



RFP 2021-111

**TERMS OF REFERENCE FOR THE
APPOINTMENT OF A SERVICE PROVIDER
TO DESIGN AND DELIVER A SKILLS
PROGRAMME FOR NLC BENEFICIARIES IN
MPUMALANGA PROVINCE**



1.	Assignment	The National Lotteries Commission (NLC) Stakeholder, Marketing and Communications Division requires suitable service provider to submit proposals to design and deliver a structured, accredited skills programme for selected NLC beneficiaries in Mpumalanga Province
2.	Name of the responsible office	Stakeholder Management, Marketing and Communications Department
3.	Address for submitting proposals & other correspondence Please submit USB drive	Attention: Demand and Acquisition Officer National Lotteries Commission 5 Rood Street, Sonheuwel Dorp, Nelspruit, 1200 OR 333 Grosvenor Street, Block D, Hatfield Gardens, Hatfield, Pretoria, 0083 Telephone: 012-432 1470
4.	Closing date & time for submission of bid proposals	30 November 2021 @ 11H00
5.	Bid description:	Design, develop and deliver an appropriate structured, accredited skills programme for non-profit organizations (NPOs) in Mpumalanga province.
6.	Grantees/beneficiaries	Organisations which have been successful in their grant application and have received funding.
7.	RFP Number:	RFP 2021-111

1. BACKGROUND

The National Lotteries Commission (NLC), previously known as the National Lotteries Board, is a public entity established by Lotteries Amendment Act, 32 of 2013 to regulate the South African Lotteries industry. The functions of the Commission can be divided into two categories, namely “regulation of the National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”. The activities of the NLDTF also involve the Distributing Agencies (DA’s) who are appointed by the Minister of Trade and Industry and are responsible for the adjudication of the funding applications as per the National Lotteries Act and related Funding Regulations.

In line with its mandate which includes provision of education and awareness, the Board of the NLC approved a Capacity Building Framework and Implementation Plan. Capacity Building programme entails a structured accredited training programme whereby relevant SAQA Unit Standards are aligned to design a suitable skills programme aimed at funded beneficiaries to equip them with financial, project management, reporting and sustainability skills and knowledge to be able to implement and sustain their projects successfully. Participants of the programme are identified by the NLC based on an internal capacity assessment. Target participants include senior non-finance managers, directors, and finance staff of small to medium-sized non-governmental organizations (NGOs).

In line with the requirements of the Public Finance Management Act (PFMA) No. 1 of 1999 and Treasury Regulations, the NLC invites suitably qualified and experienced service providers to submit proposals to design and deliver a skills programme for NLC Beneficiaries.

2. PURPOSE OF THE TERMS OF REFERENCE (TOR)

The purpose of the terms of reference (TOR) is to appoint qualified and experienced service provider to design and deliver a skills programme for NLC Beneficiaries for a period of eight (8) months.

3. OBJECTIVES

The objectives of the TOR are as follows:

- To design¹ and develop a structured and accredited financial, reporting and project management programme for NPOs.
- To implement and deliver the Structured Capacity Building (SCB) programme to selected NLC Beneficiaries in the province
- To provide on-site mentoring (site visits) to ensure transfer of skills as part of the portfolio building process; and
- To issue accredited certificates and upload learners with relevant SETA.
- To organise and coordinate a Handover Ceremony for awarding Certificates of Competency and Statements of Results to competent participants

4. SCOPE OF WORK

Scope of work entails the following:

4.1 The programme should be delivered in four (4) main phases as follows:

No	Phase	Description
One	Needs assessment	Assess the selected participants financial literacy (i.e., existing knowledge and expertise with financial management) as well as existing financial systems / policies of their respective organisation(s) to design appropriate programme materials at the relevant level (NQF Level 4 or 5)
Two	Skills programme	Design and deliver a five-day accredited training programme (facilitation) based on the outcomes of Phase One; conduct a formative and summative assessment of the participants based on a Portfolio of Evidence. Award a certificate of

¹ Existing training courses will be considered provided they are appropriately designed and structured; or can be adapted to meet the NLC's requirements

		attendance to qualifying participants on last day of training phase.
Three	On-Site Mentoring	Provide post-training support to participants in the organisational setting (site visits) to assist with application of skills and knowledge gained during summative assessment, including organisational system and policy development.
Four	Evaluation	Conduct an evaluation of the process based on participant feedback that can be used to modify / inform future iterations of the Programme and for the Final Report.

