



INVITATION TO BID

Bid No	Description of Bid	Closing Date & Time	Non-Compulsory Briefing Session & Time	Bid Enquiries
NLC/2021 - 7	Appointment of panel of service providers to render services within the following categories: Marketing Services; Event Planning and Management and Public Relations Services for a period of two (2) years	30 August 2021 @ 11h00	17 August 2021 @ 10:00 Kindly send an email to maureen@nlcsa.org.za for a link to attend the briefing session.	All enquiries should be in writing and may be directed to bids@nlcsa.org.za for the attention of Ms. Maureen Senyatsi Tel: (012) 432 1470

Bidders are requested to download the bid documents on the NLC website at www.nlcsa.org.za/current-tenders/e-tenders portal or can be obtained by sending an e-mail to bids@nlcsa.org.za

Bid Submission: Bid documents must be submitted by delivering a CD or USB at **NLC Head Office, 333 Grosvenor Street, Block D Hatfield, Hatfield, 0075**



**TERMS OF REFERENCE FOR THE APPOINTMENT OF A
PANEL OF SERVICE PROVIDERS TO RENDER
MARKETING, EVENT AND PUBLIC RELATIONS
SERVICES FOR THE NATIONAL LOTTERIES
COMMISSION FOR A PERIOD OF TWO (2) YEARS**

NLC/2021-07



Summary of important information:

1.	Assignment	The National Lotteries Commission (NLC) requires suitably qualified and experienced agencies to submit proposals for the appointment of panel of service providers to render services within the following categories: • Marketing Services • Event Planning and Management • Public Relations Services
2.	Name of the responsible office	Stakeholder Management, Marketing and Communication.
3.	Address for submitting proposals & other correspondence Only USB will be accepted	Attention: Senior Manager: Supply Chain Management National Lotteries Commission, Block D, Hatfield Gardens 333 Grosvenor Street, Hatfield, Pretoria, 0083 Telephone: 012-432 1300/1470
4.	Closing date & time for submission of bid proposals	30 August 2021 @11:00
5.	Non-Compulsory Briefing Session	17 August 2021 @ 10:00 Online Microsoft Teams. Kindly send an email to maureen@nlcsa.org.za for a link to attend the briefing session.
6.	Bid description:	Appointment of a panel of service providers to render marketing, events, and public relations services for the National Lotteries Commission for a period of two (2) years.
7.	Bid number:	NLC/2021-07

1. BACKGROUND

The National Lotteries Commission (NLC), previously known as the National Lotteries Board (NLB), 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)”.

The NLC has a dual mandate, namely “regulation of National Lottery and other Lotteries” and “administration of the NLDTF”. The Distributing Agencies (DA’s) who are appointed by the Minister of Trade & Industry are responsible for the adjudication of the funding applications as per the Lotteries Act and applicable Regulations.

The NLC’s Stakeholder Management, Marketing and Communication strategy seeks to improve the organisation’s visibility and accessibility, enhance its reputation, and build public awareness of the organisation’s mandate, services, and impact. To achieve this end, the organisation requires the support of industry experts in the implementation and rollout of the approved strategy.

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 agencies to submit proposals for the appointment of a panel of marketing, event, and Public Relations (PR) service providers.

2. PURPOSE OF THE TERMS OF REFERENCE (TOR)

The purpose of the TOR is to appoint suitably qualified and experienced service providers to serve on a panel with three sub-categories.

Applicants may bid separately for different categories, but must indicate which category each bidding document, see Annexure A attached.

3. OBJECTIVES

The primary objective of this terms of reference (TOR) is to appoint a panel of experienced, expert agencies to support the NLC in executing its marketing, public relations, and stakeholder engagement strategies.

