

NATIONAL LOTTERIES COMMISSION

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF LEGAL PRACTITIONERS (ADMITTED AND ENROLLED AS SUCH IN TERMS OF SECTIONS 24 AND 30 OF THE LEGAL PRACTICE ACT, 2014) FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF FIVE YEARS

BID PROCESS	BID REQUIREMENTS
Tender number	NLC/2024 – 013
Bid Advertisement Date	28 August 2024
Closing date and time	20 September 2024 at 11:00 (South African Standard Time)
Tender validity period	120 days from the closing date
Sites used to advertise	E-tender portal & NLC Website
Compulsory Briefing meeting	N/A
Submission instruction:	Bidders must submit One hard copy and one electronic via USB. Documents be submitted in hand to below address: The Senior Manager: Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria 0083 Only One hard copy and one electronic via USB

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF LAW FIRMS (ADMITTED AND ENROLLED AS SUCH IN TERMS OF SECTIONS 24 AND 30 OF THE LEGAL PRACTICE ACT, 2014) TO THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF FIVE (5) YEARS

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION & BACKGROUND

The National Lotteries Commission (NLC / the Commission) is established in terms of the Lotteries Act No. 57 of 1997, as amended (Lotteries Act) to regulate the National Lottery as well as other lotteries and societies. The NLC aims to ensure that funds raised through the National Lottery are distributed equitably and expeditiously across South Africa in order to advance social upliftment of communities in need with the aim of addressing poverty and reducing inequalities in line with the National Development Plan. The Commission is required to apply principles of openness and transparency in the exercise of its functions assigned to it in terms of the Lotteries Act No 57 of 1997, as amended.

Section 51(1)(a)(i) of the Public Finance Management Act, 1999 (PFMA), as amended, requires an “*An accounting authority for a public entity must ensure that public entity has and maintains effective, efficient and transparent systems of financial and risk management and internal control*”. In line with the requirements of the PFMA and Treasury Regulations, the NLC seeks to request a proposal from suitably qualified service providers to be on the panel of Legal Practices for the National Lotteries Commission for a period of five (5) years.

The Panel of Legal Practices will ensure that the NLC has easy access, on an “as and when required” basis, to experienced law firms that will protect the interests of the Commission and assist the Commission in executing its mandate in an efficient and effective manner.

2. OBJECTIVE

The NLC seeks to appoint a Panel of Legal Practices with suitable knowledge and expertise to provide various legal services to the Commission. Therefore, the purpose of this request for proposals (RFP) is to outline the NLC’s requirements and criteria for the appointment of such suitably experienced service providers to the panel of Legal Practices for a period of 5 years.

3. AREA OF SPECIALITY

3.1. Each Legal Practice must clearly indicate and submit proposal(s) detailing experience together reference letters for the field(s) they are bidding for.

3.2. Indicate which area/field of law you are specialising in by ticking the appropriate box.

Table 1: Area of speciality / field of law *(tick a maximum of 3 areas)*

No.	Area of speciality / field of law	Mark the appropriate box
1.	Constitutional and Administrative (Public) Law	
2.	Intellectual Property Law	
3.	Construction Law	
4.	Criminal law, anti-bribery, fraud and corruption prevention	
5.	Labour and Employment Law	
6.	Commercial law, contract law and corporate governance	
7.	Data Privacy Law	
8.	General Litigation (Lower and Superior Courts)	
9.	Debt Collection/Debt Recovery	
10.	Legislative Drafting and Review	
11.	Public Procurement Law	
12.	Regulatory and Licensing	
13.	Pension Law	
14.	Civil Law	
15.	If other, please specify	

4. SCOPE OF WORK

The successful legal practices will, as and when required by the NLC render legal services on a wide range of specialised areas, including but not limited to:

- (a) Represent and act on behalf of the NLC in litigation matters before various Courts.
- (b) Provide Corporate, Commercial and Regulatory Compliance legal advice.
- (c) Advise the Board, on matters of corporate governance and changes to legislation.
- (d) Assist the NLC to develop, implement and monitor strategies on corporate governance.
- (e) Review, Negotiate and Draft Contracts.
- (f) Chair and/or Initiate Employee Disciplinary Hearings.
- (g) Provide legal advice with matters relating to anti-bribery, corruption and fraud prevention.
- (h) Represent and act on behalf of the NLC at the Commission for Conciliation Mediation and Arbitration (CCMA) and Labour Courts.
- (i) Represent and act on behalf of the NLC in Arbitrations and other Alternative Dispute Resolution platforms and Quasi-Judicial Forums.
- (j) Debt Collection/Debt Recovery
- (k) Review and draft policies and/or legislation.
- (l) Provide Training on various pieces of legislation and any other related legal issues; and
- (m) Conduct Legal Due Diligence;
- (n) General Legal Advice and Opinion, etc.