4.2 Implementation will be in the following province:

4.2.1. Mpumalanga Province

4.3 Proposed implementation plan and method

- Appointed service provider to reserve and provide a sufficient and professional conference venue whereby Covid 19 stringent and safety hygiene protocols will be observed.
- Conference venue selected must adhere to social distancing, health and safety protocols, frequently sanitized, disinfection of surfaces, and other safety measures.
- Conference venue must be booked for Five (5) days for training in the form of classroom setting
- Facilitation occurs live for a period of five days (5).
- Mentoring to take place in the form of site visits to each beneficiary location
- The NLC will perform an inspection of the conference venue before approval according to the events checklist to ensure safety and professionalism.
- The number of participants for the programme is **thirty (30)**. 15 organisations will avail two (2) members each for participation in the specified province.

4.4 The formative training component of the programme should be no more than five (5) days in duration and should include the following modules:

- Introduction to NPO finance (including relevant legislation governing same);
- Financial planning and budgeting including cash flow management;
- Tracking and reporting expenditure and cash flow;
- Basic financial record keeping;
- Introduction to VAT,
- How to read and interpret Financial Reports and Statements.
- Procurement, grant and contract management;
- Risk management; and
- Introduction to PFMA.
- Project management
- Record keeping
- Fundraising and resource mobilization
- Train the trainer

4.5 Outcomes:

By the end of the programme, participants should achieve the following outcomes:

- Demonstrate understanding of the NPO financial environment;
- Build activity-based project budgets, cash flow forecasts and funding grids for programme planning and implementation;
- Prepare project accounts and simple financial reports;
- Analyze financial reports to inform and support programme management decisions;
- Review grant and other contracts to ensure systems comply with funder rules;

- Ensure the procurement processes followed is as outline in the PFMA;
- Identify risks, strengths and weaknesses in their financial systems; and
- Interpret accounting officers' notes and the audit report.
- Ability to transfer skills to newly registered NPO/NGO's
- Ability to raise funds and apply sustainability initiatives

4.6 All practices and standards should consider Generally Accepted Accounting Principles (GAAP), International Financial Reporting Standards (IFRS); the Independent Code of Governance for Non-Profits in South Africa, and the relevant prescripts of the PFMA.

5. DELIVERABLES:

The required deliverables for the TOR are as follows:

- Conduct a pre-assessment to determine the suitable literacy level of participants before commencement of the programme (list of attendees will be provided).
- Design a suitable accredited programme and/or align the Level 4 or 5 programme based on the pre-assessment outcomes and SAQA Unit Standards.
- Develop and provide learning materials and delivery format (notes, lectures and exercises) (NLC LOGO to attach on the manuals with guidelines will be provided);
- Provide qualified facilitators / mentors knowledgeable in the local language to present the programme (NLC Provincial Office will also be there for support);
- Assess the participants, moderate the results (Communication);
- Issue certificates of attendance to participants on the last day of training (day 5)
- **Provide on-site mentoring; and train the trainer skills**
 - Site visit to attendee's organization; and least three site visits to attendees will be required.

- Upload the learners with affiliated SETA body and issue **Framed Certificates of Competency** as per Statement of results issued by relevant SETA. (Update NLC on SETA's correspondence)
- Evaluation of the programme with recommendations by providing report with surveys and/or questionnaires undertaken.
- **Organize and coordinate a Handover Ceremony** for awarding Certificates of Competency and Statements of Results to competent participants

6. LEGISLATIVE AND POLICY CONTEXT

The following key legislation should inform the content of the skills programme:

- Lotteries Act (as amended);
- Non-Profitable Organisations Act, legislation relating to Public Benefit Trust (PBTs) and Non-Profitable Companies (NPCs);
- PFMA;
- Tax legislation relating to Public Benefit Organisations (PBOs), VAT and Section 18A status; and
- South African Qualification Authority Act No.58 of 1995.

