

## **NATIONAL LOTTERIES COMMISSION**

### **REQUEST FOR PRICE AND PROPOSALS TO DESIGN AND DELIVER CAPACITY BUILDING PROGRAMMES FOR NLC GRANTEES**

**RFP 2023 - 090**

BID PROCESS	BID REQUIREMENTS
RFP number	RFP 2023 - 090
RFP Advertisement Date	20 October 2023
Closing date and time	06 November 2023 @ 11:00
RFP validity period	90 Days
Compulsory Briefing meeting	No briefing
Assignment Description	Appointment of a service provider to design and deliver capacity building programmes for NLC grantees.
Proposals are to be delivered to the following address before the closing date and time:	<p>Attention: Supply Chain Management</p> <p>National Lotteries Commission</p> <p>Block D, Hatfield Gardens</p> <p>333 Grosvenor Street</p> <p>Hatfield, Pretoria</p> <p>0083</p> <p><b>ONLY USBs WILL BE ACCEPTED NO HARDCOPIES</b></p>

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## SECTION 1: INTRODUCTION, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

### 1 Introduction and Background

- 1.1. The National Lotteries Commission (the Commission / NLC) is a public entity established by Lotteries Act No. 57 of 1997, as amended to regulate the South African lotteries industry. The functions of the Commission can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.
- 1.2. The NLC is committed to ensuring funding for impact is realised through NLDTF disbursements for good causes; that funds are made available to qualifying organisations in an equitable manner; and that funded organisations utilise NLDTF funding to uplift communities. Further, regulations require the NLC to “implement programmes to (i) educate and raise awareness of the grant making process and (ii) provide(e) financial management or capacity building training to applicants for grants, if the (NLC) is of the view that the said skills are necessary for the successful execution of projects...funded by the (NLC)”<sup>1</sup>
- 1.3. In line with this mandate the NLC has since 2016 implemented capacity building initiatives to assist its grantees to acquire the requisite skills for successful execution of the funded projects and programmes.
- 1.4. Due to the identified positive outcomes as well as gaps in the current capacity building strategy, the NLC has approved a revised Capacity Building intervention to ensure that the NLC builds on the strengths of the existing programme, while addressing some of the inefficiencies and shortcomings, so that we continue to deliver on our mandate of capacitating funded NPOs. Many NPOs employ community volunteers who sometimes lack the required skills to deliver services and administer organisations in an effective and accountable manner. The NLC capacity building initiatives therefore assist in bridging this gap.
- 1.5. Effective capacity building programmes must be competence-based. This means that well-trained and qualified providers who adhere to SAQA defined educational standards should be utilised for classroom training; and experienced providers that understand community development dynamics and contexts should undertake the more process-oriented interventions. Excellent assessment and capacity building delivery will ensure maximum impact and enthusiasm of NPOs to participate in the capacity building process.
- 1.6. Participants to the programme are identified by the NLC.

### 2 RFP Scope of Requirements

- 2.1. In line with the requirements of the Public Finance Management Act (PFMA) No. 1 of 1999, as amended and Treasury Regulations, the NLC invites suitably qualified and experienced service providers to submit proposals to design and deliver capacity building programmes for NLC grantees.

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<sup>1</sup> R644 II 2 ((b) (i) and (ii) as amended.

- 2.2. The Service Provider will be expected to demonstrate competence and relevant experience in previous similar projects.

## SCOPE

The scope of the project is as follows:

To design and deliver structured and accredited capacity building programmes based on South African Qualifications Authority (SAQA) unit standards/modules. The Capacity building programmes should be designed on the following modules:

Basic Financial Management for NPOs including Record Keeping and Filing. (1 day)

Basic Project Management for NPO project / programme delivery (1 day)

The scope of work entails the following:

No	Task	Description	Output
1	Skills training programme	Design and deliver a one-day accredited training programme per topic and per province based on SAQA unit standards.	Training manuals Training modules conducted
2	Evaluation	Participants to evaluate the training in the form of an anonymous post-training survey	Evaluation report
3	Reporting	Provide inception, progress, and close-out report with recommendations.	Reports as indicated

- 2.3. Training will be delivered in all the nine (9) provinces.
- 2.4. The provinces will be categorised in two clusters being the five (5) which are inland (Free State, Gauteng, Limpopo, Mpumalanga, and Northwest), and the four (4) coastal ones (Eastern Cape, KwaZulu Natal, Northern Cape and Western Cape).
- 2.5. The number of participants for the programme is five (5) organisations in each province = 45 organisations, with a maximum of two participants per organisation. Participants will be selected by the nominated organisations and may include staff, volunteers, and board members.
- 2.6. Service providers may bid for one or both clusters however submissions should be made separately.
- 2.7. Service providers are advised to carefully read the evaluation criteria (p.12 - 14) and to align proposals to the criteria.

