

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

THE APPOINTMENT OF A PANEL OF UP TO A MAXIMUM OF EIGHT (8) HUMAN CAPITAL MANAGEMENT SERVICE PROVIDERS FOR HUMAN CAPITAL RELATED MATTERS AT THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF THREE YEARS

BID PROCESS	BID REQUIREMENTS
Tender number	NLC/2024-005
Bid Advertisement Date	10 April 2024
Closing date and time	1 May 2024 @ 11:00 (South African Standard Time)
Tender validity period	120 business working days <i>from the closing date</i>
Compulsory Briefing meeting	N/A
Submission instruction:	<p>The original bid document must be submitted ONLY via USB and be delivered to:</p> <p>Acting Senior Manager: Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield GardensHatfield, Pretoria 0083</p> <p>Enquires ONLY can be emailed to: Bids@nlcsa.org.za</p> <p>NO email or hardcopies will be accepted.</p>

Contents

Section No	Page
Contents	
SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS	3
1. INTRODUCTION	3
2. BACKGROUND	3
3. OBJECTIVE	3
4. SCOPE OF WORK	4
5. Deliverables	5
6. Duration of the Project	7
SECTION 2: NOTICE TO BIDDERS	8
1. Terms and conditions of Request for Proposals (RFP)	8
2. General rules and instructions	8
3. Formal Briefing Session	10
4. Validity Period	10
5. National Treasury's Central Supplier Database	10
6. Confidentiality	10
7. Communication	10
Section 3: EVALUATION CRITERIA	12
Stage 1: Tender Closing and Opening	12
1.1 Tender closing details	12
1.2 Bid Formats	12
Stage 2: Administrative Compliance	12
Stage 3: Mandatory Compliance	13
Stage 3: Technical evaluation	13
Stage 6: Contract and Award	21
ANNEXURE A: CV TEMPLATE	22
ANNEXURE B: PRICING SCHEDULE TEMPLATE	23

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF UP TO A MAXIMUM OF EIGHT (8) HUMAN CAPITAL MANAGEMENT SERVICE PROVIDERS FOR HUMAN CAPITAL MANAGEMENT SERVICES AT THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF THREE YEARS

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION

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

2. BACKGROUND

- 2.1 The NLC employs over 300 personnel and require experienced human capital management services to support to the NLC in this regard.
- 2.2 To this effect, the NLC seeks to appoint a panel of service providers (not exceeding 8 service providers) to render a comprehensive range of human capital management services that can support the NLC with human capital and labour relations matters for a three year period.
- 2.3 The service provider will be expected to provide its services through a dedicated team of qualified specialists and professionals based on the nature of the mandate.

3. OBJECTIVE

The objectives are as follows:

- 3.1 To deliver practical best practice assignments and projects for the Chairperson of the NLC HCM Committee and Commissioner for all HCM policies and procedures and all HCM matters but not limited to recruitment, employee terms and conditions of employment, leave, remuneration, performance, training and development, reporting and analytics and compliance.
- 3.2 Furthermore, to deliver effective and efficient labour relations services, including but not limited to aligning and updating policies and procedures, drafting charge sheets, conducting disciplinary hearings and resolving CCMA matters to ensure effective and efficient resolution of matters and execution of disciplinary processes.
- 3.3 To perform assignments and projects in line with agreed service delivery and quality standards, timeframes and budgets.

- 3.4 To offer in person services to the NLC and not products or retainers for access to repositories or website based or other on-line solutions.
- 3.5 To transfer skills and provide practical mentoring to employees of the NLC.
- 3.6 To assist the organization in identifying and addressing significant exposures to HCM risk and contributing to improvements.