5. FIXED TARIFF STRUCTURE / FEE STRUCTURE FOR LEGAL PRACTITIONERS

5.1. The NLC reserves the right to negotiate with the preferred bidders identified in the evaluation process, regarding any terms and conditions, including rationalisation of the fees to ensure cost containment measures in terms of the National Treasury Guidelines prior to awarding the bid.

5.2. Table 2: Tariff structure / fee structure per hour (including VAT):

Senior Admitted Legal Practitioner (Attorney) (10 years post admission and above)

Junior Admitted Legal Practitioner (Attorney) (1-9 years post admission)

	Senior Admitted Legal Practitioner tariff / fee.	Junior Admitted Legal Practitioner tariff / fee.
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	(Vat inclusive)	(Vat inclusive)
Superior Court	R1 – R3 000.00	R1 – R2 200.00
Labour Court and Labour Appeal Court	R1 – R2 700.00	R1 – R 2 200.00
Magistrates Court	R1 – R2 000.00	R1 – R1 500.00
Alternative Dispute Resolution	R1- R1 900.00	R1 – R1 400.00
Bargaining Council and /or CCMA	R1 – R1 900.00	R1 – R1 400.00
Legal Opinions	R1 – R1 800.00	R1 – R1 300.00
Legislative / Regulatory drafting	R1 – R1 500.00	R1 – R1 000.00

Disbursements

Flights	Economy
Car Hire	Group B
Accommodation	R1 600.00 (incl. breakfast and dinner)
Rate per kilometer	As defined
Telephone	Per applicable hourly rate
Copy per page	R6.00

NB: All disbursements are to be charged on an actual cost basis with no mark ups.

The appointed legal practice should charge in terms of the fee structure as outlined above.

The rate shall be adjusted annually as the prevailing CPTX at the anniversary of the contract

6 SPECIAL TERMS AND CONDITIONS

6.1 The following are the special terms and conditions applicable to this bid:

- 6.1.1 The appointment of a successful bidder to the NLC panel of Legal Practices **will** be for a fixed period of 5 years, which shall be subject to performance review by the NLC as set out in the Service Level Agreement (SLA) concluded between the NLC and the successful bidder.
- 6.1.2 Each successful bidder shall be required to sign an SLA after being appointed.
- 6.1.3 If the NLC and the successful bidder do not reach consensus on the SLA, the said firm will cease to be on the Panel of firms of Legal Practitioners with immediate effect (*"Suspensive Condition"*).
- 6.1.4 The successful bidder will be instructed to provide services as and when required. While the NLC will use reasonable endeavours to achieve a fair allocation of work to the Legal Practices, the successful bidder acknowledges that their appointment to the Panel does not guarantee allocation of work. However, a rotation system based on achieved points shall be used to ensure a fair distribution of the work.
- 6.1.5 Bidders will be allocated work on a rotational basis. The register will be maintained to ensure rotation of work during the five years of the contract. A rotation system will only be used to allocate work based on their chronological order of award in the database.
- 6.1.6 When appointing members from the panel to act, the first choice will be the one operating in the same city/province as the company to be placed into litigation. On completion of the issued work, bidder will be added at the bottom of the list for future allocation.
- 6.1.7 Upon the issuing of an instruction by the NLC, the legal practice will respond within the time set out in the instruction with a proposal outlining their proposed approach and methodology to the legal matter, the resources they will dedicate to it as well as their total estimated fee.
- 6.1.8 The NLC may, in its sole discretion, instruct a matter or any part thereof to more than one Legal Practice.
- 6.1.9 A Legal Practice assigned any work may not cede, assign or sub-contract any part thereof to any third party unless with the prior consent of the NLC.

- 6.1.10 Service delivery levels and quality of work will be a critical factor for further and/or continuation of allocation work to the firm of legal practitioners.
- 6.1.11 The successful Legal Practice shall report directly to the Executive Manager: Legal Services or any person delegated by the NLC in writing with regard to finalising court papers, further instructions, status update reports, all administration pertaining to any particular instruction and any matters arising from this RFP.
- 6.1.12 The NLC shall be entitled in its sole discretion, to remove a successful Legal Practice from the panel before the expiry of the 5 year's period by written notice for non-compliance with any obligation contained in this RFP, applicable laws and/or breach of the SLA and recall all the files in the legal practice's possession.
- 6.1.13 Notwithstanding the establishment of a panel of Legal Practitioners, the NLC reserves the right to procure the provision of legal services from any Legal Practice outside the Panel in accordance with applicable laws.