4. SCOPE OF WORK

4.1. Category 1: Marketing services

In order to reach a wide range of stakeholders in a meaningful manner, the NLC requires marketing services that will provide high quality, impactful and cost-effective range of services that improve the brand profile and share of voice in urban and rural areas, and to position the NLC as a regulator and funder. The NLC aims to gain brand equity through the publicity generated by beneficiaries and lottery operators as per scope of work below:

- 4.1.1. Conceptualisation and production of advertising material (for television, radio, print, out-of-home, online and social media);
- 4.1.2. Media buying and placement;
- 4.1.3. Brand activations;
- 4.1.4. Digital marketing;
- 4.1.5. Promotional material;
- 4.1.6. Graphic design and branding;
- 4.1.7. Copywriting and editing;
- 4.1.8. Production and printing;
- 4.1.9. Creation and conceptualising of digital campaigns; and
- 4.1.10. Graphic design and animation
- 4.1.11. Photography and videography
- 4.1.12. Development of image and promotional videos library
- 4.1.13. Brand audits and measurement
- 4.1.14. Post-campaign/impact analysis reports

4.2. Category 2: Event Planning and Management

The NLC wishes to appoint credible event planning and management service providers with a national footprint and credible stakeholder databases to host events that vary in size, frequency, and location as per the scope of work below:

- 4.2.1. Selected internal events;
- 4.2.2. Conferences and exhibitions;
- 4.2.3. Roadshows
- 4.2.4. Corporate functions;
- 4.2.5. Banqueting and catering coordination
- 4.2.6. Virtual and hybrid events;
- 4.2.7. Seminars and Webinars;
- 4.2.8. Event design, coordination and management;
- 4.2.9. Conference content planning and programme development
- 4.2.10. Venue sourcing
- 4.2.11. Strategic event marketing
- 4.2.12. Invitations and RSVP handling
- 4.2.13. Event accreditation
- 4.2.14. Entertainment sourcing
- 4.2.15. Technical event production (audio visual, lighting, sound engineering, staging and décor)
- 4.2.16. Photography and videography
- 4.2.17. Secretariat services
- 4.2.18. Event safety and security

4.3. Category 3: Public Relations services

Through the implementation of concerted public relations programme, the NLC wishes to take the reins of setting the agenda for communication, and to build positive relations between the organisation and the media as a key stakeholder group to manage the image and reputation. The scope of work is as follows:

- 4.3.1. Strategy development
- 4.3.2. Media monitoring and evaluation
- 4.3.3. Media liaison services
- 4.3.4. Dissemination of press releases
- 4.3.5. Development and packaging of press kits
- 4.3.6. Securing interviews
- 4.3.7. Planning press conferences and media tours
- 4.3.8. Media database management
- 4.3.9. Identification of media publicity opportunities
- 4.3.10. Reputation management and crisis communication
- 4.3.11. Media and social media training for staff and key representatives
- 4.3.12. Provide survey services
- 4.3.13. Social media campaigns and customer engagement
- 4.3.14. Search engine optimisation
- 4.3.15. Digital newsletters and blogs
- 4.3.16. Corporate messaging campaigns

5. DELIVERABLES

The expected deliverables are for the NLC to have access to professional, high quality marketing, event and PR services and products in a timely manner. Specific outputs will be spelled out on a project basis or in line with the scope of work when service is required.

6. REPORTING REQUIREMENTS

The service provider will report to the Stakeholder Management, Marketing and Communication Department.

7. EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Regulation of 2001 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). A two-phase evaluation criteria will be considered in evaluating the proposals, being:

Phase	Description
1	Compliance with mandatory bid requirements
2	Technical evaluation

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

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

- Original signed standard bidding documents (SBD Forms). It is required that the bidder provide correct information and declaration in the SBD Forms.
- In the event of the bidder being in a joint venture, joint venture agreement must be submitted.
- Company registration documents. In the event of the bidder being a consortium organization, relevant shareholding certificates must be submitted (where applicable).
- Valid Tax Clearance Certificate or SARS Pin Certificate and CSD Report.
- Service providers must be EME/QSE with Level 1 - 3 in terms of the B-BBEE Codes of Good Practice.

- Original signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (consent form can also be downloaded on our website).

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

7.2. Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidders' responses in respect of the bid proposal (evaluated on the minimum functional specifications). The NLC will follow a Quality Based Selection (QBS) approach to establish the panel of marketing, event, and public relations (PR) service providers.