4. SCOPE OF WORK

- 4.1 The role of the Commissioner is to ensure effective administration and management of the NLC. The Commissioner reports quarterly to the Board Human Capital and Social and Ethics Committees on human capital matters and as such may from time to time require guidance, advice or assignments and projects identified or requested by the Board Committees in this regard. The main purpose therefore will be to:
 - 4.1.1.1 assist the organisation in identifying and addressing significant **exposures to HCM risk** and contributing to improvements.
 - 4.1.1.2 provide **independent advice on all Human Capital matters** to the Commissioner and the Board sub-committees responsible for human capital man.
- 4.2 The appointed service provider will undertake the following as services are requested:
 - 4.2.1 Review or develop strategies, frameworks, policies, procedures and related and provide the updated or new documents, clauses, templates, forms, etc. where required.
 - 4.2.2 Diagnose challenges, providing advice, developing plans and implement proposals on all human capital management matters, including but not limited to remuneration, organisational design, culture, performance, labour relations and statutory labour related compliance.
 - 4.2.3 Interpret reports, research or other proposals and recommend relevant actions, including drafting charge sheets in line with LRA and BCEA with regards to forensic or audit reports.
 - 4.2.4 Provide coaching/ training to the Commissioner and designated individuals on key human capital management matters when required.
 - 4.2.5 Identify areas of improvement, make recommendations and implement plans for human capital matters that require interventions, including but not limited to organisational culture, performance, labour relations.
 - 4.2.6 Design and/ or conduct surveys and benchmarking, conduct data analysis, projections, forecasts and scenario planning to inform decision making with regards to human capital matters.
 - 4.2.7 Provide guidance, make proposals, develop plans and implement proposals for strategic or high risk projects/ assignments within the human capital management scope.
- 4.3 Furthermore, the service providers shall transfer skills to the staff of the NLC who will be involved in the respective assignment/ project. The service providers will submit a consolidated report to the NLC providing feedback on the skills transferred to the NLC's staff over the duration of the contract period.

4.4 The skills transfer plan must include but no limited to the following elements:

- Identification of gaps;
- Training proposals and practical assistance to address the gaps;
- Reporting per agreed proposal schedule; and
- Final report on skills transferred.

5. Deliverables

5.1. **The successful panel of Human Capital Management service providers will be required to:**

- 5.1.1. Execute allocated Human Capital Management assignments and projects as and when the NLC requires such assignments on time, within the agreed standard of delivery and within the agreed budgets.
- 5.1.2. Provide the NLC with skilled and experienced HCM and Labour specialists to conduct human capital assignments and projects in terms of detailed schedules and costings.
- 5.1.3. Demonstrate knowledge and understanding of executing projects successfully in all major human resources specialisation areas including but not limited to item 4.2 above.
- 5.1.4. To assist the NLC to strengthen its internal control environment with regards to compliance within the HCM field as well as compliance measures for security, fraud risk and related.
- 5.1.5. Provide for effective communications, documentation and skills transfer measures for each assignment.
- 5.1.6. Provide independent advice on all Human Capital matters to the Commissioner and the Board sub-committee with regards to human capital related matters.

5.2. The successful panel service provider is further required to:

- 5.2.1. Report directly to the Commissioner or her delegated official and to execute assignments as have been directed.
- 5.2.2. Prepare for approval by the Commissioner, an engagement letter indicating detail of budgets and timeframes and the detail scope of each allocated Human Resources project and assignment milestone deliverable. Also, clearly stating the hourly rates where applicable. A maximum of 10 hours may be billed for the initial planning and project/ assignment proposal as part of the engagement letter.
- 5.2.3. All assignments/ projects must be carried out in accordance with the timelines agreed upon with the Commissioner upfront and must be set out in the signed engagement letter before the project/ assignment would commence.
- 5.2.4. Progress reports must be in the format and within the agreed timeframes as per the engagement letter signed by the Commissioner. These reports must include progress made to date, reasons for variances or delays if any and the remedial action, progress on the transfer of skills that took place and a combined list of non-compliance weaknesses and risks identified during the period.
- 5.2.5. In carrying out its human resources assignments/ projects for the NLC, ensure all records are kept and managed properly, including documents, evidence etc.