7. REPORTING REQUIREMENTS

- 7.1 The service provider shall report to the Stakeholder Management, Marketing and Communications Department.
- 7.2 The Project Manager and the appointed service provider will arrange regular (minimum monthly) progress meetings with a detailed report at the end of all the training sessions, mentoring sessions and a final closeout report.

7.3 All three (3) Structured Capacity Building (SCB) reports must be both on a document and USB, include updated Learner database with Photos, attendance registers for each session and learner evaluations forms:-

- SCB Training session report to include supporting evidence such as attendance registers, videos and pictures of each session including the awarding of the certificates of attendance.
- SCB Mentoring session report to include a video and photos of at least five onsite visits, attendance registers and learner database.
- SCB Final closeout report to include Statements of Results, **Competency Certificates (Framed)** and programme evaluation.

NB: ALL VIDEO CLIPS AND PHOTOS TAKEN MUST BE SUBMITTED ON A USB.

8. DURATION OF THE PROJECT

- The duration of the Project is Eight (8) months (starting in January 2022 - August 2022).

9. EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Regulation of 2011 and Preferential Procurement Policy Framework Act. No.5 of 2000 (PPPFA), three (3) phase evaluation criteria will be considered in evaluating the proposals, being:

9.1 Phase 1: Pre-Qualification Criteria (Mandatory Requirements)

The following mandatory requirements must be met to qualify for this bid:

- ✚ Proof of valid full accreditation (current accreditation) with Skills Education & Training Authority (SETA) Level 4 or 5;

- ✚ Bidders must be Level 1 in terms of the B-BBEE Codes of Good Practice;
- ✚ Bidders must be an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) in terms of the B-BBEE Act 53 of 2003;
- ✚ Fully completed Standard Bidding Documents (SBDs); and
- ✚ Original signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (Consent Forms Attached to the Bid as part of the SBDs).

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

9.2 Phase 2: Functional 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). Prospective bidders who score a minimum of 70% points or more will be considered for the next phase 3 (Price and B-BBEE status level contributor):

CRITERIA	SUB-WEIGHT	WEIGHT
1. Company Experience and Capacity		35
1.1 Company Experience: Maximum of 20 Points The service provider should: <ul style="list-style-type: none"> ✚ Demonstrate their experience and knowledge in all the various aspects of skills design, development and mentoring of beneficiaries/NPO. ✚ Demonstrate that similar training (skills design, development and mentoring) was rendered for the past five (5) years. ✚ Demonstrate their expertise in mentorship and coaching programme. <ul style="list-style-type: none"> • 5 years and above relevant experience in skills design, development and mentoring, and demonstrated knowledge of training within financial, project 		

<p>management and sustainability initiatives area = 20 Points</p> <ul style="list-style-type: none"> • 3 – 4 years’ experience in skills design, development and mentoring, and demonstrated knowledge of training within financial, project management and sustainability initiatives area = 15 Points • 1 – 2 years’ experience in skills design, development and mentoring, and demonstrated knowledge of training within financial, project management and sustainability initiatives area = 10 Points • 0 year = 0 Point <p>1.2 Written Reference Letters (Maximum of 15 Points)</p> <p>Provide three (3) written reference letters from contactable existing/ recent clients (public / private sector) within the past 3 years of similar services (skills design, development and mentoring focusing on financial, project management and sustainability initiatives successfully completed. 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, and the reference letter should not be older than two (2) years. The reference letters must be on the client’s letterhead and must be dated and signed.</p> <p><i>No appointment letters from clients will be accepted as reference letters.</i></p> <p>Maximum of 15 points will be awarded as follows:</p> <ul style="list-style-type: none"> • No references = 0 points • One (1) relevant reference = 5 points • Two (2) relevant reference letters = 10 points • Three (3) relevant reference letters = 15 points 	
<p>2. Team Members Experience</p>	<p>25</p>
<p>Considers the technical and professional skills of the project team. Abbreviated Curriculum Vitae (CV’s) of personnel involved on the implementation of the project or related project, not longer than one page each, shall be included in an Appendix. Kindly provide CVs of a maximum of three (3) team members containing of a Team Leader, Facilitator & Project Administrator. Brief capability statements must be</p>	

given for each designated team member, emphasizing recent experience relevant to the task envisaged.