6.2 Training, development and skills transfer to the NLC

- 6.2.1 The successful firm of Legal Practice undertakes to provide the NLC with continuous Legal Education and Training, on reasonable notice from the NLC, which shall include but not be limited to the provision of seminars, lectures, newsletters, workshops and regular legislative, case law and other updates. The Legal Practice shall provide such continuous legal education and training at no additional cost to the NLC.
- 6.2.3 The successful Legal Practice undertakes to contribute towards skills development and skills transfer at no additional cost to the Commission. Such skills development and transfer programme may take the form of, but is not limited to:
- 6.2.3.1 The absorption of NLC legal interns and other staff for article of clerkship to enable them towards qualification for admission as Legal Practitioners.
 - 6.2.3.2 Involving or working with NLC legal staff to enable them to gain exposure, skills and experience in certain fields of law or transactions.
 - 6.2.3.3 Secondment of the Commission's legal staff to work on certain matters together with appropriately qualified and experienced staff of the Legal Practice.

6. Duration of the Project

The expected duration of the project is for a period of five (5) years from the date of signing the SLA.

SECTION 2: NOTICE TO BIDDERS

1. Terms and conditions of Request for Proposals (RFP)

- 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 RFP 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 RFP will be evaluated in terms of the 80/20 preference point system.
- 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 Registration report) and ensure that their tax matters are compliant.
- 1.9 All questions regarding this RFP must be forwarded to bids@nlcsa.org.za
- 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 RFP 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 RFP 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 RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.
 - 2.2.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter, and which appearing section 217 of the Constitution of the republic 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 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 commission 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 interpretation required to ensure the necessary consensus.

2.3 Preferential procurement reform

2.3.1. The Commission 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 RFP 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 commission 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 RFP 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 Commission is compelled by law to provide such information. For example, where appropriate, the Commission 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 Protection of Personal Information Act, 2013 (POPIA) and with the commission's Data Privacy Policy.

2.8.3 The following persons will have access to the Personal Information collected:

2.8.3.1 The Commission 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 2.8.1 above.

3. Formal Briefing Session

3.1 There will be no briefing session conducted.

4. Validity Period

- 4.1 The Commission requires a validity period of 120 calendar Days [from closing date] against this RFP.
- 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 finalized 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 Commission 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 RFP will not be revealed to any other bidders and will be treated as contractually binding;
- 6.2 The Commission reserves all the rights afforded to it by the POPIA in the processing of any of its personal 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 RFP and in accordance with any applicable law.
- 6.4 The bidder shall notify the NLC in writing of any unauthorised access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such.

7. Communication

- 7.1 Specific queries relating to this RFP should be submitted to 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 RFP 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.

SECTION 3: EVALUATION CRITERIA

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

1. Stage 1: Bid Opening and Closing

1.1 Bid closing details

The deadline for bid submission is **20 August 2024 at 11:00am** 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.

submit One hard copy and one Universal Serial Bus (USB) will be accepted and bidders are encouraged to follow this method of bid submission.

1.3 Bid submission guidelines:

Bidders are required to ensure that the bid submission is saved properly and accessible in the USB and one hard copy document. The USB must be clearly marked with the name of the bidder and arranged properly as follows:

- Mandatory Bid Compliance Documents, Standard Bidding Documents (SBD) Forms and Technical Proposals must be submitted in one hard copy and 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

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.

Bid submissions received after the 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 the following:

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

2. Stage 2: Administrative Compliance

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

Evaluation Criteria	Supporting Document
1. Whether all returnable documents and/or schedules [where applicable] were completed and returned by the closing dateand time	Bid Proposal & standard bidding documents (SBD) forms
2. Whether the bid document has been duly signed by the authorised bidder’s official	Company resolution as proof of authorised individuals’ delegation
3. Whether the bid contains a priced offer	Pricing Schedule available as ‘Annexure A’ of the bid document
4. Whether the bidder’s tax affairs are in order	Tax Compliance System Pin
5. Whether Bidders have failed to register on the Central Supplier Database(CSD). Only foreign suppliers with no local registered entity need not register on the CSD	Proof of CSD registration reflecting Tax compliant status at the closing date of the bid

