements
2	Technical evaluation
3	The 80/20 Principle based on Price

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

Bidders must submit all the requirements mentioned below. The following mandatory requirements must be met to qualify for this bid:

- 7.1.1. Recent Central Supplier Database (CSD) Summarized Report with SARS compliance regarding the Tax Clearance Certificate/Pin.
- 7.1.2. Signed standard bidding documents (SBD Forms). It is required that the bidder provide correct information and declaration (where possible) in the SBD Forms.
- 7.1.3. Service providers must be Level 1 - 4 in terms of the B-BBEE Codes of Good Practice (Certified copy of BEE certificate/ Affidavit stating financial year and month).
- 7.1.4. In the event of the bidder being in a joint venture, joint venture agreement must be

submitted

7.1.5. Original signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (Consent Forms Attached to the Bid Document)

7.1.6. Company Registration certificate (CK)

Any bidder that fails to meet the above mentioned pre-qualifying criteria will be deemed unacceptable.

Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidders' responses in respect of the bid proposal (evaluated on the minimum functional specifications). Prospective bidders who score a minimum of 80% points or more will be considered for the next phase 3 (Price and B-BBEE status level contributor).

Evaluation Criterion	% weight
1. Company Experience and Capacity	30%
1.1 Company experience (Maximum of 15 Points) <p>The bidder is required to provide an institutional profile clearly depicting its size (organogram), and the infrastructure (tools of trade, research tools). The bidder must provide a summary overview in table format of recent previous review work <i>within the scope outlined in the TOR</i>. The bidder must have conducted work relating to the review of a business operating model in the past 5 years.</p> <ul style="list-style-type: none"> Comprehensive proposal with the overview of the scope of work, identifying the main features and benefits of the proposed work = 15 Points An adequate proposal with the overview and identification of the main features and benefits of the proposed work = 10 Points 	

- Generic proposal with the overview and identification of the main features and benefits of the proposed work = 5 Points
- No experience = 0 Point

1.2 Written reference letters (Maximum of 15 Points)

Specific details must be given to indicate the extent to which these previous experiences relate to the work described in the TOR. The letters must not be older than two (2) years.

The bidder must take note of the following:

Please attach no more than three (3) written reference letters for the similar services (i.e., review projects). References should be presented in the form of a written letter on an *official letterhead* from clients where similar services have been provided and *may not be older than two years*. Letters must be dated, include the company name, contact name, address, phone number, duration of contract, value of the contract, a brief description of the services that was provided.

Note that appointment letters or letters of acceptance will not be accepted as reference letters.

- No reference = 0 Points
- One (1) relevant reference letter = 5 Points
- Two (2) relevant reference letters = 10 Points
- Three (3) relevant reference letters = 15 Points

2. Team Members Experience	20%
<p>Abbreviated Curriculum Vitae (CV) of key personnel to be involved in the implementation of project), not longer than <u>one page</u> each, CV should demonstrate experience in the similar work performed.</p> <p>A <u>summary</u> profile of the professionals, their qualifications, technical and professional skills, and a brief write up why they are suitable to undertake the review.</p> <p>2.1 Combined Team Experience (Maximum of 10 Points)</p> <ul style="list-style-type: none"> • More than 10 years' experience in developing operating model and structure =10 points • 6 - 10 years of experience in developing operating model and structure = 7 points • 5 years of experience in developing operating model and structure = 5 points • Less than 5 years of experience developing operating model and structure = 3 points <p>2.2 Team Members Qualifications (Maximum of 10 Points)</p> <ul style="list-style-type: none"> • Postgraduate / Honours and above relevant field = 10 Points • Bachelor's Degree relevant field = 7 Points • National Diploma in relevant field = 5 Points • No proof of qualification or qualification is lower than the National Diploma or irrelevant qualification provided = 0 Point 	