## 3 Proposed implementation plan and method

- 3.1. Plan for a structured accredited training programme based on SAQA unit standards of the identified participants and their organisations in nine Provinces (NLC will provide the list of organisations /

participants).

- 3.2. Appointed service provider/s should reserve and provide a sufficient and professional conference venue in each Province.
- 3.3. Conference venue must be booked for two (2) days for training in the form of classroom setting, with breakfast, teas and lunch included for participants.
- 3.4. Evaluation of the individual modules by participants.

## **4 Outcomes**

- 4.1. The capacity building interventions should contribute towards organisational improvements in the following dimensions:

Financial Management

Programme delivery

## **5 Reporting Requirements**

- 5.1. The appointed service provider/s shall report to the Senior Manager: Business Development Division (BDD) or her delegated representative.
- 5.2. BDD and the appointed service provider/s will arrange regular (minimum monthly) progress meetings including inception meeting.
- 5.3. Reporting will be in three (3) phases, Inception, progress, and Close-out Report including participant evaluation. All reports must be submitted with POE such as attendance registers, pictures and / or videos, updated Participants database and Participants evaluation.

## **6 Duration of the Project**

- 6.1. The expected duration of the project is four (4) months after the signing of the Service Level Agreement (SLA) – anticipated for November 2023. The project must be concluded by March 2024.

## **7 Terms and conditions of Request for Proposals (RFP)**

- 7.1. The NLC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders;

## **SECTION 2: NOTICE TO BIDDERS**

### **8 General rules and instructions**

- 8.1. Take note of the following:

No costs have been prescribed for the RFP;

All proposals **must** be costed in South African Rand, inclusive of VAT;

The costing must remain valid and open for evaluation for a period of at least three (3) months from the time of submission.

8.2. Costs to be borne by service providers.

All costs and expenses incurred by the service provider 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 service provider.

8.3. Disclaimer

The NLC reserves the right not to select 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 proposals

Decline to consider any proposals that do not conform to any aspect of the RFP requirements

Request further information from any service provider after the closing date for clarity purposes

Cancel this RFP or any part thereof at any time; and

Should any of the above occur, it will be communicated in writing to the service provider.

8.4. Confidentiality

Proposals submitted will not be revealed to any other party and will be treated as contractually binding.

All information pertaining to the NLC obtained by the service provider because of participation in this RFP is confidential and must not be disclosed without written authorisation from the NLC; and

The successful service provider will be issued with a letter of appointment outlining the requirements of the project.

8.5. Disqualification

Any form of canvassing/lobbying/influence regarding the RFP will result in disqualification.

Any non-disclosure of any other information pertaining to this RFP will result in disqualification; and Non-compliance with the requirements will invalidate the proposal.

8.6. Price adjustments

All services' pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand. Bidders are required to submit the pricing schedule on their own letterhead.

8.7. 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; 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 via email to the following address: [accounts@nlcsa.org.za](mailto:accounts@nlcsa.org.za)

#### 8.8. Signatories

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

#### 8.9. Briefing Session

- No briefing session will be held.

#### 8.10. Validity Period \*

The Commission requires a validity period of 90 (thirty) Business Days [**from 6 November 2023 to 3 March 2024**] against this RFP.

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.

## 9 National Treasury's Central Supplier Database

- 9.1. 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.
- 9.2. The Commission may not award business to a bidder who has failed to register on the CSD.
- 9.3. Only foreign suppliers with no local registered entity need not register on the CSD.
- 9.4. The CSD can be accessed at <https://secure.csd.gov.za/>

## 10 Confidentiality

- 10.1. Bids submitted for this Request for Proposals will not be revealed to any other bidders and will be treated as contractually binding.
- 10.2. 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.