2.1 Team experience (Maximum of 5 Points)

- Combined team experience of more than 5 years' experience in skills design, development and mentoring = 5 points
- Combined team experience of 3 - 5 years' experience in skills design, development and mentoring = 3 points
- Combined team experience of 1 - 2 years' experience in skills design design, development and mentoring = 2 points
- No information available / No team experience of 3 - 5 years' experience in skills design, development and mentoring = 0 point

2.2 Facilitator Experience (Maximum of 10 Points)

- More than 5 years' experience in facilitating relevant skills programmes = 10 points
- 3 - 4 years of experience in facilitating relevant skills programmes = 5 points
- 1 - 2 years of experience in facilitating relevant skills programmes = 3 points
- No experience in facilitating relevant skills programmes = 0 point

2.3 Facilitator Qualifications for Project (Maximum of 10 Points)

- Postgraduate / Honours and above relevant field = 10 Points
- Bachelor's Degree relevant field = 7 Points
- National Diploma in relevant field = 5 Points
- No proof of qualification or qualification is lower than the National Diploma or irrelevant qualification provided = 0 Point

3. Project Plan / Methodology	30
<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.</p> <p>3.1 Project Plan (Maximum of 10 Points)</p> <p>The project plan must address the following:</p> <ul style="list-style-type: none"> - Statement of the work; - Resource list; - Define deliverables; - Work breakdown structure; and - Project schedule. <p>Project implementation plan (project execution)</p> <ul style="list-style-type: none"> ▪ Excellent project implementation plan proposed = 10 ▪ Good project implementation plan proposed = 7 ▪ Fair project implementation plan proposed = 5 ▪ Poor project implementation plan proposed = 0 <p>3.2 Methodology (Maximum of 20 Points)</p> <p>Bidders are required to submit a proposal of no longer than 10 pages (Minimum of 7 pages & Maximum of 10 pages) setting out a recommended approach in skills design, development and mentoring. The approach should include the approach in terms of the deliverables as per the TOR, remedial action for struggling learners and innovation and creativity.</p> <ul style="list-style-type: none"> • A comprehensive methodology describing all the activities in logical sequence with clear time frames = 20 points • A detailed methodology describing some of the activities in logical sequence with clear time frames = 12 points 	

<ul style="list-style-type: none"> • A generic methodology provided = 7 points • No information provided = 0 point 	
<p>4. Company Training Resources</p>	<p>10</p>
<p>4.1 Financial Resources (Maximum of 5 Points)</p> <p>The service provider is required to provide one (1) year audited/ signed-off financial statements for the latest financial year from the closing date of this bid. Maximum of 5 Points</p> <ul style="list-style-type: none"> • Sound financial position for the full implementation of the project = 5 Points • Fair and reasonable financial position for the full implementation of the project = 3 Points • Poor financial position for the full implementation of the project / No information provided = 0 Point <p>4.2 Training resources (Maximum of 5 Points)</p> <p>Bidders are required to demonstrate their capability and training resources / tools of trade for the successful implementation of the skills training.</p> <ul style="list-style-type: none"> • Good / Excellent training resources for the full implementation of the project = 5 Points • Fair training resources for the full implementation of the project = 3 Points • Poor resources for the full implementation of the project / No information provided = 0 Point 	
<p>TOTAL:</p>	<p>100%</p>

9.3 Phase 3: The 80/20 Principle based on Price and B-BBEE status level contributor.

Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:

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

10. GENERAL GUIDELINES

10.1 Submission Instruction

The Proposal should be submitted on a USB drive in PDF format at **5 Rood Street, Sonheuwel Dorp, Nelspruit, 1200 OR 333 Grosvenor Street, Block D Hatfield Gardens, Hatfield.**

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Please note that the Technical and Financial proposals should be submitted in two (2) separate folders on the USB. No hardcopies.

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 six (6) months from the time of submission.

10.2 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 tender (bid) box shall be locked 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.