5.2.6. Provide the NLC with electronic copies of all drafts and final reports/ and or in other format as may be required, e.g. USB, email, etc.

5.2.7. Submit the final electronic version and hard copy of the Assignment/ Project Close-out report encompassing all matters relevant to the completion of the assignment/ project.

5.3. Other requirements:

The following additional matters form part of the requirements.

5.3.1. The appointed panel of service providers will be requested for price proposals on a rotation basis and service delivery agreements with clear milestone deliveries and performance measures concluded for each project/ assignment.

5.3.2. The successful bidder will be instructed to provide services as and when required. While the NLC will use reasonable endeavours to achieve a fair allocation of work, the successful bidder acknowledges that their appointment to the panel does not guarantee allocation of work.

5.3.3. There must be professionally qualified managers from the service provider present throughout the duration of each assignment/ project.

5.3.4. The NLC will not be billed for any unproductive or duplicated time spent on assignments, for any reason.

5.3.5. Sufficient time must be spent on assignments to ensure that quality is maintained at the highest standards.

5.3.6. The service provider will be responsible for its own hardware and technical software to adequately perform its functions.

5.3.7. The NLC reserves its termination rights in the event of mission-critical-service-level failures or poor performance of two milestone deliverables within the service provider's span of control, in a project/ assignment. The outputs, quality and timeframes are agreed upfront before the service provider proceeds with the assignments.

5.3.8. The service provider must ensure regulatory compliance.

5.3.9. Pricing will be confirmed based on the terms of reference per assignment, deliverables, and timeframes. The NLC reserves the right to conduct independent price enquiries for similar services from similar suppliers to confirm that pricing is aligned with industry norms.

5.3.10. Assignments delivered will become the intellectual property of the NLC.

6. COMPOSITION OF TEAM AND CV TEMPLATES

6.1. It is the bidders' responsibility to clearly indicate in their proposal who is the Partner / Director assigned for NLC projects/ assignments. Bid Evaluation Committee members can only evaluate and score according to what is shown or reflected in a proposal.

6.2. Key Staff members should be in possession of the following qualifications:

6.2.1. Participating Partner/ director or aligned designation should possess relevant Postgraduate Academic

6.2.2. Qualifications (NQF 8) in Human Resources Management and Labour Relations

6.2.3. Specialists should possess a Qualification (NQF 7) in Human Resources and Labour Relations matters.

6.2.4. Where matters relate to CCMA or court, the bidder must provide the details of the qualified, admitted attorney.

6.3. Key Staff members should have the following years' experience:

6.3.1. Partner or director should have at least 10 years of professional experience in the full broader Human Resources Management portfolio.

6.3.2. Specialists should have at least 6 years of professional experience in the specified areas for example performance, remuneration,

6.3.3. The Labour Relations specialist should have at least 6 years of professional experience as an admitted attorney.

6.4. **Bidders should submit comprehensive CVs of all key staff in the Template provided in Annexure B.**

6.5. **NB: the NLC** reserves the right to vet all documentation and information provided by bidders to prove their relevant experience and ability to perform the service. NLC can confirm the validity of Professional memberships with the respective professional body.

7. Duration of the Project

- The expected duration of the panel is for a period of 3 years from the date specified in the service level agreement (SLA).

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
- 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 Registration report) and ensure that tax matters are compliant.
- 1.9 All questions regarding this RFP must be forwarded to bids@nlcsa.org.za.
- 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 coordination 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 section 217 of the constitution of the republic shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the NLC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by the NLC.

It 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 commission in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the Bidder(s). The Bidder(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

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

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 commission reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to the commission.

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 Bidder is advised that Bidder Personal Information may be passed on to third parties to whom the commission is compelled by law to provide such information. For example, where appropriate, the commission 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 commission 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 commission will ensure that the rights of the Bidder and of its employees and representatives (i.e., the right of access and the right to rectify) are effectively guaranteed in accordance with the procedures as specified in the commission PAIA manual.