In a QBS the bid requires the submission of a technical proposal only (without the financial proposal). The highest ranked technical proposals after evaluation on functionality (that would be prospective bidders who score a minimum of 70 points or more) will be appointed as the successful service provider to be included on the panel in that order and manners as follows: -

-  Event Management – (5 service providers)
-  Marketing – (5 service providers)
-  Public Relations – (5 service providers)

CRITERIA	WEIGHT
1. Relevant qualification and experience of key personnel	
The bidder is required to demonstrate their suitability with respect to its capacity/ability to execute and deliver on the services required, based on key personnel experience in the industry. (Please attach CVs and certified copies of qualifications of key personnel). The bidder profile must also contain the entity's organizational structure, a staff	25%

organogram, where applicable. - At least two (2) senior full-time staff who lead the team (10 points) - At least two (2) full-time support staff and access to freelancers/sub-contractors) (10 points) Experience: Ten (10) years or more combined experience for senior team members (Not less than five (5) years individual experience): 10 – 14 years combined experience (3 points) 15 years or more combined experience (5 points)	
2. Service provider experience	
Provide 3 reference letters from contactable existing/ recent clients (within the past 3 years) of projects successfully completed. The reference letter must be on the letterhead of the previous client, be signed, and includes company name, contact name, address, phone number, and duration of contract, value of the contract, a brief description of the services that you provided, and the reference letter should not be older than two (2) years. No appointment letters from clients will be accepted as reference letters. Maximum of 15 points will be awarded as follows: - No references = 0 points - One (1) relevant reference = 3 points - Two (2) relevant reference letters = 5 points - Three (3) relevant reference letters = 10 points Affiliation with relevant, recognized professional bodies will be an added advantage. Please submit the valid certified copy of the affiliation certificate. Total of 5 points for submission of the valid professional body certificate. Total points = 5%	15%
3. Understanding of the service required	
Responsiveness to TOR (scope of work for relevant category in paragraph 4).	35%

4. Project plan/ Methodology	
Methodology and approach clearly describing frameworks and workflows for project execution. • Project timelines and turnaround times (15 points) • Project deliverables (measurable and tangible outcome of the project milestones) (10 points).	25%
Total:	100%

8. GENERAL GUIDELINES

8.1 Submission Instruction

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

Only USB submission will be accepted. Please note that only Technical Proposal together with bidding documents and supporting documents should be submitted.

7.2 Take note of the following:

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

7.3 Late bids

Bids received late shall not be considered. A bid will be considered late if it arrived

one second after 11:00 am or any time thereafter. The virtual tender (bid) box shall be closed at exactly 11:00 am and bids arriving late will not be considered under any circumstances. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

7.4 Costs to be borne by bidders.

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

7.5 No legal relationship

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

7.6 Evaluation of offers

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

7.7 Format of your proposal

The proposal should be presented as follows:

7.7.1 Technical proposal format

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

7.7.2 Technical approach

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

7.7.3 Company experience

- Bidders are required to provide proof that they have previously delivered similar services (marketing services). Letters of reference from at least three (3) contactable referees must be submitted, (letters should be not more than three years).

7.8 Disclosures

The bidder must disclose:

- If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy/ insolvency.
- If they have been convicted of, or are the subject of any proceedings, relating to:
 - A criminal offence or other offence, involving the activities of a criminal nature in its organisation or found by any regulator or professional body to have committed professional misconduct.

- Corruption, including the offer or receipt of any inducement of any kind in relation to obtaining any contract with any contracting authority.
- Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.
- If a bidder or related company or any individual discloses details of any previous misconduct or complaint, the NLC will seek an explanation and background details from them. At the sole discretion of the NLC, an assessment as to whether the bidder will be allowed to continue to the next phase of the evaluation phase will then be made.
- Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the bidder is associated in respect of this tender.

7.9 Disclaimer

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

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

7.10 Confidentiality

The NLC is committed to protecting the bidder's privacy and recognises that it needs to comply with statutory requirements in collecting, processing and

distributing of personal information. The Constitution of the Republic of South Africa provides that everyone has the right to privacy and the Protection of Personal Information Act 4 of 2013 (“POPI”) includes the right to protection against unlawful collection, retention, dissemination and use of personal information. In terms of section 18 of POPI, if personal information is collected, the NLC, as responsible party, must take reasonably practical steps to ensure that the data subject is made aware of the information being collected.

7.11 Disqualification

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

7.12 Prices

- a) No prices to be submitted for this bid.
- b) The project implementation costs / written price quotations to be quoted separately during the contract with the successful service providers and the 80/20 preference point system to be applied.