3. Project Plan / Methodology	40%
<p>Bidders must provide a detailed submission on their methodology and execution plan which depicts the responsiveness to the TOR, the level of detail in the proposal, clear attainable milestones, attention to project management and innovative approaches and ideas.</p> <p>3.1 Project Plan (Maximum of 10 Points)</p> <p>The project plan must address the following:</p> <ul style="list-style-type: none"> • Statement of the work; • Resource list; • Define Deliverables; • Work breakdown structure; and • Project schedule. <p>Project implementation plan (project execution) = 10 Points</p> <ul style="list-style-type: none"> • Excellent project implementation plan proposed = 10 • Good project implementation plan proposed = 7 • Fair project implementation plan proposed = 5 • Poor project implementation plan proposed = 0 <p>3.2 Methodology (Maximum of 30 Points)</p> <p>Bidders are required to submit a proposal of no longer than 10 pages (Minimum of 7 pages & Maximum of 10 pages) setting out a recommended approach in development of an operating model and structure.</p>	

<ul style="list-style-type: none"> • A comprehensive methodology describing all the activities in logical sequence with clear time frames = 30 points • A detailed methodology describing some of the activities in logical sequence with clear time frames = 20 points • A generic methodology provided = 10 points • No information provided = 0 point 	
4. Skills and Knowledge Transfer	10%
<p>The Service Provider should develop a detailed plan on how they intend to ensure a transfer of skills and knowledge to employees of the NLC upon inception and completion of the project.</p> <ul style="list-style-type: none"> • A comprehensive and excellent skills and knowledge transfer plan = 10 Points • A detailed skills and knowledge transfer plan = 5 Points • A generic skills and knowledge transfer plan = 3 Points • No information provided = 0 Point 	
TOTAL	100%

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

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

B-BBEE Status Level of Contributor	Number of Points (80/20 system)
1	20
2	18
3	14
4	12

5	8
6	6
7	4
8	2
Non-Compliant contributor	0

8. GENERAL GUIDELINES

8.1 Submission Instruction

The bid must be *submitted on a USB drive to the address specified below: 333 Grosvenor Street Block D, Hatfield Gardens, Hatfield, Pretoria, 0183*

Only USB submission will be accepted in a marked envelope with company name and contact details. Please note that Technical and Financial proposal must be submitted on separate folders in one (1) USB, together with bidding documents and supporting documents should be submitted.

8.2 Take note of the following:

- No costs have been prescribed for the Bidding Document.
- All proposals **must** be costed in South African Rand, inclusive of VAT;
- If the bid does not include all the information required, or is incomplete, this will mean non-compliance and therefore invalidate the bid;
- Any submission received after the deadline will not be considered; and
- The costing must remain valid and open for evaluation for a period of at least hundred and twenty (120) days from the time of submission.

8.3 Late bids

Bids received late shall not be considered. A bid will be considered late if it arrived one second after 11:00 am or any time thereafter. The tender (bid) box shall be closed at exactly

11:00 am and bids arriving late will not be considered under any circumstances. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

8.4 Costs to be borne by bidders.

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

8.5 No legal relationship

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

8.6 Evaluation of offers

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

8.7 Format of your proposal

The proposal should be presented as follows:

Technical proposal format

- Bidders are at liberty to structure their proposals according to any format. The proposals should cover all areas specified in this document. The technical proposals will be evaluated against the criteria detailed below.

Technical approach

- The bidders should adhere to the TOR by elaborating on the services required and demonstrating whether the proposed process meets the requirements. Bidders must, at a minimum, cover the under-mentioned in their technical approach and return as part of their submission:
 - How they propose to carry out the requirements to achieve the outcomes identified in the TOR including any possible problems that might hinder delivery and how they will avoid, or overcome, such problems.
 - The position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and the names of the people who will fill these positions.

8.8 Disclosures

The bidder must disclose:

- If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy/ insolvency.
- If they have been convicted of, or are the subject of any proceedings, relating to:
 - A criminal offence or other offence, involving the activities of a criminal nature in its organisation or found by any regulator or professional body to have committed professional misconduct.
 - Corruption, including the offer or receipt of any inducement of any kind in relation to obtaining any contract with any contracting authority.
 - Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and

other legal obligations.

- If a bidder or related company or any individual discloses details of any previous misconduct or complaint, the NLC will seek an explanation and background details from them. At the sole discretion of the NLC, an assessment as to whether the bidder will be allowed to continue to the next phase of the evaluation phase will then be made.
- Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the bidder is associated in respect of this tender.

