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 National Lotteries Commission (NLC)
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NATIONAL LOTTERIES COMMISSION

THE TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP BBBEE STRATEGY, THREE (3) YEARS IMPLEMENTATION PLAN, AND ASSISTANCE WITH THE COMPILATION OF THE FILE AND SUPPORTING DOCUMENTATION FOR 2023/24 BBBEE VERIFICATION.

BID PROCESS	BID REQUIREMENTS
Tender number	RFQ2024-004-009
Bid Advertisement Date	17 April 2024
Closing date and time	25 April 2024 @ 12:00 <i>(South African Standard Time)</i>
Tender validity period	90 business working days <i>from the closing date</i>
Compulsory Briefing meeting	N/A
Submission instruction:	<p>The electronic bid document must be submitted ONLY via USB and be delivered to:</p> <p>Acting Senior Manager: Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria 0083</p> <p>Enquires ONLY can be emailed to: bids@nlcsa.org.za</p> <p>NO email or hardcopies submissions will be accepted.</p>

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THE TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP BBEE STRATEGY, THREE (3) YEAR IMPLEMENTATION PLAN, AND ASSISTANCE WITH THE COMPILATION OF THE “FILE” AND SUPPORTING DOCUMENTATION FOR 2023/24 BBEE VERIFICATION.

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION AND BACKGROUND

The National Lotteries Commission (NLC), established under the Lotteries Act No. 57 of 1997, plays a pivotal role in regulating the National Lottery and other lotteries, ensuring the equitable distribution of funds for social upliftment in line with South Africa's development goals. Transparency and openness in its operations are paramount, guided by the principles set out in the Lotteries Act.

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 and Competition for the adjudication of the funding applications as per the Lotteries Act and applicable Regulations.

The NLC is required in terms of legislation, Broad-Based Black Economic Empowerment Act (B-BBEE) 53 of 2003 as amended by Act 46 of 2013 to report on compliance with B-BBEE. The NLC as a public entity must file the audit annual financial statements and annual report compiled in terms of section 13G (1) of the Act annually to the B-BBEE Commission in the prescribed FORM B-BBEE 1, within (30) days of the approval of such audited financial statements and annual report. The NLC is a Schedule 3 A entity and it is important that its BEE compliance and certificate accurately reflects such.

The overall aim of BBEE verification is to give confidence to all parties that rely upon the compliance status. The value of verifying is paramount for public trust and it is achieved by gaining the confidence of all these parties, which include but are not limited to:

- (a) The Measured Entities that are clients of the BEE Verification Agencies
- (b) the customers of the BEE Verified measured Entities
- (c) Government authorities
- (d) non-government authorities
- (e) consumers and members of the public
- (f) public entities

The required service provider will be expected to assist with the development of a strategy and advisory services to improve the current B-BBEE rating level on the required elements. The current NLC status B-BBEE verification rating is level 8.

2. OBJECTIVES

The primary objective of this bid is to solicit proposals from an experienced, well-resourced service providers to develop the NLC BBEE strategy and 3 year implementation plan, advice on required information and assist with the compilation of the “file” and supporting documentation for 2023/24 BEE Verification purposes.

3. SCOPE OF WORK

1. Developing of strategies and implementation plans and compiling a strategic report and GAP analysis to enhance BEE levels. This should include:
 - a. A workshop with key individuals to develop the strategy and action plan with clear facilitation and transfer of skills.
 - b. A high-level overview training session for the Executive Team (including a slide deck) and session of 3-4 hours. This should include the high-level analysis of the current BEE legislation, breakdown of the elements, B-BBEE rating and proposals to improve.
 - c. Strategy and action plan with clear timeframes for a three-year period to work towards a level 1 accreditation. Different proposals with costing on actions required to improve the B-BBEE levels over the period, including proper skills spend on correct Economically Active Populations (EAP) targets and accurate calculations for the monetary targets, with suggested initiatives to earning optimal points on the BEE scorecard.
 - d. Templates to accurately capture required information for verification.