7.13 Payment Terms

- The NLC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered.
- All supporting documents for services rendered should be submitted together with the tax invoices by the twentieth (20th) of every month; and
- Valid Tax Invoices for all services rendered are to be submitted to the Chief

Financial Officer (CFO) at the NLC's Finance Division at the address on page 2 above or may be sent through an email to the following email address:

accounts@nlcsa.org.za

7.14 Validity

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

7.15 Signatories

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

8. DURATION OF THE PROJECT

The expected duration of the project is two (2) years after the signing of a Service Level Agreement (SLA).

9. BRIEFING SESSION

An online briefing session will be held on **17 August 2021 at 10:00**. While the session will not be compulsory, bidders are encouraged to attend. **Kindly send an email to maureen@nlcsa.org.za for a link to attend the briefing session.**

10. SPECIAL TERMS AND CONDITIONS

- a) 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;
- b) This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract;
- c) Where, however, the special conditions of contract are in conflict with the general conditions of contract, the general conditions of contract will prevail.
- d) The NLC is the sole adjudicator of the suitability of the venue for the purpose for which it is required. Therefore, the NLC's decision in this regard will be final.
- e) Only electronic submission or email submission will be accepted.
- f) Bids must only be submitted through a dedicated email or CD/USB may be deposited at the NLC Head Office Tender Box in Pretoria by the specified date and time.
- g) Bidders are welcome to be present at the opening of bids virtually.
- h) The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.
- i) The bid forms must not be retyped or re-drafted but copies may be used. Additional offers may be made but only photocopies of the original documents. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. Additional bid offers must be submitted.
- j) Central Supplier Database (CSD) Summarized Report with SARS compliance regarding the Tax Clearance Certificate/Pin. Please submit the current CSD Report.
- k) Failure to comply with the above-mentioned conditions will invalidate the bid.

11. OTHER CONDITIONS:

- i. Only bidders who obtain at least 70% under Functional/Technical Evaluation will be considered for further evaluation on phase 2.
- ii. Bidders are further requested to provide separate financial and technical proposals.
- iii. Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each company in the joint venture agreement should be indicated on the agreement. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid.
- iv. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims.
- v. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- vi. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- vii. Fraudulent practices shall result in immediate disqualification.
- viii. NLC is under no obligation to accept any bid and reserves its right not to proceed with the appointment of any service provider that responded to the invitation to submit proposals, for whatever reasons it may consider appropriate.

12. USE OF PERSONAL INFORMATION

The NLC is committed to protecting the bidder's privacy and recognizes that it needs to comply with statutory requirements in collecting, processing, and distributing of personal

information. The Constitution of the Republic of South Africa provides that everyone has the right to privacy and the Protection of Personal Information Act 4 of 2013 (“POPI”) includes the right to protection against unlawful collection, retention, dissemination and use of personal information. In terms of section 18 of POPI, if personal information is collected, the NLC, as responsible party, must take reasonably practical steps to ensure that the data subject is made aware of the information being collected.

13. PRESENTATIONS/SITE VISITS

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

14. TAX COMPLIANCE

No tender shall be awarded to a bidder who is not tax compliant. NLC reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder in the event that it is established that such bidder was in fact not tax compliant at the time of the award or has submitted a fraudulent Tax Clearance Certificate to NLC, or whose verification against the Central Supplier Database (CSD) proves non-compliant. NLC further reserves the right to cancel a contract with a successful bidder if such bidder does not remain tax.

15. CLARIFICATIONS / ENQUIRIES

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

Cnr Hilda & Arcadia Street
Hatfield Gardens
Hatfield | Pretoria
(T) +27 12 432 1300
(F) +27 12 432 1404



16. BID ENQUIRIES

Name and Surname: Maureen Senyatsi

E-mail: bids@nlcsa.org.za

Fax: 086 568 7857

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

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

Cnr Hilda & Arcadia Street
Hatfield Gardens
Hatfield | Pretoria
(T) +27 12 432 1300
(F) +27 12 432 1404



ANNEXURE A

PANEL OF MARKETING, EVENT PLANNING & MANAGEMENT AND PUBLIC RELATIONS SERVICES

SUPPLIER TICKBOX/SELECTION OF CATEGORY OF SERVICE BIDDING FOR: -

NLC/2021 -07

SUPPLIER NAME: _____

PROVINCE: _____

Marketing Services	
Event Planning and Management	
Public Relations Services	

Director/Signatory

Date

Kindly select one of the above listed categories of service required by the NLC and for those who can provide more than one of the above services, can bid and must submit a separate proposal of each category of service required by the NLC