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

No compulsory briefing session is required.

4. Validity Period

- 4.1 The Commission requires a validity period of 120 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 Commission 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 Commission 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 NLC 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.

8. SUPPLIER PERFORMANCE

- 8.1 The National Lotteries Commission conducts regular performance reviews in accordance with the requirements for the classification of the contract and or stakeholder by making use of supplier evaluation forms. The evaluation is conducted against the deliverables or scope of the contract with a minimum of an annual review done for contracts longer than a year and a review at completion of contract for those contracts less than a year.
- 8.2 Ad-hoc performance reviews shall be conducted where non-performance is identified outside the review period.
- 8.3 Non-performance will be addressed with at least a formal letter advising specific non-performing areas and stating remedial action/s required within specific time frames. Non-adherence to remedial actions shall lead to escalating performance management actions.
- 8.4 Any party to this agreement may request to participate in a joint performance review where appropriate and seek continuous improvement opportunities.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF UP TO A MAXIMUM OF EIGHT (8) HUMAN CAPITAL MANAGEMENT (INCLUDING LABOUR RELATIONS) PROVIDERS FOR HUMAN CAPITAL MANAGEMENT SERVICES AT THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF THREE YEARS

Section 3: EVALUATION CRITERIA

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

Stage 1: Tender Closing and Opening

1.1 Tender closing details

The deadline for Tender submission is Standard South African Time. Any late tenders will not be accepted. Tenders are to be submitted to the NLC's tender box at the following physical address:

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

1.2 Bid Formats

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

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

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

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

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

- Traffic.
- Struggling to find parking.
- Courier arriving late.

Stage 2: Administrative Compliance

All bid respondents must submit the relevant documents that comply with administrative compliance, which will include the following:

Evaluation Criteria	Supporting Document
<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"> • Whether the Bid document has been duly signed by the authorised bid official 	Company resolution as proof of authorised individuals' delegation
<ul style="list-style-type: none"> • Whether the Bid contains a priced offer (basic hourly rate for various levels of expertise) 	Pricing and delivery schedule

• Whether the Bidder tax affairs in order	Tax Compliance System Pin
• Whether Bidders have failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD	Proof of Central Supplier Database (CSD) registration reflecting Tax compliant status

Stage 3: 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 Mandatory Compliance Evaluation will include the following:

Evaluation Criteria	Supporting Document
1. In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable)	JV Agreement
2. Bidders must submit a fully complete declaration of interest form (failure to declare honestly will lead to bidder being disqualified)	SBD 4
3. <i>Only bidders who are compliant with the requirements of this stage will proceed to stage 4.</i> Bidders must submit proof of registration of <u>the entity</u> with the following professional body: SABPP.	Please membership certificate from the professional body for the <u>Bidder</u>

Note to Bidders:

Bidders may be requested, at the behest of the NLC, to submit via courier services to the SCM unit of the NLC, within a minimum of 3 working days from date of request hard copy certified qualifications, memberships certificates, COIDA etc. which may have been requested for mandatory or functionality assessment.

Failure to submit the information within the requested period shall render the bidder non-responsive.

STAGE 4: TECHNICAL EVALUATION

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

Table 1: Rating Scale

Rating	Definition	Score
Excellent	Exceeds the requirement. Exceptional demonstration by the bidder of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	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

Rating	Definition	Score
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

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

Rating scale of 0 – 5 to be applied.

Ensure that the proposal clearly designates who the proposed team will be for scoring purposes below.