8.9 Disclaimer

The NLC reserves the right not to appoint a service provider. The NLC also reserves the right to:

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

8.10 Confidentiality

The NLC is committed to protecting the bidder's privacy and recognises that it needs to comply with statutory requirements in collecting, processing and distributing of personal information. The Constitution of the Republic of South Africa provides that everyone has the right to privacy and the Protection of Personal Information Act 4 of 2013 ("POPI") includes the right to protection against unlawful collection, retention, dissemination and use of personal information. In terms of section 18 of POPI, if personal information is collected, the NLC, as responsible party, must take reasonably practical steps to ensure that the data subject is made aware of the information being collected.

8.11 Disqualification

- Any form of canvassing/lobbying/influence regarding the short listing will result in disqualification.
- Any non-disclosure of any other information pertaining to this bid will result in disqualification.
- Non-compliance with the bid requirements will invalidate the bid; and
- Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

8.12 Prices

- The project implementation costs / written price quotations to be quoted
- separately during the contract with the successful service providers and the 80/20
- preference point system to be applied.

8.13 Payment Terms

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

8.14 Validity

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

8.15 Signatories

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

9. PRESENTATIONS / SITE VISITS

- Shortlisted service providers may be required to do a presentation and / or question and answer session.
- The NLC may also conduct site visit/inspection.

10. CLARIFICATIONS / ENQUIRIES

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

Bid Enquiries

Name and Surname: Penelope Soyingwa

E-mail: penelope@nlcsa.org.za (no submission on this email)

Tel: 012 432 1414

Name and Sisanda Simoyi

E-mail: Sisanda@nlcsa.org.za (no submission on this email)

Tel: 012 432 1329

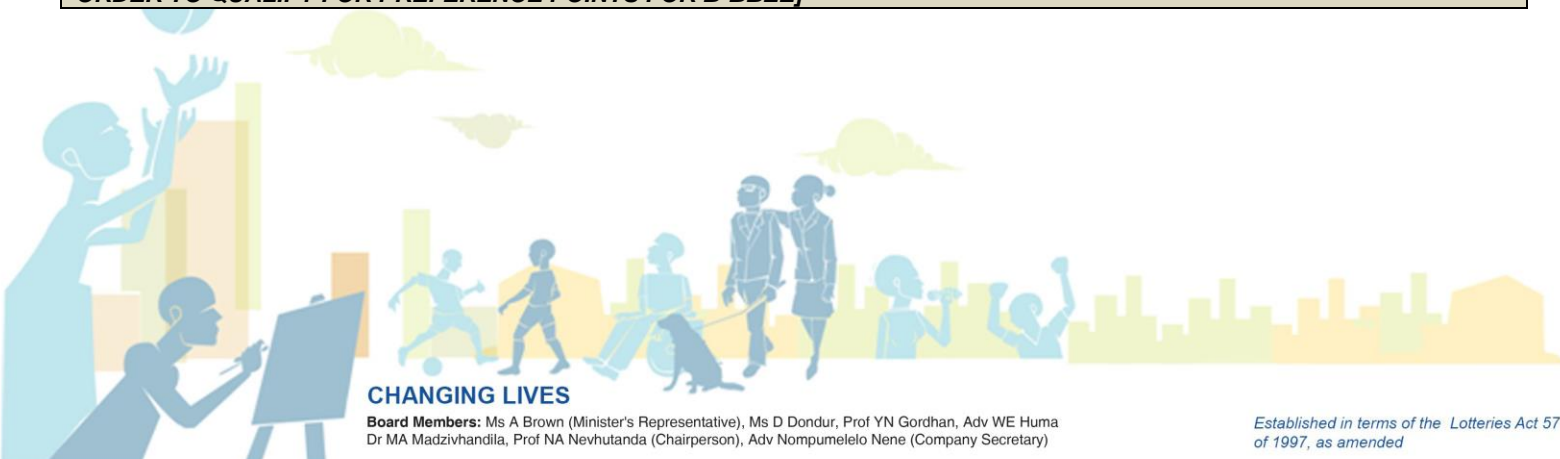
Enquiries received will be responded to within two (2) working days of receiving the enquiry.