- 10.3. The Bidder acknowledges that it will obtain and have access to personal information of The Commission and agrees that it shall only process the information disclosed by the Commission in terms of this bid award and only for the purposes as detailed in this RFP and in accordance with any applicable law.
- 10.4. The Bidder shall notify the Commission 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.

## 11 Communication

- 11.1. Queries relating to this RFP should be submitted to [maureen@nlcsa.org.za](mailto:maureen@nlcsa.org.za) at least 5 days before the closing date.
- 11.2. In the interest of fairness and transparency the Commission's response to such a query may be made available to other bidders.
- 11.3. It is prohibited for bidders to attempt, either directly or indirectly, to canvass any officer or employee of the Commission in respect of this RFP between the closing date and the date of the award of the business.
- 11.4. Bidders found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

## SECTION 3: EVALUATION CRITERIA

### 12 Evaluation Phases

The Commission will evaluate all proposals in terms of the Preferential Procurement Regulation of 2022 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). The six (6) phase evaluation criteria will be considered in evaluating the proposals, being shown in Figure 1 below.

### 13 Stage 1: Tender Closing and Opening

#### 13.1. Tender closing details

The deadline for Tender submission is **6 November 2023 @ 11:00** Standard South African Time. Any late tenders will not be accepted. Proposals (USBs) clearly marked with the RFP Number, Company Name, Email Address and Contact Number to the Commission's tender box at the following physical address:

**National Lotteries Commission  
333 Grosvenor Street  
Block D, Hatfield Gardens**

**Only USBs will be accepted, no hardcopies.**

## 13.2. Bid Formats

13.2.1. Bid submissions must be submitted on a USB in a PDF format that is protected from any modifications, deletions, or additions. **ONLY USB WILL BE ACCEPTED.**

13.2.2. 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.

13.2.3. Submissions must be prominently marked /labelled in such a way that the marking / label cannot be removed or detached with the full details of the tender namely: Bidder's Name, Tender No and Tender Title.

13.2.4. Bidders must submit the documents in 3 separate folders marked as follows: Folder 1 – Mandatory documents; Folder 2 – Technical proposal; Folder 3 – Financial proposal.

## 14 Stage 2: Administrative Compliance

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

Evaluation Criteria	Supporting Documents
1. Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time Standard Bidding Documents	SBD 1 SBD 6.1
2. Completed and signed returnable document	Completed and signed Consent(POPIA) form
3. Whether the Bid document has been duly signed by the authorized bidder	Official Company resolution as proof of authorized individuals' delegation
4. Whether the Bid contains a price offer	Pricing Proposal/Quotation
5. Whether the Bidder tax affairs in order	Tax Compliance System Pin

6. Whether Bidders have failed to register on the CSD.  NB only foreign suppliers with no local registered entity need not register on the CSD	Full report of Central Supplier Database (CSD) registration with Tax Compliant Status
7. Valid Certified Copy of BEE Certificate/Sworn Affidavit	BEE Certificate/ Sworn Affidavit

## 15 Stage 3: Mandatory Compliance

Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

Evaluation Criteria	Supporting Documents
1. Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time Standard Bidding Documents	SBD 4
2. Accreditation with Skills Education & Training Authority (SETA) Level 4 or 5	Proof of valid full accreditation (current accreditation) with Skills Education & Training Authority (SETA) Level 4 or 5

## 16 Stage 4. Technical evaluation

Service Providers (SP) must structure their proposals according to the evaluation criteria below and must cover all areas specified below. Any additional information, other than what is outlined below, should be annexed. Evaluation of the Proposals will be based on the service provider's responses in respect of the RFP according to the following criteria:

Evaluation Criterion	Scoring Matrix Sub Weights 0-5	% weight
<b>Company Experience</b>		
The SP must provide details of recent work (i.e., within the previous five years) within the scope outlined in the RFP. Specific details must be given to indicate the extent to which these previous experiences relate to the work described in the RFP. The bidder must structure this section of the proposal as follows: <i>Client, description of work done, start and end dates, value of contract, how work done relates to NLC scope, outcomes of work done.</i>	Experience will be rated using the following sub-weighting: 0 years' experience = 0 points Less than 1 years' relevant experience = 1 Point 1 -2 years relevant experience = 2 Points 2 - 3 years relevant experience = 3 Points 3 - 4 years relevant experience = 4 Points 4 – 5 years relevant experience = 5 Points	<b>20%</b>
<b>Reference Letters</b>		
Reference letters from clients <u>for the work done as described above</u> must attached. Reference letters must be on the company letterhead and should be signed and dated.  <i>NB: No appointment letters from clients will be accepted as reference letters. Multiple letters from the same client will be counted as one letter.</i>	The reference letters will be rated using the criteria below: 0 relevant reference letters = 0 points 1 relevant reference letter = 1 point 2 relevant reference letters = 2 points 3 relevant reference letters = 3 points 4 relevant reference letters = 4 points 5 relevant reference letters = 5 points	<b>10%</b>
<b>Members Qualifications and Experience</b>		
Bidders must provide information regarding the relevant qualifications and experience of the assigned project team ( <b>Minimum 2 people</b> ; e.g., lead facilitator, second facilitator, administrator/ rapporteur). The bidder should structure this section of the proposal as follows: <i>Summary profile (in a matrix format) of the proposed consultants, their highest qualifications and NQF level, technical and professional skills and experience, professional memberships / affiliations, reasons why they are suitable to undertake the project for the NLC as per the RFP scope.</i>  Please <b>attach</b> Abbreviated Curriculum Vitae (CV's) of personnel to be involved in the implementation of	Qualifications and members' experience will be rated using the following sub-weighting: <ul style="list-style-type: none"><li>No team members with a relevant qualification (NQF level 7 and above) and less than one years' relevant experience = 0 point</li><li>Less than 50% team members with a relevant qualification (NQF level 7 and above) and less than one years' relevant experience = 1 point</li><li>More than 50% team members with a relevant qualification (NQF level 7 and above) and less than two years' relevant experience = 2 points</li></ul>	<b>35%</b>

the project, not longer than <u>two pages</u> each, in an <u>Appendix</u> . Please attach <u>certified copies</u> of relevant qualifications and professional affiliations / memberships with the CVs.	<ul style="list-style-type: none"> <li>• More than 50% team members with a relevant qualification (NQF level 7 and above) and at least three years' relevant experience = 3 points</li> <li>• 100% team members with a relevant qualification (NQF level 7 and above) and at least three years' relevant experience = 4 points</li> <li>• 100% team members with a relevant qualification (NQF level 7 and above) and four years or more relevant experience = 5 points</li> </ul>	
<b>Project Plan / Methodology</b>	<b>Scoring Matrix Sub Weights 0-5</b>	
<p>Considers the responsiveness to the RFP, bidder's understanding of the NPO sector and need for capacity building; the level of detail in the proposal, attention to project management and innovative approaches and ideas. Structure this section of the proposal as follows (max 10 pages):</p> <p><i>Literature review: current state of NPO sector in SA; role of grant funders in capacity building (+- 2 pages); Scope of work: understanding of the project scope (+- 5 pages); Project plan (GANTT) +- 2 pages; Risk Assessment for the assignment with mitigations (+- 1 page).</i></p>	<p>The proposal will be rated using the below criteria:</p> <ul style="list-style-type: none"> <li>• Proposal includes basic literature review, project plan in logical sequence within set time frames, limited methodologies, and basic risk assessment = 1 point</li> <li>• Proposal includes average literature review, project plan in logical sequence within set time frames, limited methodologies, and basic risk assessment = 2 points</li> <li>• Proposal includes adequate literature review, project plan in logical sequence within set time frames, acceptable methodologies, and acceptable risk assessment = 3 points</li> <li>• Proposal includes comprehensive literature review, detailed project plan in logical sequence within set time frames, acceptable methodologies, progressive approaches, and acceptable risk assessment = 4 points</li> <li>• Proposal includes in-depth literature review, detailed project plan in logical sequence within set time frames, advanced methodologies, innovative approaches, and thorough risk assessment = 5 points</li> </ul>	<b>35%</b>
<b>TOTAL</b>		<b>100%</b>
<b>The minimum qualifying score for technical evaluation</b>		<b>70 points</b>