	CRITERIA		POINTS
3.2.1	BIDDER EXPERIENCE AS PART OF COMPANY PROFILE		30
A.	<p>Bidder experience in providing Human Capital Management and Labour Relations Services</p> <p>The bidder must demonstrate that they have the capacity to render the required services and demonstrate experience in Human Capital Management (HCM), including labour relations matter (including proven expertise in successful disciplinary and CCMA matters and change management programmes). Must have more than 6 years company experience.</p> <p>The company profile must demonstrate ability to deliver all required HCM areas for all deliverables in the broad HCM areas:</p> <ol style="list-style-type: none"> 1. General human capital/ resources management 2. Labour Relations 3. Change management and organisational redesign 4. Remuneration and organisational performance 5. Knowledge management and training and development facilitation 6. Labour law Compliance <p>The profile must also include a list of clients, including the type</p>	<p>The Company profile is comprehensive and covers all 6 HCM required areas of service, clearly demonstrates more than 10 years' company experience. (5)</p> <p>The Company profile is comprehensive and covers all 6 HCM required areas of service, clearly demonstrates capacity to deliver services, and demonstrates more than 7 years and up to and including 10 years' company experience.(4)</p> <p>The Company profile is comprehensive and covers all 6 HCM required areas of service, clearly demonstrates capacity to deliver services, and demonstrates more than 6 years' and up to and including 7 years' company experience.(3)</p> <p>The Company profile is partially complete because it only covers five (5)HCM required areas of service , and demonstrates at least 6 years' up to an including 7 years' company experience..(2)</p> <p>The Company profile is incomplete because it covers only four of the HCM required areas of service or demonstrates less than 6 years' company experience.(1)</p>	20

	CRITERIA		POINTS
	of services that where delivered and the period to support the years of experience in both human capital management and labour relations.	There is no company profile or the company profile is incomplete because it only covers one to three or less of the HCM areas required.(0)	
B.	<p>Written reference letters.</p> <p>Bidders must provide reference letters from at least three (3) contactable references, (different organizations) within the past four (4) years from the closing of the bid. Letters from 1 organization will be considered as 1 reference.</p> <p>The reference letter must indicate in the letter the services you rendered, whether the services rendered were satisfactory. The reference letter must be signed and dated, on the company letter head and must have contactable email address);if the reference letter does not comply with the requirements, it will be not considered.</p> <p>No appointment letters from clients will be accepted as reference letters.</p>	<p>Reference letters must demonstrate all 6 HCM areas of services as set out in A left column above (Bidder Experience)</p> <p>Three (3) to six (6)) relevant reference letters demonstrating satisfactory service/s for the 6 HCM areas = (5)</p> <p>Three (3) to five (5) relevant reference letters demonstrating satisfactory service/s for at least 5 areas(= (4)</p> <p>Three (3) to four (4)reference letters (3) demonstrating satisfactory service for at least four (4) of the HCM areas=(3)</p> <p>Three (3) relevant reference letters demonstrating satisfactory service for at least three (3) of the HCM areas=(2)</p> <p>Three (3) relevant reference letters demonstrating satisfactory service in at least two (2) of the HCM areas. = (1)</p> <p>Less than 3 relevant references and/ or letters demonstrating satisfactory services for less than two of the HCM areas. = 0(</p>	10

3.2.1	EXPERIENCE OF THE HCM AND LABOUR RELATIONS TEAM		40
A)	EXPERIENCE: LEAD DIRECTOR / PARTNER – HUMAN CAPITAL MANAGEMENT (INCL. LABOUR RELATIONS)	<p>EXPERIENCE: LEAD DIRECTOR / PARTNER – HUMAN CAPITAL MANAGEMENT (INCL. LABOUR RELATIONS)</p> <p>The CV must demonstrate experience in HCM and Labour Relations</p>	10