The B-BBEE strategy and three-year action plan should include all elements of BEE Scorecard and assist the NLC in ensuring alignment of initiatives with legal requirements of the B-BBEE Codes to avoid any possible risks associated with any unethical business practices that could pose reputational damage to the NLC.

2. Assist the NLC to prepare the evidence/ response file for 2023/24 verification and assist the NLC in responding to verification enquiries/ clarifications which would include:

- a. Guidance to ensure that agreements, invoices, service level agreements, etc. are aligned and correct to enable proper verification.
 - b. Guidance and assistance to ensure that Enterprise Supplier Development (ESD) and Social Economic Development initiatives are correctly set up, captured and recorded to enable proper verification.
 - c. Guidance and assistance to ensure that Skills Development spent on black employees and unemployed individuals, as well as learnerships, apprenticeships/ internships and SETA-accredited training programmes and bursaries to students at Higher Education institutions are correctly set up, captured and recorded to enable proper verification.
3. Continuous professional consultation and advice. This must include dedicated project manager to assist the NLC with drafting responses to enquiries/ clarification from verification entity, assisting with solutions or alternative information sources that can be provided, etc.

4. **DELIVERABLES**

1. Developed tailored BBEE strategy for the NLC, including specific goals, targets, action plans, and monitoring mechanisms.
2. Three (3) year implementation plan,
3. Comprehensive GAP analysis and BBEE strategic report.
4. Compiled Audit File for 2023/24 BBEE Verification.
5. Professional advise and transfer of skills.

5. **DURATION OF THE APPOINTMENT**

The expected duration of the project is one (1) year after the signing of a Service Level Agreement (SLA).

6. **REPORTING REQUIREMENTS**

The appointed service provider will report to the Senior Manager: Strategy and Performance.

SECTION 2: NOTICE TO BIDDERS

1. Terms and conditions of Request for Quotation (RFQ)

- 1.1 This document may contain confidential information that is the property of the NLC.
- 1.2 No part of the contents may be used, copied, disclosed, or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFQ without prior written permission from the NLC.
- 1.3 All copyright and intellectual property herein vests with the NLC.
- 1.4 Late and incomplete submissions will not be accepted.
- 1.5 No services must be rendered, or goods delivered before an official NLC Purchase Order form has been received.
- 1.6 This RFQ will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2022.
- 1.7 Suppliers are required to register on the Central Supplier Database at www.csd.gov.za.
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Summary report) and ensure that their tax matters are compliant.
- 1.9 All questions regarding this RFQ must be forwarded to bids@nlcsa.org.za, no later than within three days of the RFQ closing date.
- 1.10 Any supplier who has reasons to believe that the RFP specification is based on a specific brand must inform the NLC via the email addressed in 1.9.

2. General rules and instructions

2.1 News and press releases

- 2.1.1 Bidders or their agents shall not make any news releases concerning this RFQ or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, the NLC.

2.2 Precedence of documents

- 2.2.1 This RFQ consists of a number of sections. Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFQ and the stipulations in any other document attached hereto, or the RFQ submitted hereto, the relevant stipulations in this RFQ shall take precedence.
- 2.2.2 Where this RFQ is silent on any matter, the relevant stipulations addressing such matter, and which appear in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional

stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the NLC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by the NLC.

It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFQ. It remains the exclusive domain and election of the NLC as to which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the NLC in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the Bidder(s). The Bidder(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

2.3 Preferential procurement reform

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

2.4 Language

- 2.4.1 Bids shall be submitted in English.

2.5 Gender

- 2.5.1 Any word implying any gender shall be interpreted to imply all other genders.

2.6 Headings

- 2.6.1 Headings are incorporated into this RFQ document and submitted in response thereto, for ease of reference only and shall not form part thereof for any purpose of interpretation or for any other purpose.