The official Telkom time (Dial 1026) will be used to verify the exact closing time.

10.3 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.

10.4 No legal relationship

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

10.5 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).

10.6 Format of your proposal

The proposal should be presented in two sections i.e., Technical Proposal and Financial Proposal.

10.6.1 Technical proposal format

Bidders are at liberty to structure their Proposals according to any format, as long as it covers all areas specified in this document. The technical proposals will be evaluated against the criteria detailed below.

10.6.2 Technical approach

The bidders should adhere to the TOR by elaborating on the services required and demonstrating whether the proposed process meets the requirements.

The bidder should demonstrate adherence 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:

- a) How they propose to carry out the requirements to achieve the outcomes identified in the terms of reference including any possible problems that might hinder delivery and how they will avoid, or overcome, such problems.

- b) 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. Provide information in a table format e.g.:

Name	Position	Duties/ activities	Turnaround time to complete task
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11. Disclosures

11.1 It is understood and agreed that the successful service provider shall, during and after the effective period of the contract, treat the project as confidential and not divulge, unless authorised in writing by NLC, any information obtained in the course of the performance of the contract.

11.2 The bidder must disclose:

- a) If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy/ insolvency.
- b) 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.
- c) 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.

- d) 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.

12. Disclaimer

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

The NLC also reserves the right to:

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

13. Confidentiality

- a) Bids submitted will not be revealed to any other bidders and will be treated as contractually binding;
- b) All information pertaining to the NLC obtained by the bidder as a result of participation in this RFP is confidential and must not be disclosed without written authorisation from the NLC; and
- c) The successful bidder will be expected to sign a SLA with the NLC.

14. Disqualification

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

15. Prices

- a) All services' pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand;
- b) Bidders are required to use the attached pricing schedule available as '*Annexure 1*'.

16. Payment terms

- a) The NLC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered in three (3) tranches as follows:
 - First payment tranche after the submission of the SCB Training session report, photos & video material, learner database; awarding of certificates of attendance and attendance registers.
 - Second payment tranche after the submission of the SCB Mentoring session report; photos & video material, learner database and attendance registers.
 - Third payment tranche after the submission of the SCB Final closeout report, learner evaluations, Statement of Results and Framed Certificates of Competency.

- b) All supporting documents should accompany the tax invoices for services rendered.
- c) 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.

17. Validity

- a) A Proposal shall remain valid for ninety (90) 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*
- b) 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.

18. Signatories

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

19. 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
- b) any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders.
- c) 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.

- d) Where, however, the special conditions of contract conflict with the general conditions of contract, the general conditions of contract will prevail.
- e) 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.
- f) No bids sent by the facsimile or email will be accepted.
- 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 redrafted, but copies may be used.
- j) The original valid Tax Clearance Certificate should be submitted together with the completed bid.
- k) Failure to comply with the above-mentioned conditions will invalidate the bid.
- l) Certified copies of the company registration documents or proof of ownership of the company or agency i.e. Shareholders Certificates.
- m) Certified copy of B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA must be submitted.

20. Other Conditions:

- i. Only bidders who obtain at least 70% under Functional/Technical Evaluation (Phase 2) will be considered for further evaluation which is phase 3;
- ii. Bidders are further requested to provide separate folders of 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. Current and valid original or certified B-BBEE Certificate from **SANAS** or **IRBA** accredited verification agencies or proof of exemption from registered auditors should be submitted together with this bid. (Failure to submit a certificate will result in scoring **0** for B-BBEE.);
- 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;
- ix. The service provider to be appointed must display an unquestionable track record and experience with positive feedback from their existing and previous clients; and
- x. The service provider must comply with all the laws and regulations of the Republic of South Africa.
- xi. Valid Tax Clearance Certificate or SARS Pin certificate or CSD report.

21. USE OF PERSONAL INFORMATION

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.

22. 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.