ANNEXURE B

BID SUBMISSION CHECKLIST: APPOINTMENT OF A SERVICE PROVIDER TO RENDER MARKETING, EVENT AND PUBLIC RELATIONS SERVICES FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF TWO (2) YEARS

Name of the bidder:.....			
B-BBEE Level:.....			
Contact Name & no.:.....			
Email address:			
Item	Description	Yes	No
1.	Mandatory Requirements:		
1.1	B-BBEE /Sworn Affidavit (EME/QSE) Level 1-3		
1.2	In the event of the bidder being in a joint venture, joint venture agreement must be submitted (where applicable)		
1.3	Company registration documents. In the event of the bidder being a consortium organization, relevant shareholding certificates must be submitted (where applicable).		
1.4	Recent Central Supplier Database (CSD) Summary Report with SARS compliance regarding Tax Clearance Certificate/Pin		
1.5	Original signed consent form in terms of the Protection of Personal Information Act 4 of 2013		
1.6	Standard Bidding Documents Forms Please indicate below if whether the Standard Bidding Document (SBD) Forms are duly completed and signed by the relevant person:		
1.6.1	SBD 1		
1.6.2	SBD 4		
1.6.3	SBD 6.1		

ANNEXURE B

1.6.4	SBD 8		
1.6.5	SBD 9		
2.	Non-Mandatory Requirements		
2.1	Company Profile		
2.2	Provide three (3) letters of reference from the public and/or private institutions which demonstrate having satisfactory delivered on similar services		
3.	Bid Document Responsiveness: Do you adhere to the bid documents and terms of reference?		



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

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	NLC/2021-07	CLOSING DATE: 30 AUGUST 2021		CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO RENDER MARKETING, EVENT AND PUBLIC RELATIONS SERVICES FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF TWO (2) YEARS				
BID RESPONSE DOCUMENTS MAY BE SUBMITTED ELECTRONICALLY AS FOLLOWS:					
Only electronically submission will be accepted as follows: - Universal serial bus (USB) or compact disc (CD) Submission of (USB or CD) must be hand delivered/deposited to the following address: National Lotteries Commission 333 Grosvenor Street Block D Hatfield Gardens Hatfield, Pretoria 0183					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Maureen Senyatsi		CONTACT PERSON	Bojane Mosima	
TELEPHONE NUMBER	012 432 1300 / 012 432 1470		TELEPHONE NUMBER	012 432 1300 / 012 432 1470	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	maureen@nlcsa.org.za		E-MAIL ADDRESS	bojane@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 No:	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]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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 2.3 BELOW.	