2.7 Occupational Injuries and Diseases Act 13 of 1993

- 2.7.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 and that the cover shall remain in force for the duration of the adjudication of this RFP and/ or subsequent agreement. the NLC reserves the right to

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

2.8 Processing of the Bidder's Personal Information

- 2.8.1 All Personal Information of the Bidder, its employees, representatives, associates, and sub-contractors ("Bidder Personal Information") required under this RFQ is collected and processed for the purpose of assessing the content of its tender proposal and awarding the bid. The Bidder is advised that Bidder Personal Information may be passed on to third-parties to whom the NLC is compelled by law to provide such information. For example, where appropriate, the NLC is compelled to submit information to National Treasury's Database of Restricted Suppliers.
- 2.8.2 All Personal Information collected will be processed in accordance with POPIA and with the NLC Data Privacy Policy.
- 2.8.3 The following persons will have access to the Personal Information collected:
- 2.8.3.1 The NLC personnel participating in procurement/award procedures; and
- 2.8.3.2 Members of the public: within seven working days from the time the bid is awarded, the following information will have to be made available on National Treasury's e-Tender portal:
- 2.8.3.2.1 contract description and bid number.
- 2.8.3.2.2 names of the successful bidder(s) and preference points claimed.
- 2.8.3.2.3 the contract price(s) (if possible).
- 2.8.3.2.4 contract period.
- 2.8.3.2.5 names of directors; and
- 2.8.3.2.6 date of completion/award.
- 2.8.4 The Commission will ensure that the rights of the Bidder and of its employees and representatives (i.e. the right of access and the right to rectify) are effectively guaranteed in accordance with the procedures as specified in the Commission PAIA manual.
- 2.8.5 In signing this document, the Bidder consents to the use of its Personal Information for the purposes as specified in section 2.9.1 above.

3. Formal Briefing Session

There will be no compulsory briefing session.

4. Validity Period

- 4.1 The Commission requires a validity period of 90 [ninety] Business Days

[from closing date] against this RFQ.

- 4.2 Bidders are to note that they may be requested to extend the validity period of their bids, on the same terms and conditions, if the internal evaluation process are not finalised within the validity period.

5. National Treasury's Central Supplier Database

- 5.1 Bidders are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information.
- 5.2 The NLC may not award business to a bidder who has failed to register on the CSD.
- 5.3 Only foreign suppliers with no local registered entity need not register on the CSD.
- 5.4 The CSD can be accessed at <https://secure.csd.gov.za/>

6. Confidentiality

- 6.1 Bids submitted for this Request for Quotation will not be revealed to any other bidders and will be treated as contractually binding.
- 6.2 The NLC reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in Bid Proposals.
- 6.3 The Bidder acknowledges that it will obtain and have access to personal information of The NLC and agrees that it shall only process the information disclosed by the NLC in terms of this bid award and only for the purposes as detailed in this RFQ and in accordance with any applicable law.
- 6.4 The Bidder shall notify the NLC in writing of any unauthorized access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such

7. Communication

- 7.1 Specific queries relating to this RFQ should be submitted bids@nlcsa.org.za, before the closing date.
- 7.2 In the interest of fairness and transparency the NLC's response to such a query may be made available to other bidders.
- 7.3 It is prohibited for bidders to attempt, either directly or indirectly, to

canvass any officer or employee of the NLC in respect of this RFQ or between the closing date and the date of the award of the business.

- 7.4 Bidders found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

8. SUPPLIER PERFORMANCE

8.1. The National Lotteries Commission conducts regular performance reviews in accordance with the requirements for the classification of the contract and or stakeholder by making use of supplier evaluation forms. The evaluation is conducted against the deliverables or scope of the contract with a minimum of an annual review.

done for contracts longer than a year and a review at completion of contract for those contracts less than a year.