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

SBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)							
BID NUMBER:	NLC/2021-13		CLOSING DATE: 17 DECEMBER 2021		CLOSING TIME:		11:00
DESCRIPTION	APPOINTMENT OF A SUITABLE SERVICE PROVIDER TO REVIEW THE NLC LEGAL SERVICES OPERATING MODEL FOR A PERIOD OF 3 MONTHS						
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
BLOCK D HATFIELD GARDENS, 333 GROSVENOR STREET SEE TOR (USB ONLY)							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Penelope Soyingwa			CONTACT PERSON			
TELEPHONE NUMBER	012 432 1414			TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	penelope@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 COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE No:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]							



ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
---	--	--	--

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	

PART B TERMS AND CONDITIONS FOR BIDDING

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



CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

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

DATE:

.....







ANNEXURE 3

NLC/2021-13

APPOINTMENT OF A SUITABLE SERVICE PROVIDER TO REVIEW THE NLC LEGAL SERVICES OPERATING MODEL FOR A PERIOD OF 3 MONTHS

<p>Name of the bidder: _____</p> <p>Contact Person: _____</p> <p>Contact Details: _____</p> <p>B-BEE Level _____</p>			
Item	Description	Yes	No
1.	Mandatory Requirements		
1.1	Service providers must be Level 1 - 4 in terms of the B-BBEE Codes of Good Practice (Certified copy of BEE certificate/ Affidavit stating financial year and month).		
1.2	Recent Central Supplier Database (CSD) Summarized Report with SARS compliance regarding the Tax Clearance Certificate/Pin		
1.3	In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable).		
1.4	Company Registration certificate (CK)		
1.5			
1.6	Signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA).		

ANNEXURE 3

NLC/2021-13

2.	Non - Mandatory Requirements		
2.1	Please indicate below if whether the SBD (Standard Bidding Document) Forms are duly completed and signed by the relevant person:		
2.1.1	SBD 1		
2.1.2	SBD 4		
2.1.3	SBD 6.1		
2.1.4	SBD 8		
2.1.5	SBD 9		
	*Only the original signed SBD Forms of the above will be accepted		
2.2	Central Supplier Database (CSD) Summary Report	Yes	
2.3	Valid Tax Clearance Certificate (TCC)		
2.4	Company Profile		
3.	Submission of Proposals clearly marked USB in an envelope:		
3.1	Technical Proposal:		
3.1.1	One (1) Separate folder		
3.2	Financial (Price) Proposal:		
3.2.1	One (1) Separate folder		
3.2.3			
4.	Bid Document Responsiveness:		

**ANNEXURE 3****NLC/2021-13**

	Do you adhere to the bid documents and terms of reference?		
--	--	--	--

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:
.....

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):
.....

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1
The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed :

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

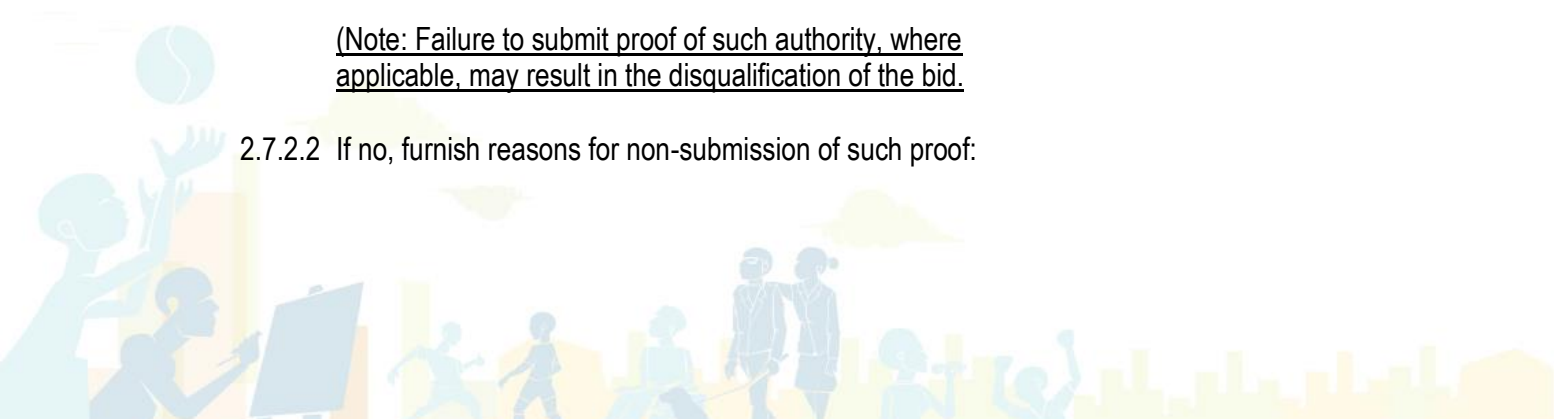
.....