PART B

TERMS AND CONDITIONS FOR BIDDING

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

SBD 4

DECLARATION OF INTEREST

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

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

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

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

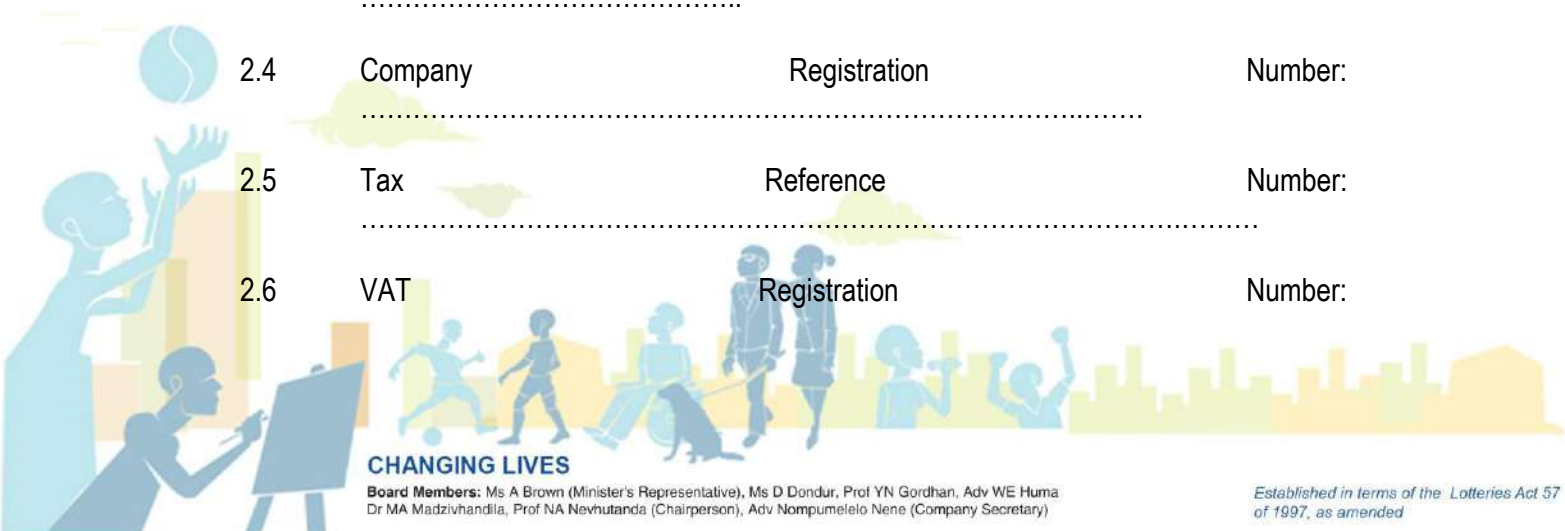
2.2 Identity Number:
.....

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....



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

¹"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

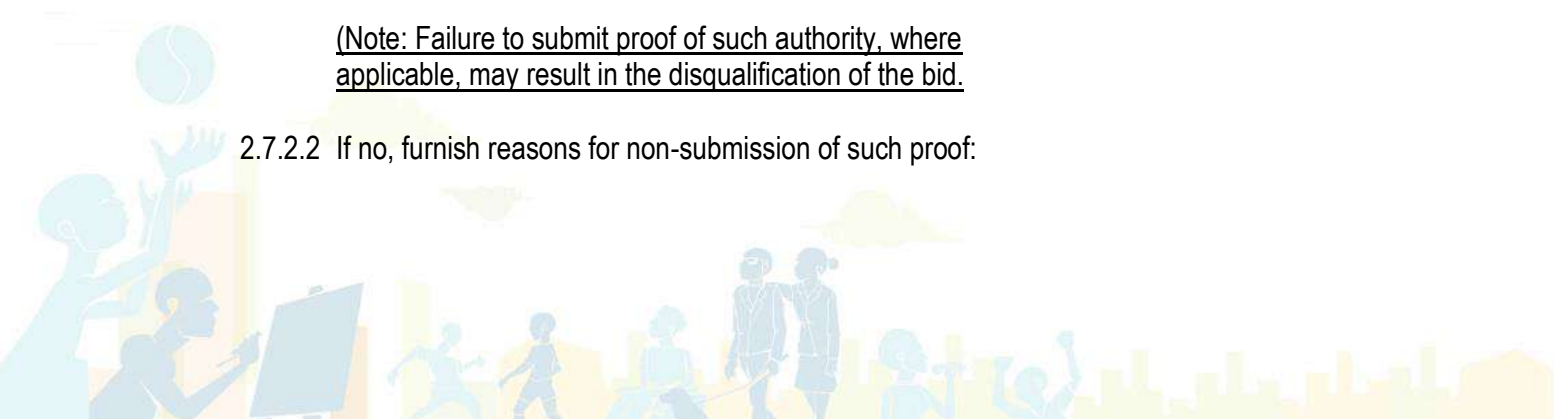
.....

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

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

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

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



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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