8.2. Ad-hoc performance reviews shall be conducted where non-performance is identified outside the review period.

8.3. Non-performance will be addressed with at least a formal letter advising specific non-performing areas and stating remedial action/s required within specific time frames. Non-adherence to remedial actions shall lead to escalating performance management actions.

8.4. Any party to this agreement may request to participate in a joint performance review where appropriate and seek continuous improvement opportunities.

REQUEST FOR QUOTATION FOR THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP BBEE STRATEGY, THREE (3) YEAR IMPLEMENTATION PLAN, AND ASSISTANCE WITH THE COMPILATION OF THE “FILE” AND SUPPORTING DOCUMENTATION FOR 2023/24 BBEE VERIFICATION.

Section 3: EVALUATION CRITERIA

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

Stage 1: Tender Closing and Opening

1.1 Tender closing details

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

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

1.2 Bid Formats

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

Only electronically submission in a form of Universal serial bus (USB) will be accepted.

Bid submission guidelines:

Bidders are required to ensure that the bid submission is saved properly and accessible in the USB as blank/empty USB will be disqualified. The USB must be clearly marked with the name of the bidder and arranged and properly as follows:

- Mandatory Bid Compliance Documents, Standard Bidding Documents (SBD) Forms, Technical and Financial Proposals must be submitted in one (1) electronic (USB) submission.
- Bidders are requested that folders in the electronic submission be separated, properly named, and indexed as follows:
 - Folder 1: Mandatory Bid Compliance Documents and SBD Forms;
 - Folder 2: Technical Proposal; and
 - Folder 3: Financial (Price) Quotation.

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

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

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

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

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

Stage 2: Administrative Compliance

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

Evaluation Criteria	Supporting Document
<ul style="list-style-type: none"> Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time 	Bid Proposal (SBD1, SBD 6.1,)
<ul style="list-style-type: none"> Whether the Bid document has been duly signed by the authorised bidder official 	Company resolution as proof of authorised individuals' delegation
<ul style="list-style-type: none"> Whether the Bid contains a priced offer 	Pricing and delivery schedule
<ul style="list-style-type: none"> Whether Bidders have failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD 	Proof of Central Supplier Database (CSD) registration reflecting Tax compliant status

Stage 2: Mandatory Compliance

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

Evaluation Criteria	Supporting Document
1. In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable)	JV Agreement
2. Bidders must submit a fully complete declaration of interest form (failure to declare honestly will lead to bidder being disqualified)	SBD 4
3. Bidders must be accredited by SANAS (South African National Accreditation Systems) for B-BBEE Verification/ services.	B-BBEE Certificate issued by SANAS.
<i>Only bidders who are compliant with the requirements of this stage will proceed to stage</i>	

Note to Bidders:

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

assessment.

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

Failure to comply with the above mandatory requirements will render your submission non-responsive and unacceptable.

Stage 3: Technical evaluation

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

Table 1: Rating Scale

Rating	Definition	Score
Excellent	Exceeds the requirement. Exceptional demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	5
Good	Satisfies the requirement with minor additional benefits. Above average demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	4
Acceptable	Satisfies the requirement. Demonstration by the bidder of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	3
Minor Reservations	Satisfies the requirement with minor reservations. Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	2
Serious Reservations	Satisfies the requirement with major reservations. Considerable reservations of the bidder's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	1
Unacceptable	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the bidder has the ability, understanding, experience, skills, resource & quality measures required to provide the goods / services, with little or no supporting evidence.	0

The table below indicates the criteria which the service provider is expected to demonstrate, and which will form the evaluation criteria during the evaluation of the prospective service providers' proposals.

The following weighting system will apply and only bidders scoring a minimum of 70 points or more will be eligible to migrate to the evaluation phase of this bid.