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



Tel: +27(12)432 1300
 Info Centre: 086 00 65383
 web: www.nlcsa.org.za
 National Lotteries Commission (NLC)
 P.O Box 1556
 Brooklyn Square 0083, Pretoria

ANNEXURE A

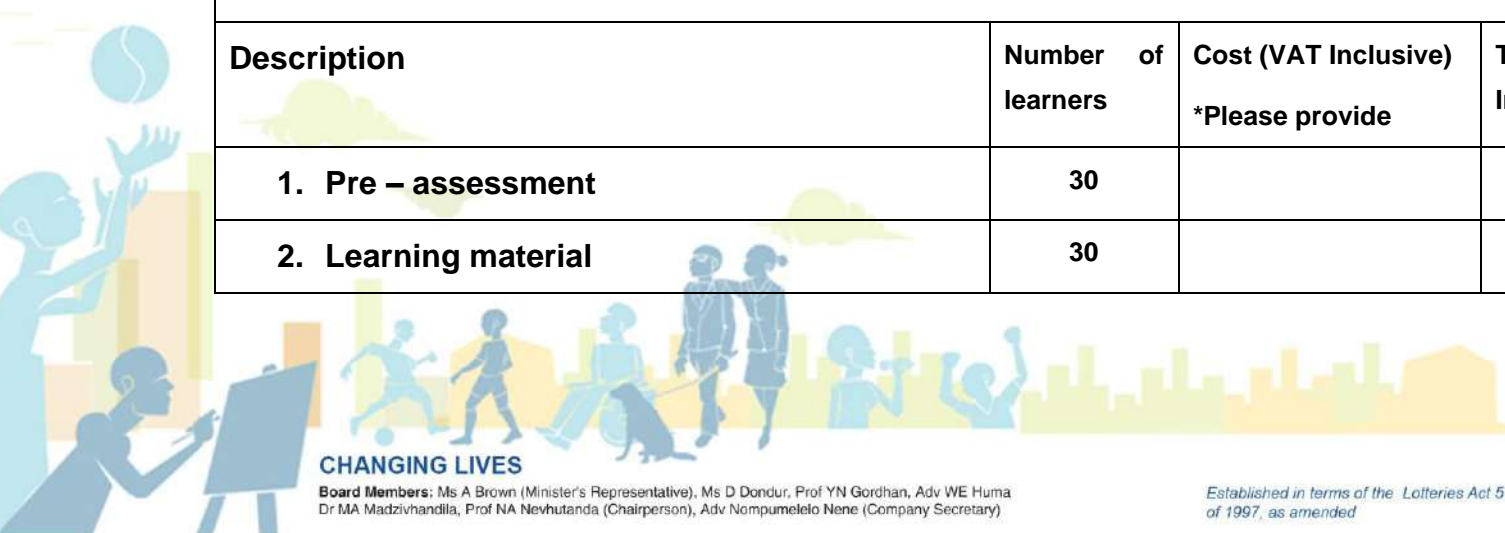
PRICING SCHEDULE: APPOINTMENT OF A SERVICE PROVIDER TO DESIGN AND DELIVER A SKILLS PROGRAMME FOR NLC BENEFICIARIES IN THE MPUMALANGA PROVINCE

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Name of bidder.....

Please provide prices (VAT Inclusive) for the appointment of a service provider to design and deliver a Skills Programme for NLC Grantees. For comparative purposes, prices must be quoted on the quantity of learners (units) specified on Table 1 for the following services:

TABLE 1: MPUMALANGA PROVINCE			
Description	Number of learners	Cost (VAT Inclusive) *Please provide	Total Cost (VAT Inclusive)
1. Pre – assessment	30		
2. Learning material	30		



CHANGING LIVES

Board Members: Ms A Brown (Minister's Representative), Ms D Dondur, Prof YN Gordhan, Adv WE Huma, Dr MA Madzivhandila, Prof NA Nevhutanda (Chairperson), Adv Nompumelelo Nene (Company Secretary)

Established in terms of the Lotteries Act 57 of 1997, as amended



3. Conference Facility for five (5) days: <ul style="list-style-type: none"> • Morning tea, lunch, and afternoon tea included 	30		
4. Facilitation/Training	30		
5. Mentorship (Inclusive of three (3) site visits to attendees – please also include travel costs)	30		
6. Admin fee	30		
7. Assessment and moderation, and handing over of certificates Ceremony	30		
Total Cost (VAT Inclusive) for Mpumalanga Province			



.....