2.2. Locality: The firm of legal practitioners must indicate their place of business within a province including other regional offices within the Republic of South Africa as follows

Table 2: Place of business

Item no.	Province	Place of business (physical address)	Contact Person	Office no. / Mobile no.	Email address
1.	Eastern Cape				
2.	Free State				

Item no.	Province	Place of business (physical address)	Contact Person	Office no. / Mobile no.	Email address
3.	Gauteng				
4.	KwaZulu - Natal				
5.	Limpopo				
6.	Mpumalanga				
7.	Northern Cape				
8.	North West				
9.	Western Cape				

Bidders are required to submit the above table 2 details about the place of business

Stage 2: Mandatory Compliance

2.3. 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 the bidder being disqualified)	SBD 4
1. The bidder must indicate practice area/s they are bidding for as per table 1	Marked area on table 1

2. <u>Copies of Admission as an Attorney not older than 6 months at the time of the closing of the tender</u> for the Lead Legal Practitioner (Director or Partner) and three (3) support admitted legal practitioners.	Copies of the Admission Certificate
3. <u>A valid copy of the Legal Practitioners' Fidelity Fund certificate not older than 6 months at the time of the closing of the tender</u> issued in terms of the Legal Practice Act (Act No.28 of 2014) for the Legal Practitioner (Director) practicing for his/her own account.	Fidelity Fund Certificate
4. <u>Letters of good standing</u> from the relevant Legal Practice Council for the lead Legal Practitioner and three (3) support admitted legal practitioners which must be valid at the date of closing of this tender.	Letters of good standing from the LPC.

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

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, 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.

3. Stage 3: Technical Evaluation

3.1 Only bid proposals that meets mandatory requirements will be further evaluated on functionality criteria.

The bidder must score a minimum of 80% during phase 3 (functionality/technical) of the evaluation to be able to be listed on the panel.

3.2 The evaluation for the Technical and Functional threshold will include the following:

Category	Sub criteria	Total score	Score	Form of Evidence
The Bidder's Years of Experience				

The criterion covers the experience of the company	More than 10 years of experience	20	20	• Firm's registration certificate
	More than 5 to 10 years of experience		10	
	3 to 5 years of experience		5	
	Less than 3 years		0	
The Bidder's Testimonials /Reference letters				
Bidders must attach recent reference letters / testimonials <u>(a minimum of 1 letter per indicated specialised area)</u> , not older than 3 years, confirming experience in area(s) of which they are bidding for as indicated under <u>paragraph 3.2 in table 1.</u>	5 signed testimonials /Reference letters	20	20	The reference letter / testimonial must be on the referee's letterhead, dated and signed and must be for services rendered in the past three (3) years.
	4 signed positive testimonials/ reference letters		15	
	3 signed positive testimonials/ reference letters		10	
	2 signed positive testimonials/ reference letters		5	
	Less than 2 signed positive testimonials/ reference letters		0	
The Bidder's leading Attorney(s) /Project Manager(s) Experience (30)				
AREA 1				
The criterion covers the experience of the leading Attorneys in a field/area of expertise	More than 10 years of experience-Post admission	10	10	• Attorneys must submit proof of admission with the high court and registration with the LPC. • Letter of good standing with LPC and, concise CVs/ Biography with at least three (3) contactable references.
	5 to 10 years of experience -Post admission		8	
	3 to 5 years of experience -Post admission		5	
	Less than 3 years of experience-Post admission		0	
AREA 2				
The criterion covers the experience of the leading Attorneys in a field/area of expertise	More than 10 years of experience-Post admission	10	10	• Attorneys must submit proof of admission with the high court and registration with the LPC.
	5 to 10 years of experience -Post admission		8	