YES / NO

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

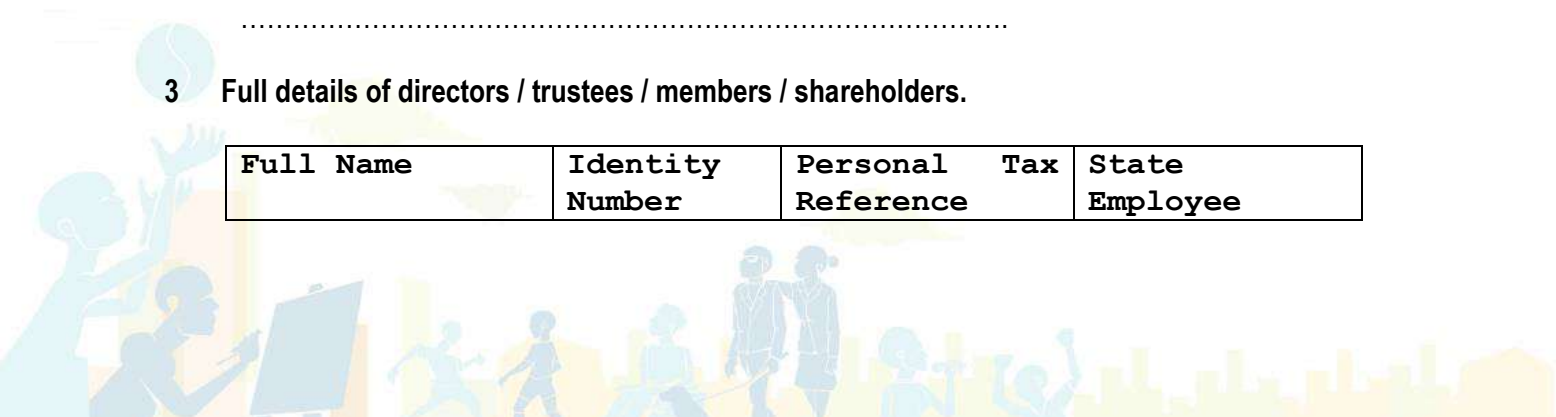
YES/NO

2.11.1 If so, furnish particulars:

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

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

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



		Number	Number / Persal Number

4 DECLARATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011





SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

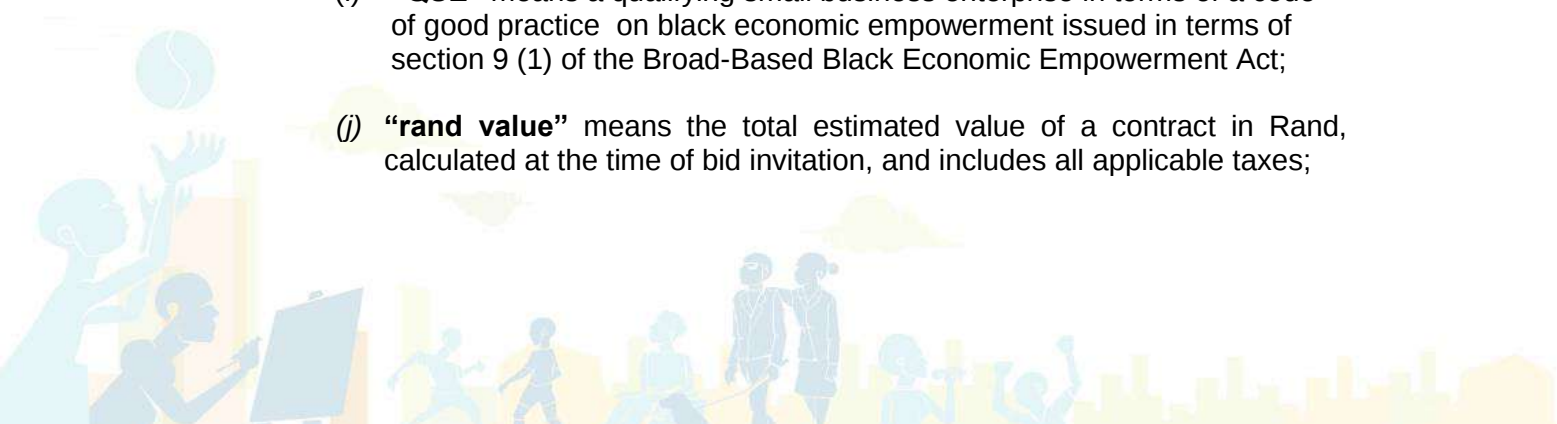
	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;