	<p>Provide a comprehensive CV demonstrating experience of the Lead Director/Partner in overseeing / leading human capital management and labour relations engagements. Refer to the Annexure for minimum required information to be provided in the CVs.</p>	<p>Rating scale of 0 – 5 to be applied:</p> <ul style="list-style-type: none"> • Above 10 years’ Human Capital Management and Labour Relations experience at partner/ director level = (5) • Above 8– up to and inclusive of 10 years’ Human Capital Management and Labour Relations at partner/ director t level= (4) • Above 6 up to and inclusive of 8 years’ Human Capital Management and Labour Relations at partner/ director level = (3) • Above 5 up to and inclusive of 6 years year’s Human Capital Management and Labour Relations at director/ partner level = (2) • Less than 5 years’ Human Capital Management experience director/ partner level = (1) • Less than 4 years’ Human Capital Management experience at director/ partner level = (0) 		
<p>B)</p>	<p>EXPERIENCE: HUMAN CAPITAL SPECIALISTS</p> <p>Provide comprehensive CVs demonstrating experience of the proposed Human Capital Specialists in managing Human Capital Management assignments that demonstrate one or more of the following:</p> <ol style="list-style-type: none"> 1. Must have practically implemented <u>change management</u> programmes with at least 7 years relevant experience as the project manager/ lead consultant. 2. Must have developed a service delivery <u>operating model</u> and successful implementation thereof with at least 7 years practical experience as lead consultant with model <u>development and implementation</u> roll out. 3. Must have developed a <u>HCM Strategy framework</u> as lead consultant with 7 years practical experience in this regard. 	<p>Experience: Human Resources Specialist/s</p> <p>The CVs must demonstrate experience in managing Human Capital Management Engagements and team’s CVs much collectively address all items listed 1-6 in the left hand column . The average of the CVs will be combined for the rating out of 10.</p> <p>Rating scale of 0 – 5 to be applied:</p> <ul style="list-style-type: none"> • Above 10 years’ Human Capital Management experience at project manager specialist level = (5) • Above 8– up to and inclusive of 10 years’ Human Capital Management at project manager specialist level= (4) • Above 7 up to and inclusive of 8 years’ Human Capital Management at Project manager specialist level = (3) 	<p>10</p>	

	<p>4. Must have developed a comprehensive remuneration framework and supporting policies and procedures at lead consultant level with at least 7 years experience at this level with remuneration matters.</p> <p>5. Must have developed a comprehensive <u>performance management framework</u> and supporting policies and procedures at lead consultant level with at least 7 years demonstrated experience at this level with performance matters.</p> <p>6. Must have developed a comprehensive <u>HCM Compliance Framework</u> and checklists with at least 7 years experience in ensuring HCM compliance controls are implemented effectively</p>	<ul style="list-style-type: none"> • Above 6 up to and inclusive of 7 years year’s Human Capital Management at project management specialist level = (2) • Less than 6 years’ and up to 7 years Human Capital Management experience on management level = (1) • Less than 5years’ and up to 6 years Human Capital Management experience on management level = (0) 		
C)	<p>EXPERIENCE: LABOUR RELATIONS SPECIALIST</p> <p>Provide a comprehensive CV demonstrating experience of the proposed labour relations specialist in performing requested assignments/ projects:</p> <ol style="list-style-type: none"> 1. Must have initiated and led evidence in disciplinary hearings. Must have provided advice on employee related matters for over 7 years 2. Must have represented organisations at the CCMA for over 7years 3. Must have investigated allegations and advised on formulation of charges for disciplinary hearings 4. Must have advised on grievance matters 5. Must have handled bargaining matters between the employer and the union successfully for over 7years 	<p>Experience: Labour Relations Specialist</p> <p>The CVs must demonstrate experience and minimum qualifications and must address all the bullets in the left hand column.</p> <p>Rating scale of 0 – 5 to be applied:</p> <ul style="list-style-type: none"> • Above 10 years’ Labour Relations experience in all the items in the left hand column = (5) • Above 8– up to and inclusive of 10 years’ in all the items in the left hand column= (4) • Above 7 up to and inclusive of 8 years’ in all the items in the left hand column = (3) • Above 6 up to and inclusive of 7 years’ in all the items in the left hand column = (2) • Less than 6 years’ and up to 7 years’ or 4 to 5 of the items in the left hand column = (1) • Less than 5years’ and up to 6 years Human Capital Management experience on management level or less than 3 of the items in the left hand column= (0) 	20	