	3 to 5 years of experience -Post admission		5	• Letter of good standing with LPC and, concise CVs/ Biography with at least three (3) contactable references.
	Less than 3 years of experience-Post admission		0	
AREA 3				
The criterion covers the experience of the leading Attorneys in a field/area of expertise	More than 10 years of experience-Post admission	10	10	• Attorneys must submit proof of admission with the high court and registration with the LPC. • Letter of good standing with LPC and, concise CVs/ Biography with at least three (3) contactable references.
	5 to 10 years of experience -Post admission		8	
	3 to 5 years of experience -Post admission		5	
	Less than 3 years of experience-Post admission		0	
The Bidder's Number of Resources be allocated to Project				
The criterion covers the list and number of team members (excl. Project Lead) to be allocated to clients	6 and more team members with a combined experience of 30 years.	20	20	• concise CVs with certified copies of qualification • proof of registration of each team members with relevant Practice Council • Admission certificate
	4 to 5 team members with a combined experience of 20 years		10	
	3 team members with a combined experience of 12 years		5	
	less than three 3 team members with a combined experience of 0-12 years		0	
Approach and Methodology: Demonstration of the understanding of the requirement, approach, and methodology to be followed for the performance of specifications				
This criterion covers the bidder's understanding of the requirement and methodology to be followed for the performance specifications.	The bidders methodology and approach demonstrated all the 4 activities		10	The bidders must submit a detailed approach and methodology describing: • how the bidder will render the legal services • the types of cases handled by the bidders in their area
	The bidders methodology and approach demonstrated 3 of 4 activities		8	

	The bidders methodology and approach demonstrated only 2 of 4 the activities	10	5	- of practise their ability to meet deadlines, especially on a short-time frame, and give examples of how past tight deadlines have been successfully met. - Details of procedure to ensure quality and risks standards will be held and professional association of your organization.
	The bidders methodology and approach demonstrated less than 2 of the activities		0	
Total			100	

Stage 5: Special goals

Pricing Schedule: Please refer to 'Annexure 1'.

The evaluation for Special goals will include the following:

Evaluation Criteria				Final Weighted Scores
Price The following formula will be used to calculate the points out of 80 for price in respect of a tender with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes: $P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$ Where: <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				80
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 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		
TOTAL SCORE:				100

Bidders are required to submit the CSD Summary Report and B-BBEE Certificate or B-BBEE Sworn Affidavit to claim the points for the special goals.

Stage 6: Due Diligence

NLC reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

Stage 7: 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.

ANNEXURE A

PRICING SCHEDULE / FEE STRUCTURE PER HOUR (INCLUDING VAT)

Description	Senior Admitted Legal Practitioner tariff / fee. (Vat inclusive)	Junior Admitted Legal Practitioner tariff / fee. (Vat inclusive)
Superior Court	R	R
Labour Court and Labour Appeal Court	R	R
Magistrates Court	R	R
Alternative Dispute Resolution	R	R
Bargaining Council and /or CCMA	R	R
Legal Opinions	R	R
Legislative / Regulatory drafting	R	R

Bidder Signature

Date:

THE APPOINTMENT OF A PANEL OF LEGAL PRACTITIONERS (ADMITTED AND ENROLLED AS SUCH IN TERMS OF SECTIONS 24 AND 30 OF THE LEGAL PRACTICE ACT, 2014) FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF FIVE YEARS

Section 4: INVITATION TO BID (SBD 1)

YOU ARE HEREBY INVITED							
BID NUMBER:	NLC/2024-013	ISSUE DATE:	28/08/2024	CLOSING DATE:	20/09/2024	CLOSING TIME:	11:00
DESCRIPTION	THE APPOINTMENT OF A PANEL OF LEGAL PRACTITIONERS (ADMITTED AND ENROLLED AS SUCH IN TERMS OF SECTIONS 24 AND 30 OF THE LEGAL PRACTICE ACT, 2014) FOR THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF FIVE YEARS						
BID RESPONSE DOCUMENTS							
BIDDING PROCEDURE ENQUIRIES MAY BEDIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	SCM			CONTACT PERSON	Legal		
TELEPHONE NUMBER	012 432 1309			TELEPHONE NUMBER	012 432 1300		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				E-MAIL ADDRESS			
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:		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

1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THEGOODS /SERVICES /WORKS OFFERED?	Yes No [IF YES ENCLOSE PROOF]	2 ARE YOU A FOREIGNBASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes No [IF YES, ANSWER QUESTIONNAIRE BELOW]
--	--	---	--

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

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

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

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE

SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.

PART B
TERMS AND CONDITIONS FOR BIDDING

1. TAX COMPLIANCE REQUIREMENTS

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

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

SIGNATURE OF BIDDER:

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

Resolution)DATE:_____



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

.....

.....

...

Position

Name of bidder

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:

$$\begin{array}{ccc}
 \text{80/20} & \text{or} & \text{90/10} \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

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

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:

$$Ps = 80 \left(1 + \frac{80/20 \cdot \frac{Pt - P_{max}}{P_{max}}}{80/20} \right) \text{ or } Ps = 90 \left(1 + \frac{90/10 \cdot \frac{Pt - P_{max}}{P_{max}}}{90/10} \right)$$

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.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

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

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