EVALUATION CRITERIA	Scoring Matrix	% Weight
1. Company Experience		
1.1. Written Reference Letters		15%
<p>Provide five (5) written reference letters from contactable existing/ recent clients (public / private sector) within the past 5 years in developing BBBEE strategies, implementation plans, compilation of verification file, GAP analysis, conducting successful BEE verification audits.</p> <p>Letters must include the company name, contact name, address, phone number, duration of contract, value of the contract, a brief description of the services that you provided.</p> <p>The date on the reference letter must not be older than 3 years (Letters from one client will be regarded as one reference). The reference letters must be on the client's official letterhead and must be dated and signed.</p> <p>Appointment letters are not permissible.</p>	<ul style="list-style-type: none"> • No reference letters = 0 Points. • 1 reference letter = 1 Point. • 2 reference letters = 2 Points. • 3 reference letters= 3 Points. • 4 Reference letters = 4 Points. • 5+ reference letters = 5 Points. 	
1.2. Company Experience & Capability		15%
<p>Bidders are required to submit their company profile demonstrating that they have the capacity to render the required service to developing BBBEE strategies, implementation plans, compilation of verification file, GAP analysis, conducting successful BEE verification audits.</p>	<p>5+ Years experience = 5 Points.</p> <p>4 years' experience = 4 Points.</p> <p>3 years' experience = 3</p>	

EVALUATION CRITERIA	Scoring Matrix	% Weight
<p>The profile must contain the entity's years of experience. Specific details must be given to indicate the extent to which these previous experiences relate to rendering the services outline as per the scope.</p>	<p>Points.</p> <p>2 years' experience = 2 Points.</p> <p>1 year experience = 1 Points.</p> <p>No Experience Indicated = 0 Points.</p>	
2. Capacity and Ability to Implement		
2.1. Experience - Technical Project Lead/Manager		25%
<p>Kindly attach Abridged CV (not longer than two pages) of the technical project manager.</p> <p>As evidence of experience the bidder should provide a CV of a Project Manager to be assigned to this project, the CV should clearly demonstrate relevant experience and indicate projects related to developing BBBEE strategies, implementation plans, compilation of verification file, GAP analysis, conducting successful BEE verification audits.</p>	<ul style="list-style-type: none"> • 5+ Years Experience = 5 Points • 4+ Years Experience = 4 Points • 3+ Years Experience = 3 Points • 2+Years Experience = 2 Point. • 1+ year experience = 1 Point. • No Experience indicated = 0 points. 	
3. PROJECT METHODOLOGY		25%
<p>Provide detailed and comprehensive proposal on how the methodology will meet the requirements, as per the scope of work. The service provider must demonstrate an understanding of the scope by submitting a</p>	<ul style="list-style-type: none"> • Does not meet the requirement. Does not comply and/or provided insufficient information relating to 	

EVALUATION CRITERIA	Scoring Matrix	% Weight
<p>detailed methodology that demonstrates how the scope of work will be delivered.</p>	<p>the requirements outlined. = 0 points.</p> <ul style="list-style-type: none"> • Satisfies the requirements with major reservations. Considerable reservations of the service provider's understanding of services, with little or no supporting evidence. = 1 point. • Satisfies the requirement with minor reservations. Some minor reservations of the service provider's understanding of services = 2 points. • Satisfies the requirement. Demonstration by the service provider of the understanding of services, with supporting evidence. = 3 points. • Satisfies the requirement. Above average demonstration by the 	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<p>service provider of the relevant service required. = 4 points.</p> <ul style="list-style-type: none"> • Exceeds the requirement. Exceptional demonstration by the service provider of the service understanding. = 5 Points. 	
4. PROJECT PLAN		20%
<p>The bidder must provide a project implementation plan which details how the service will be carried out. The project plan must have deliverables and time frames as per the scope of work and the outlined deliverables.</p>	<ul style="list-style-type: none"> • Does not meet the requirement. Does not comply and/or provided insufficient information relating to the requirements outlined. = 0 points. • Satisfies the requirements with major reservations. Considerable reservations of the service provider's understanding of services, with little or no supporting evidence. = 1 point. • Satisfies the requirement with minor reservations. Some minor 	