		•		
3.2.2	QUALIFICATIONS OF THE HUMAN RESOURCES MANAGEMENT TEAM			30
A)	<p>QUALIFICATIONS: LEAD DIRECTOR / PARTNER – HUMAN RESOURCES MANAGEMENT</p> <p>(Please submit certified true copies of NQF certificate and professional body registration not older than 3 months of the bid closing date).)</p>	<p>Qualifications: Lead Director / Partner for Human Capital Management Projects and Assignments. Relevant means a qualification in Human Resources and can include labour relations.</p> <p>Rating scale of 0 – 5 to be applied:</p> <ul style="list-style-type: none"> i) Relevant master’s degree (NQF 9) and professional body registration = (5) ii) Relevant master’s degree (NQF 9) = (4) iii) Relevant Post Graduate Degree (NQF 8) and professional body registration = (3). iv) Relevant Qualification (NQF 7) and professional body registration= (2) v) Relevant Qualification (NQF 7) = (1) vi) No membership Certificate / No relevant qualification (NQF 7) = (0) 	10	
B)	<p>QUALIFICATIONS: HCM SPECIALISTS</p> <p>(Please submit certified true copies of NQF certification, professional other certifications not older than 3 months of the bid closing date).)</p> <p>The combined scores of the team will be averaged to provide the score out of 10.</p>	<p>Qualifications: HCM Specialists</p> <p>Relevant refers to human resources related qualifications as set out in the CV criteria section.</p> <p>Rating scale of 0 – 5 to be applied:</p> <ul style="list-style-type: none"> i) Relevant master’s degree (NQF 9), and <u>any</u> additional relevant professional certifications = (5) ii) Relevant post graduate qualification (NQF 8) and and additional relevant professional certifications = (4) iii) Relevant post graduate qualification (NQF 8) = (3) 	10	

		iv) Relevant Qualification (NQF 7) and relevant professional certifications = (2) v) Relevant Qualification (NQF 7) = (1) vi) No Membership certificate / No relevant Qualification (NQF 7) = (0)		
C)	QUALIFICATIONS: LABOUR RELATIONS SPECIALIST/S (Please submit certified true copies of NQF certification and professional body (Law Society, Admitted to the Bar) not older than 3 months of the bid closing date.)	Qualifications: Labour Relations Specialists Rating scale of 0 – 5 to be applied: i) Relevant master’s degree (NQF 9), and <u>any</u> additional relevant professional certifications = (5) ii) Relevant post graduate qualification (NQF 8) and additional relevant professional certifications = (4) iii) Relevant post graduate qualification (NQF 8) = (3) iv) Relevant Qualification (NQF 7) and relevant Professional certifications = (2) v) Relevant Qualification (NQF 7) = (1) vi) No Membership certificate / No relevant Qualification (NQF 7) = (0)	10	
	Total:			100

Total Weighting:

100

75

Minimum qualifying score required:

Only bidders that score above 75% for the functional evaluation criteria will be further considered in the process

Stage 4: Pricing and Special goal

Pricing Schedule: Please refer to Annexure B

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

1. Procurement from entities who are at least 51% black women Owned	Sub - points for specific goals	Maximum points for specific goals
91% - 100%	10	10
81% - 90%	9	
71% - 80%	8	
61% - 70%	7	
51% - 60%	6	
41% - 50%	5	
0% - 40%	0	
2. B-BBEE Status Level of Contributor		
Level 1 - EME /QSE	10	10
Level 2 - EME /QSE	9	
Level 1 - Generic / Level 3 EME / QSE	8	
Level 2 - Generic / Level 4 EME / QSE	7	
Level 3 - Generic / Level 5 EME / QSE	6	
Level 4 - 5 Generic / Level 6 EME / QSE	5	
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0	

Stage 5: Due Diligence

NLC reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

Stage 6: 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 negotiation.