Name of representative

.....

Signature

.....

Date



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:	RFP/2021-111	CLOSING DATE:	30 NOVEMBER 2021	CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF A SUITABLE SERVICE PROVIDER TO DESIGN AND DELIVER A STRUCTURED. ACCREDITED SKILLS PROGRAMME FOR SELECTED NLC BENEFICIARIES IN THE MPUMALANGA PROVINCE				
BID RESPONSE DOCUMENTS MAY BE SUBMITTED ELECTRONICALLY AS FOLLOWS:					
Only electronically submission will be accepted as follows: By submitting - USB at 5 Rood Street, Sonheuwel Dorp, Nelspruit, 1200 <u>OR</u> 333 Grosvenor Street, Block D Hatfield Gardens, Hatfield, 0075					
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] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> 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:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>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.</p> <p>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.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>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."</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:

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:
.....

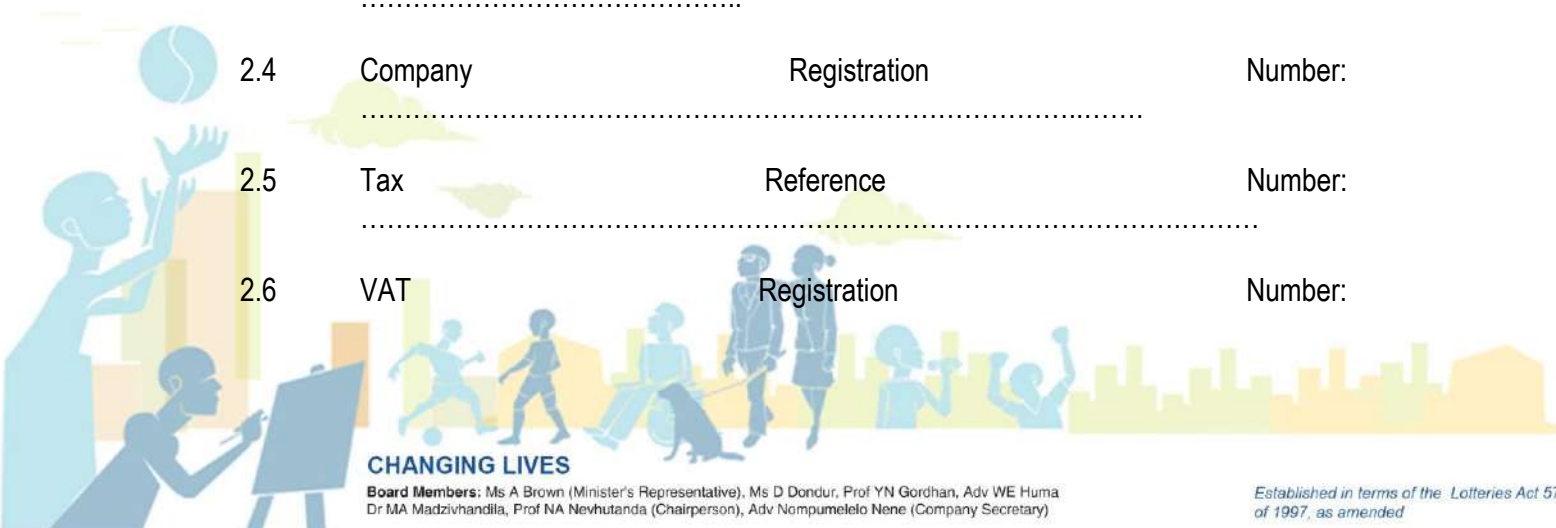
2.2 Identity Number:
.....

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 presently employed by the state? **YES / NO**

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:

.....

.....