EVALUATION CRITERIA	Scoring Matrix	% Weight
	<p>reservations of the service provider's understanding of services = 2 points.</p> <ul style="list-style-type: none"> • Satisfies the requirement. Demonstration by the service provider of the understanding of services, with supporting evidence. = 3 points. • Satisfies the requirement. Above average demonstration by the service provider of the relevant service required. = 4 points. • Exceeds the requirement. Exceptional demonstration by the service provider of the service understanding. = 5 Points. 	
Total:		100%

Stage 4: Pricing and special goals comparatives

Evaluation Criteria	Final Weighted
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	Scores
<p>Price</p> <p>The following formula will be used to calculate the points out of 80 for price in respect of a tender with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes:</p> $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ <p>Where: <i>P_s</i> = Score for the Bid under consideration <i>P_t</i> = Price of Bid under consideration <i>P_{min}</i> = Price of lowest acceptable Bid</p>	80
	80

The evaluation for special goals will include the following:

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

Total points for specific goals		20	
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Stage 5: Due Diligence

The NLC reserves the right to undertake a due diligence exercise on the preferred bidder/s as part of a material risk evaluation aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be limited to, all or any combination of the following:

- a) Physical inspection of the Bidder's offices, branches or other places
- b) Verification of accuracy, correctness and authenticity of information provided
- c) Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team
- d) Inquiry and reference checking with National Treasury Restricted Suppliers
- e) Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary;
- f) Financial Stability Assessments

Stage 6: Contract and Award

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

THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP BBBEE STRATEGY, THREE (3) YEARS IMPLEMENTATION PLAN, AND ASSISTANCE WITH THE COMPILATION OF THE FILE AND SUPPORTING DOCUMENTATION FOR 2023/24 BBBEE VERIFICATION.

Section 4: INVITATION TO BID (SBD 1)

YOU ARE HEREBY INVITED							
BID NUMBER:	NLC/2024-004-009	ISSUE DATE:	17/04/2024	CLOSING DATE:	25/05/2024	CLOSING TIME:	12:00
DESCRIPTION	THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP BBBEE STRATEGY, THREE (3) YEARS IMPLEMENTATION PLAN, AND ASSISTANCE WITH THE COMPILATION OF THE FILE AND SUPPORTING DOCUMENTATION FOR 2023/24 BBBEE VERIFICATION.						
BID RESPONSE DOCUMENTS							
BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	SCM			CONTACT PERSON	Commission's Office		
TELEPHONE NUMBER	012 432 1309			TELEPHONE NUMBER	012 432 1327		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				E-MAIL ADDRESS			
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TELEPHONE NUMBER	CODE			NUMBER			

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

RFP2023-007 – WORK STUDY

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

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

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

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

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

**PART B
TERMS AND CONDITIONS FOR BIDDING**

<p>1. TAX COMPLIANCE REQUIREMENTS</p>
<p>1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

resolution)DATE:_____



BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,
employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

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

2.2.1 If so, furnish particulars:

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

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

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

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

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

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

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
.....
Signature

Date

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

.....
.....
Name of bidder

Position

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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

DECLARATION WITH REGARD TO COMPANY/FIRM

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

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

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

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

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

SECTION 6: CONSENT REQUEST FORM

SCM:

CONSENT REQUEST FORM

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

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B, you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 2.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 2.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.
3. "Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - 3.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 3.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 3.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 3.4 the biometric information of the person;
 - 3.5 the personal opinions, views or preferences of the person;
 - 3.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 3.7 the views or opinions of another individual about the person; and
 - 3.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

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

Signature of Designation person

PART B

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

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

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

Method of Communication will be via: Email/Postal

- Give my consent.

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

Full Name: Date:

WITHDRAWAL OF CONSENT ONCE GIVEN

You may withdraw your consent at any time.

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