3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

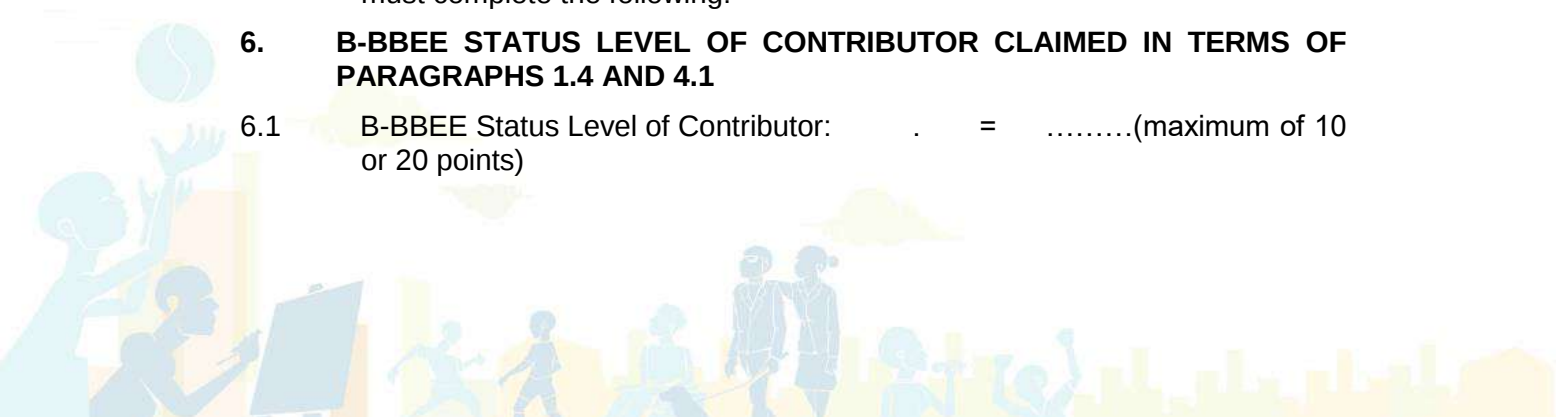
B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)



(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....



8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

.....

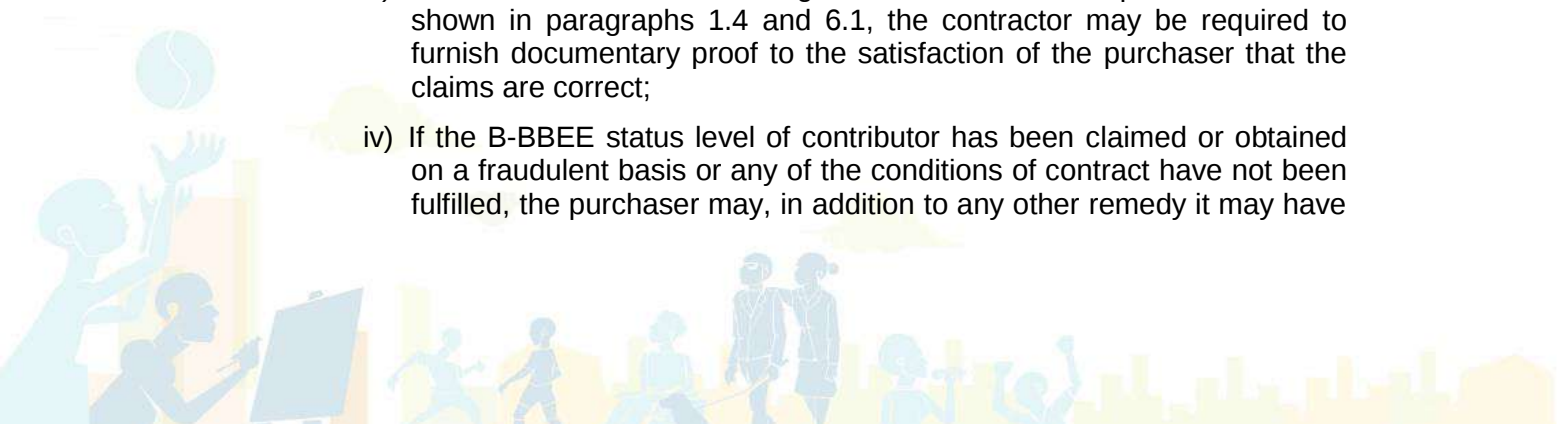
8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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



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

WITNESSES

1.
2.

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

DATE:

ADDRESS

.....
.....





DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

SBD 8

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
- 

SBD 9

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

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

SBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious



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



.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js914w 2