## 17 Stage 5. Financial evaluation (\*Pricing and Specific Goals)

The evaluation for Pricing and specific goals will include the following:

Evaluation Criteria		Final Weighted Scores	
<p><b>Price</b></p> <p>The following formula will be used to calculate the points out of 80 for price in respect of a tender with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes:</p> $P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$ <p>Where:</p> <p><i>P<sub>s</sub></i> = Score for the Bid under consideration</p> <p><i>P<sub>t</sub></i> = Price of Bid under consideration</p> <p><i>P<sub>min</sub></i> = Price of lowest acceptable Bid</p>		80	
1. SMME's and B-BBEE Status Level of Contributor	Sub - points for specific goals	Maximum points for specific goals	Relevant Evidence
Level 1 - EME /QSE	20	20	BBBEE Certificate/Sworn Affidavit and Full CSD Report
Level 2 - EME /QSE	18		
Level 1 - Generic / Level 3 EME / QSE	16		
Level 2 - Generic / Level 4 EME / QSE	14		
Level 3 - Generic / Level 5 EME / QSE	12		
Level 4 - 5 Generic / Level 6 EME / QSE	10		
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non –Compliant	0		
TOTAL SCORE:		100	

## 18 Stage 6: Contract and Award

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

## SECTION 4: INVITATION TO BID (SBD 1)

## PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS							
BID NUMBER:	RFP 2023 - 090	ISSUE DATE	20 October 2023	CLOSING DATE:	06 November 2023	CLOSING TIME:	11H00
DESCRIPTION	REQUEST FOR PRICE AND PROPOSALS TO DESIGN AND DELIVER CAPACITY BUILDING PROGRAMMES FOR NLC GRANTEES						
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
333 Grosvenor Street, Block D, Hatfield Gardens, Hatfield, Pretoria, 0001							
Only USBs will be accepted							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Maureen Senyatsi			CONTACT PERSON	Maureen Senyatsi		
TELEPHONE NUMBER	012 432 1470			TELEPHONE NUMBER	012 432 1470		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	<a href="mailto:maureen@nlcsa.org.za">maureen@nlcsa.org.za</a>			E-MAIL ADDRESS	<a href="mailto:maureen@nlcsa.org.za">maureen@nlcsa.org.za</a>		
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	UNIQUE REGISTRATION REFERENCE NUMBER: 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] Yes <input type="checkbox"/> No <input type="checkbox"/>		

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

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

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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**

**TAX COMPLIANCE REQUIREMENTS**

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

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

DATE: .....





## SECTION 5: BIDDER'S DISCLOSURE (SBD 4)

### 1. Purpose of the Form

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

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

### 2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state?

**YES/NO**

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

Full Name	Identity Number	Name of State institution

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



If so, furnish particulars:.....

- 2.4 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**

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 consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and There have been no consultations, communications, agreements or



arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.5 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

<sup>1</sup> 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.



## SBD 6.1

### SECTION 6: 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)

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 **80/20** preference point system.

b) The **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	80
SPECIFIC GOALS	20
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 PREFERENCE POINT SYSTEMS

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

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

Where

- $P_s$  = Points scored for price of tender under consideration
- $P_t$  = Price of tender under consideration
- $P_{min}$  = Price of lowest 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 the 80/20 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 the 80/20 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 the 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. SMME's and B-BBEE Status Level of Contributor	Sub - points for specific goals	Maximum points for specific goals	Number of points claimed (80/20 system) (To be completed by the tenderer)
Level 1 - EME /QSE	20	<b>20</b>	
Level 2 - EME /QSE	18		
Level 1 - Generic / Level 3 EME / QSE	16		
Level 2 - Generic / Level 4 EME / QSE	14		
Level 3 - Generic / Level 5 EME / QSE	12		
Level 4 - 5 Generic / Level 6 EME / QSE	10		
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0		

## 5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number: .....

5.3 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]

5.4 I, the undersigned, who is duly authorized 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;
- v) 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 *audialteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....



## SECTION 7: SCM CONSENT REQUEST FORM

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

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

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Contact number: \_\_\_\_\_

Email address: \_\_\_\_\_

### **PART A**

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMS 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.

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

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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.