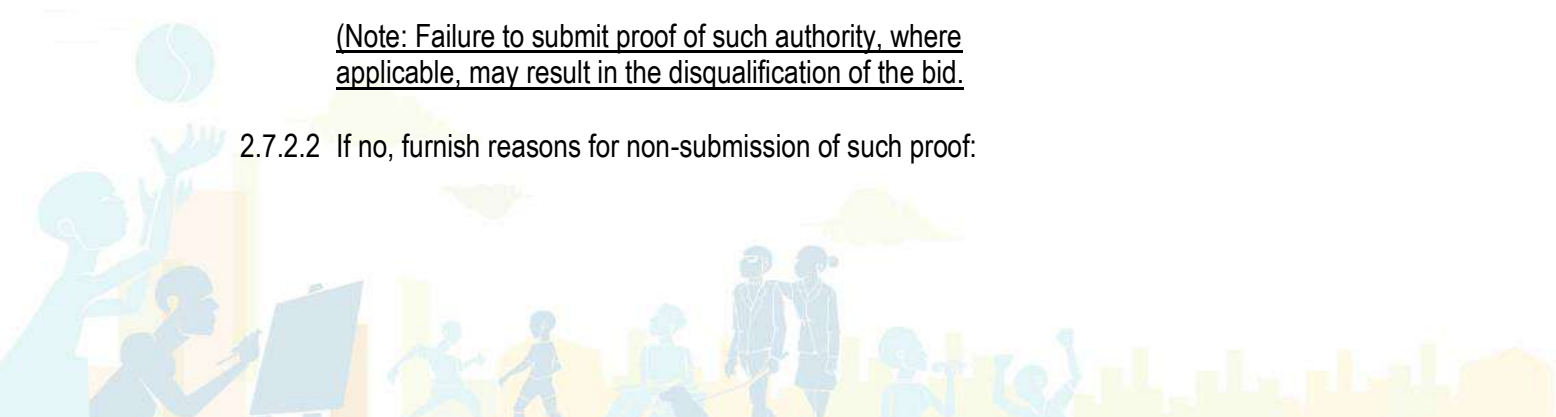
.....

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

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

(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.

.....

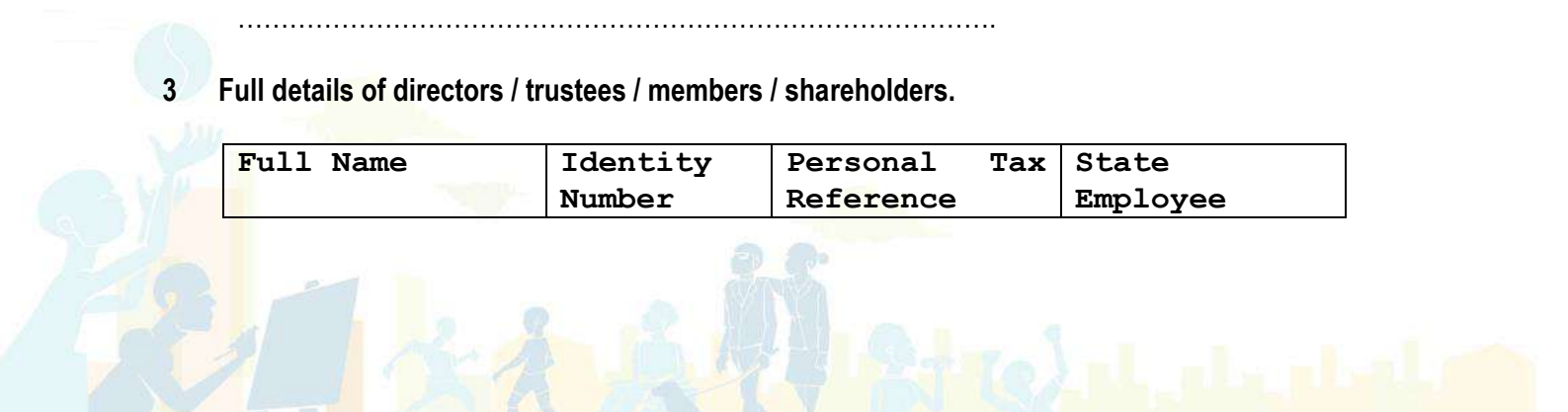
2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

.....

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

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





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

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.

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	<input type="checkbox"/>

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	<p>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?</p> <p>(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).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars: a member of the dtic group		
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 <input type="checkbox"/>	No <input type="checkbox"/>
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