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

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

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

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



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

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

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

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

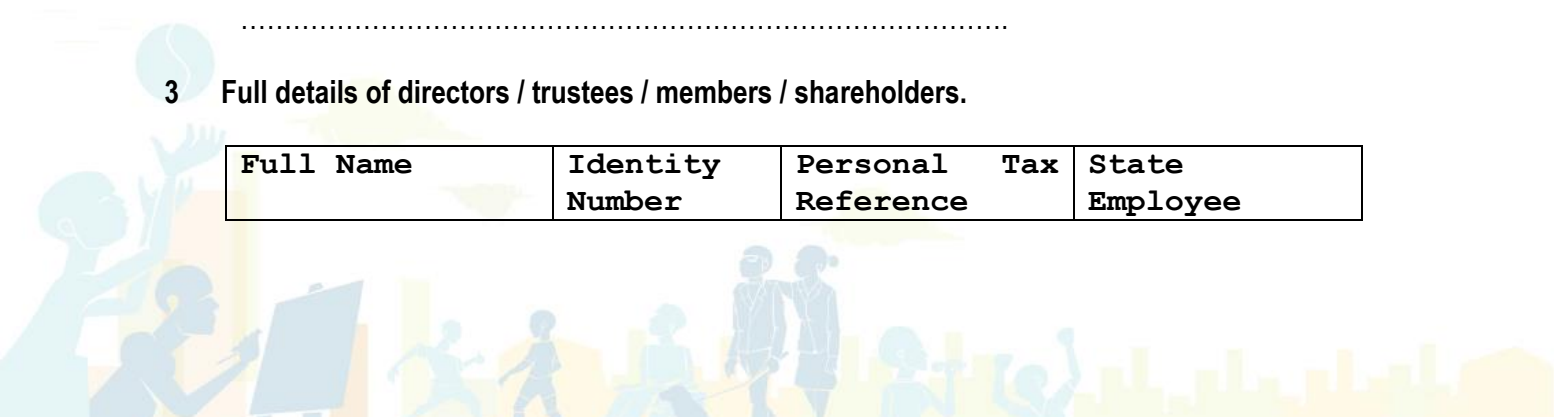
2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

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

3 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference	State Employee
-----------	-----------------	------------------------	----------------



		Number	Number / Persal Number

4 DECLARATION

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

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011





SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

a) The value of this bid is estimated to 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:

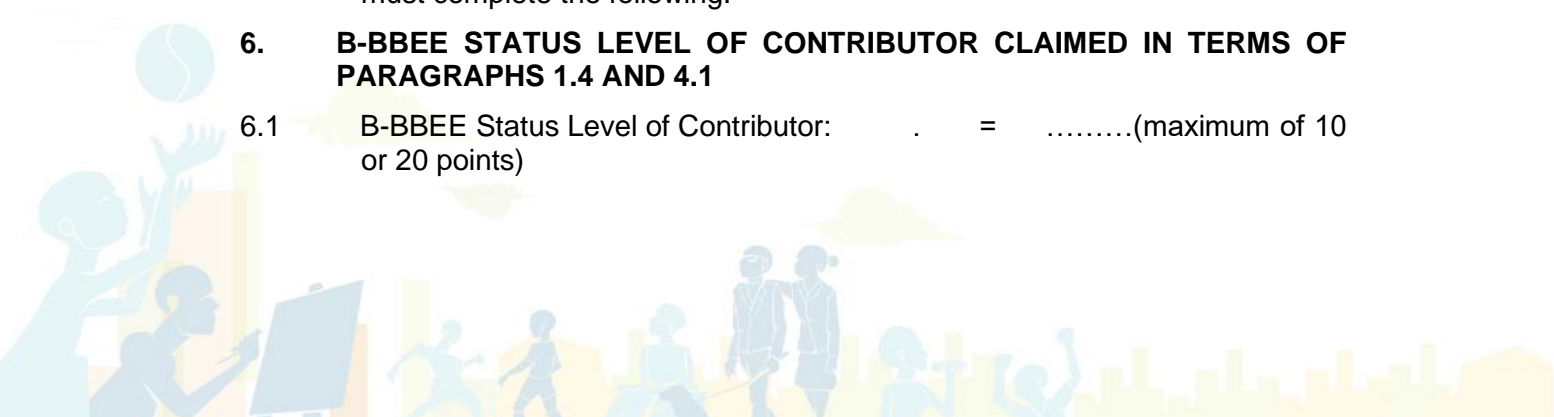
B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 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

