

NATIONAL LOTTERIES COMMISSION

REQUEST FOR PRICE AND PROPOSALS TO CONDUCT ORGANISATIONAL CAPACITY ASSESSMENT FOR NLC GRANTEES

RFP 2023 - 085

BID PROCESS	BID REQUIREMENTS
RFP number	RFP 2023 - 085
RFP Advertisement Date	28 September 2023
Closing date and time	10 October 2023 @ 11:00
RFP validity period	90 Days
Compulsory Briefing meeting	No briefing
Assignment Description	Appointment of a service provider to conduct organisational capacity assessment of NLC grantees.
Proposals are to be delivered to the following address before the stipulated closing date and time:	Attention: Supply Chain Management National Lotteries Commission Block D, Hatfield Gardens 333 Grosvenor Street Hatfield, Pretoria 0083 Only USBs will be accepted, no hardcopies document

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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)”¹
- 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.
- 1.5. For the capacity building interventions to be effective, it is necessary to conduct comprehensive assessments based on the needs of the participants and their NPOs prior to capacity building interventions. An assessment of organisational capacity is important to ensure that the organisation develops appropriate systems, processes, and methodologies for the successful and sustainable delivery of its programmes.
- 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 conduct organisational capacity assessment for NLC grantees.
- 2.2. The Service Provider will be expected to demonstrate competence and relevant experience in previous similar projects.
- 2.3. Bidders are advised to read the evaluation criteria (pages 12-14) and ensure that they structure

¹ R644 II 2 ((b) (i) and (ii) as amended

their proposals in line with the evaluation criteria.

SCOPE

The scope of the project is as follows:

- To conduct holistic and participatory organisational capacity assessments of the targeted organisations, using appropriate tools and methods.
- To develop recommendations for organisational capacity strengthening based on the assessment outcomes.
- To develop knowledge and skills of NLC officials in organisational assessment and organisational development and mentoring

The scope of work entails the following:

No	Task	Description	Output
1	Organisational Capacity Assessment	Conduct a holistic and participatory organisational capacity assessment of the 20 identified grantee organisations, using appropriate organisational capacity assessment tools and methods. Custom-made tools may be considered due to the uniqueness of every organisation, however keeping in mind the considerations for effective assessment.	Assessment Reports with recommendations
2	Knowledge and Skills Transfer	Ensure NLC officials' knowledge and skills transfer through e.g., shadowing, observation, mentoring and / or any other method	Knowledge and skills transfer plan and execution
3	Reporting	Provide inception, progress and close-out report with recommendations.	Reports as indicated

- 2.4. Assessments will be conducted in two (2) inland provinces.
- 2.5. The number of participants for the programme is 10 organisations in each province = 20 organisations. Participants will be selected by the nominated organisations and may include staff, volunteers and board members.
- 2.6. Assessment sessions are to be conducted on site at the identified organisations premises (or other suitable venue if the organisation does not have suitable space)
- 2.7. NLC officials from the Capacity Building Unit to accompany and observe the sessions for learning purposes.

3 Proposed implementation plan and method

- 3.1. Plan for a comprehensive, inclusive, and participatory capacity assessment of the identified participants and their organisations in two Provinces (NLC will provide the list of organisations / participants)
- 3.2. Facilitate the assessments *in situ* and collect data using an appropriate assessment tool e.g., Organisational Capacity Assessment Tool (OCAT) or other reputable tool that addresses the dimensions and stage of development of the organisations. *NB NLC officials from the Capacity Building Unit to accompany and observe the sessions for learning purposes.*
- 3.3. Summarise and analyse the findings and share the findings with the participants.
- 3.4. Make recommendations for interventions.
- 3.5. Evaluation of the assessment sessions by the participants.

4 Outcomes

- 4.1. The organisational capacity assessment process and the recommended interventions for capacity strengthening should contribute towards organisational improvements in the following dimensions:
 - Management
 - Leadership and governance
 - Programme delivery
 - Organisation Learning (including monitoring and reporting systems)
 - Resource mobilisation

5 Reporting Requirements

- 5.1. The appointed service provider shall report to the Senior Manager: Business Development Division (BDD) or her delegated representative.
- 5.2. BDD and the appointed service provider will arrange regular (minimum monthly) progress meetings including inception meeting.
- 5.3. Reporting will be in three (3) phases, Inception, Assessment and Findings Report 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 three (3) months after the signing of the Service Level Agreement (SLA) – commencing in October 2023.

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 six (6) 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

- Application for price adjustments must be accompanied by documentary evidence in support of any adjustments

- The project implementation costs to be quoted during the contract with the successful service providers.

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 by the twentieth (20th) of every month; and
- Valid Tax Invoices for all services rendered are to be submitted to the Chief Financial Officer (CFO) at the NLC's Finance Division at the address on page 2 above or may be sent via email to the following address: 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 (ninety) Business Days [**from 10 October 2023 to 19 January 2023**] 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 bids@nlcsa.org.za 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.

13 Stage 1: Tender Closing and Opening

13.1. Tender closing details

The deadline for Tender submission is **10 October 2023 @ 11:00** Standard South African Time. Any late tenders **will not** be accepted. Proposals (USB) clearly marked with the RFP Number, Company Name, Email Address and Contact Number, are to be submitted to the Commission's tender box at the following physical address:

**National Lotteries Commission
333 Grosvenor Street
Block D, Hatfield Gardens
Hatfield
Pretoria
0001**

Only USBs will be accepted. No hardcopies document.