ANNEXURE A: CV TEMPLATE

Proposed role in the project: -----

Name: -----

First name: -----

Date of birth: -----

Nationality: -----

Education

Institution (Date from- Date to)	Degree(s) or Diploma(s) obtained

Membership of Professional Bodies:

Other skills (e.g. computer literacy, etc.):

Present position -----

Years within the organisation:.....

Key qualifications (relevant to project):

Professional experience -----

Date (From -To) (mm/yy)	
Organisation	
Location	
Position	
Description of duties	

Date (From -To) (mm/yy)	
Organisation	
Location	
Position	
Description of duties	

Date (From -To) (mm/yy)	
Organisation	
Location	
Description of duties	

ANNEXURE B: PRICING SCHEDULE TEMPLATE

Please note that costing will be either per project/ deliverable or per hour.

Please provide rates (VAT Inclusive) for the rendering of services for the National Lotteries Commission. Service providers must indicate the average HCM and Labour fees per hour. The proposed fee structure per hourly rates of the following levels of staff should be indicated as follows:

	Hourly Rates*		
Level and Capacity	Year 1	Year 2	Year 3
Engagement Partner/Director	R	R	R
Senior Manager	R	R	R
Manager	R	R	R
Senior Specialist HCM	R	R	R
Attorney: Labour Relations	R	R	R
HCM specialist	R	R	R
Labour Relations specialist	R	R	R

	Average variable rates*		
	Year 1	Year 2	Year 3
Average rate per year	R	R	R

THE APPOINTMENT OF A PANEL OF UP TO A MAXIMUM OF EIGHT (8) HUMAN CAPITAL MANAGEMENT SERVICE PROVIDERS FOR HUMAN CAPITAL RELATED MATTERS AT THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF THREE YEARS

Section 4: INVITATION TO BID (SBD 1)

YOU ARE HEREBY INVITED							
BID NUMBER:	NLC/2024-005.....	ISSUE DATE:	10/04/2024	CLOSING DATE:	1/05/2024	CLOSING TIME:	11:00
DESCRIPTION	THE APPOINTMENT OF A PANEL OF UP TO A MAXIMUM OF EIGHT (8) HUMAN CAPITAL MANAGEMENT SERVICE PROVIDERS FOR HUMAN CAPITAL RELATED MATTERS AT THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF THREE YEARS						
BID RESPONSE DOCUMENTS							
BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	SCM			CONTACT PERSON	Commission's Office		
TELEPHONE NUMBER	012 432 1309			TELEPHONE NUMBER	012 432 1327		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	E-MAIL ADDRESS						
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TELEPHONE NUMBER	CODE				NUMBER		

CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE			NUMBER	
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		O R	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] Yes No		B-BBEE STATUS LEVELSWORN AFFIDAVIT		[TICK APPLICABLE BOX] Yes No

RFP2023-007 – WORK STUDY

<p>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES ENCLOSE PROOF]</p>	<p>2 ARE YOU A FOREIGNBASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> [IF YES, ANSWER QUESTIONAIRE BELOW] <input type="checkbox"/></p>
---	---	---	--

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

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

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

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

**PART B
TERMS AND CONDITIONS FOR BIDDING**

<p>1. TAX COMPLIANCE REQUIREMENTS</p>
<p>1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>

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:_____



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

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.

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

2.2.1 If so, furnish particulars:

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

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

2.3.1 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.

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.

- 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

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (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 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

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

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

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

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>
<p>SURNAME AND NAME:</p>
<p>DATE:</p>
<p>ADDRESS:</p> <p>.....</p> <p>.....</p> <p>.....</p>

SECTION 6: 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