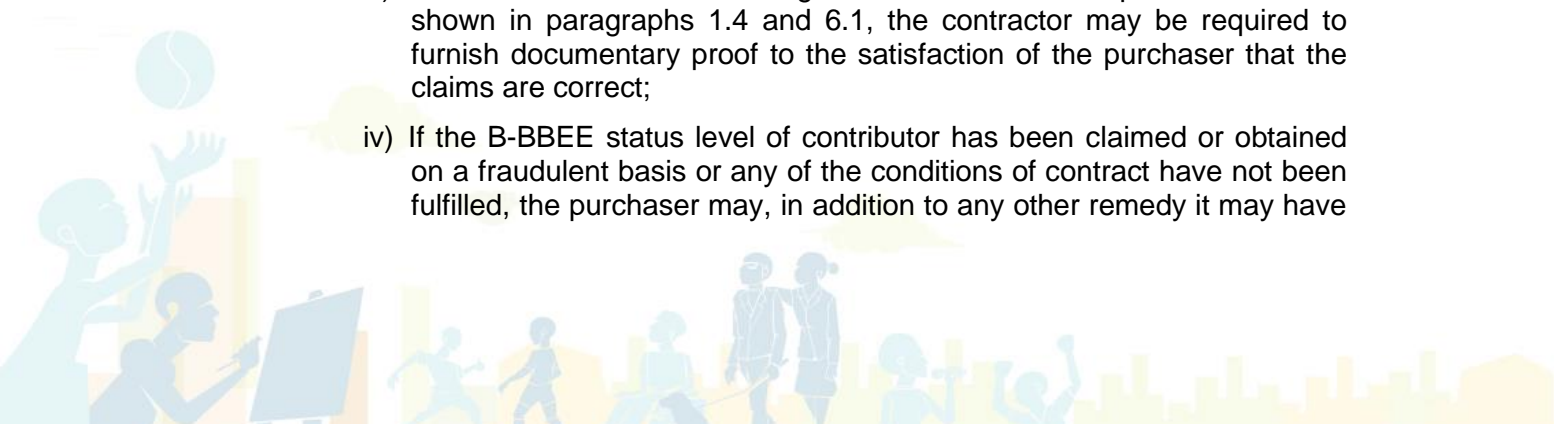
- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[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-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have



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

WITNESSES

1.
2.

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

DATE:

ADDRESS

.....
.....





DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
- 
- 
- COMPETITION COMMISSION
a member of the dtic group
CERTIFIED EXCELLENCE IN EMPLOYEE CONDITIONS

SBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

SBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition



of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

Js914w 2



SCM: **CONSENT** **REQUEST FORM**

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

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B, you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.
2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 2.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 2.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.
3. "Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - 3.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 3.2 information relating to the education or the medical, financial, criminal or employment history of the person;

- 3.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 3.4 the biometric information of the person;
- 3.5 the personal opinions, views or preferences of the person;
- 3.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 3.7 the views or opinions of another individual about the person; and
- 3.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

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

Signature of Designation person

PART B

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

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

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

Method of Communication will be via: Email/Postal

☐ Give my consent.

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

☐

Full Name:

Date:

WITHDRAWAL OF CONSENT ONCE GIVEN

You may withdraw your consent at any time.

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