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 USB 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 RFPs requirements. 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
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

16 Stage 4.1: Technical evaluation

4.1.1 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
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	Satisfies the requirement with major reservations. Considerable reservations	1

Rating	Definition	Score
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.	
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

4.1.2 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	%weight	Scoring matrix
Institution Experience	30%	0-5
The SP must provide details of recent (i.e., within past fiveyears) previous work 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 should 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>	20	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
Reference letters from clients <u>for the work done as described above</u> should be attached. Reference letters should be presented in the form of a written letter on an official letterhead from clients where similar services havebeen provided and may not be older than five (5) years.No appointment letters from clients will be accepted. Note to bidders: Valid multiple reference letters obtained from the same institution will count as 1 reference letter. Reference letters must indicate the year in which the related service was rendered.	10	The reference letters will be rated using the criteriabelow: • 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 No appointment letters from clients will be accepted as reference letters.
Members Qualifications and Experience	35%	0-5

Bidders should provide information regarding the relevant qualifications and experience of the assigned project team (minimum 2 people). 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 attach Abbreviated Curriculum Vitae (CV's) of personnel to be involved in the implementation of 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.	35	Qualifications and members' experience will be rated using the following sub-weighting: • No team members with a relevant qualification (NQF level 7 and above) and less than one years' relevant experience = 0 point • Less than 50% team members with a relevant qualification (NQF level 7 and above) and less than two years' relevant experience = 1 point • More than 50% team members with a relevant qualification (NQF level 7 and above) and less than three years' relevant experience = 2 points • More than 50% team members with a relevant qualification (NQF level 7 and above) and at least three years' relevant experience = 3 points • 100% team members with a relevant qualification (NQF level 7 and above) and at least four years' relevant experience = 4 points • 100% team members with a relevant qualification (NQF level 7 and above) and more than four years' relevant experience = 5 points
Project Plan / Methodology	35%	0-5
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. The bidder should structure this section of the proposal as follows (max 10 pages): <i>Literature review: current state of NPO sector in SA; role of grant funders in capacity building; Scope of work: understanding of the project scope; assessment approach and design; assessment tools; Project plan (GANTT); Risk Assessment for the assignment with mitigations.</i>	35	The proposal will be rated using the below criteria: • Proposal includes basic literature review, project plan in logical sequence within set time frames, limited methodologies, and basic risk assessment = 1 point • Proposal includes average literature review, project plan in logical sequence within set time frames, limited methodologies, and basic risk assessment = 2 points • Proposal includes adequate literature

		review, project plan in logical sequence within set time frames, acceptable methodologies, and acceptable risk assessment = 3 points • 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 • 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
TOTAL POINTS		100
NB The minimum qualifying score for technical evaluation		70

NB The minimum qualifying score for technical evaluation is 70 points.

17 Stage 5: Financial evaluation (*Pricing and B BBEE comparatives)

Price proposals (VAT inclusive) must be presented as per **Annexure A Pricing Schedule**.

18 Stage 5.1: Financial evaluation (*Pricing and B BBEE comparatives)

The evaluation for Pricing and BBBEE will include the following:

Evaluation Criteria	Final Weighted Scores
Price 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: $P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$ Where: P_s = Score for the Bid under consideration P_t = Price of Bid under consideration P_{min} = Price of lowest acceptable Bid	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	

19 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 2023-085	ISSUE DATE:	28 September 2023	CLOSING DATE:	10 October 2023	CLOSING TIME:	11H00
DESCRIPTION	REQUEST FOR PRICE AND PROPOSALS TO CONDUCT ORGANISATIONAL CAPACITY ASSESSMENT FOR NLC GRANTEES						
BID RESPONSE USBs MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
333 Grosvenor Street, Block D, Hatfield Gardens, Hatfield, Pretoria, 0001							
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	maureen@nlcsa.org.za			E-MAIL ADDRESS	maureen@nlcsa.org.za		
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] Yes ☐ No ☐		

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

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

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	YES ☐	NO ☐
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	YES ☐	NO ☐
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	YES ☐	NO ☐
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	YES ☐	NO ☐
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION	YES ☐	NO ☐
IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.		

**PART B
TERMS AND CONDITIONS FOR BIDDING**

TAX COMPLIANCE REQUIREMENTS

- i. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- ii. 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.
- iii. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- iv. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- v. IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- vi. 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.

Bidder's declaration

- 1.1** 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**

- 1.1.1** 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

- 1.1.2** Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?



YES/NO

1.1.3 If so, furnish particulars:

.....

.....

1.2 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

1.2.1 If so, furnish particulars:.....

.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed



by the bidder, directly or indirectly, to any competitor, prior to the date and
There have been no consultations, communications, agreements or
arrangements made by the bidder with any official of the procuring institution
in relation to this procurement process prior to and during the bidding process
except to provide clarification on the bid submitted where so required by the
institution; and the bidder was not involved in the drafting of the specifications
or terms of reference for this bid.

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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

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:

$$Ps = 80 \quad \frac{(1 + Pt - P_{max})}{P_{max}}$$

Where

Ps = Points scored for price 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 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	20	
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;

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;

iv) 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:	
	
	
	

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.