



# REQUEST FOR PROPOSAL

THE APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES TO GAUTENG GAMBLING BOARD FOR A PERIOD OF 36 MONTHS.

**RFP No: GGB/RFP/002/2023-2024**

<b>Date of issue</b>	<b>24 NOVEMBER 2023</b>
<b>Compulsory Briefing Session</b>	<b>01 DECEMBER 2023 AT 11:00AM</b>
<b>Closing Date</b>	<b>19 JANUARY 2024</b>
<b>Closing time</b>	<b>11:00am</b>
<b>Closing Address</b>	<b>125 Corlett Drive, Bramley, Johannesburg, 2018</b>

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## LIST OF ACRONYMS

AG	Auditor General
CPIX	Consumer Price Index
CV	Curriculum Vitae
GGB	Gauteng Gambling Board
HDI	Historical Disadvantaged Individual
MEC	Member of the Executive Council
P.A.	Per Annum
PFMA	Public Finance Management Act
PPPFA	Preferential Procurement Policy Framework Act
PSP	Professional Service Provider
RFP	Request for Proposal
SARS	South African Revenue Service
SBD	Standard Bidding Document
SCM	Supply Chain Management
SMME	Small, Medium and Micro Enterprise
SP	Service Provider
TA	Technical Assistance
TOR	Terms of Reference as provided in RFP Part B (terms of reference)

## DEFINITIONS

In this Request for Proposal, unless a contrary intention is apparent:

**Business Day** means a day which is not a Saturday, Sunday, or public holiday.

**Bid** means a written offer in a prescribed or stipulated form lodged by a Bidder in response to an invitation in this Request for Proposal, containing an offer to provide goods, works or services in accordance with the Terms of Reference as provided in RFP Part B.

**Closing Time** means the time, specified as such under the clause “Indicative Timetable” of this RFP Part A, by which Tenders must be received.

**Evaluation Criteria** means the criteria set out under the clause “Evaluation Criteria Format” of this RFP Part A.

**GGB** means the Gauteng Gambling Board; a PFMA Schedule 3(C) listed Provincial Public Entity, established in terms of the Gauteng Gambling Act, *no 4 of 1995 as amended*.

**Intellectual Property Rights** includes copyright and neighbouring rights, and all proprietary rights in relation to inventions (including patents) registered and unregistered trademarks (including service marks), registered designs, confidential information (including trade secrets and know how) and circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

**Official** means an official of the GGB.

**Proposed Contract** means the agreement including any other terms and conditions contained in or referred to in this RFP that may be executed between the GGB and the successful Bidder.

**Request for Proposal** or **RFP** means this document (comprising each of the parts identified under RFP Part A, Part B and Part C) including all annexure and any other documents so designated by the GGB.

**Services** means the services required by the GGB, as specified in this RFP Part B.

**Terms of Reference** means any Terms of Reference or description of the GGB’s requirements contained in this RFP Part B.

**State** means the Republic of South Africa.

**Statement of Compliance** means the statement forming part of a Tender indicating the Bidders compliance with the Terms of Reference.

**Bidder** means a person or organisation that submits a Bid.

**Tendering Process** means the process commenced by the issuing of this Request for Proposal and concluding upon formal announcement by the GGB of the selection of a successful Bidder(s) or upon the earlier termination of the process.

**Website** means the website administered by GGB located at [www.ggb.org.za](http://www.ggb.org.za)

In this RFP, unless expressly provided otherwise:

A reference to:

- (a) “includes” or “including” means includes or including without limitation; and
- (b) “R” or “Rand” is a reference to the lawful currency of the Republic of South Africa.



# **RFP-PART A**

## INTRODUCTION

The Gauteng Gambling Board is a statutory body established in terms of Section 3 of the Gauteng Gambling Act, no 4 of 1995, as amended (the Act).

The Board falls under the definition of “provincial public entity” in terms of Section 1 of the Public Finance Management Act, No 1 of 1999 (“PFMA”), and is listed in Schedule 3 to that Act as being one of the public entities in respect of which the legislation applies.

Prior to August 1996, betting on horse-racing and other sporting events was the only form of legal gambling in Gauteng. During August 1996, the Act was promulgated. This Act legalised other forms of gambling in the province and provided for the establishment of the GGB Board.

The following forms of activities are regulated by the GGB in Gauteng:

- Casino gaming
- Betting on horse-racing and sporting events
- Bingo
- Limited pay out gaming machines (Route and site operators)
- The manufacturing and supply of gambling equipment

The GGB is inviting responses to this request for proposal (reference number RFP ref. no. GGB/RFP/002/2023-2024)-The appointment of Panel of Attorneys to provide legal services to Gauteng Gambling Board for a period of 36 months as stated in RFP Part B– Terms of Reference. The interested bidders are required to provide a detailed response to be evaluated accordingly.

The appointment of successful service providers is subject to the conclusion of a service level agreement between the GGB and the service providers.

## RFP OBJECTIVES

The objective of the tender is to find a panel of suitable and capable service providers to provide legal services to the Gauteng Gambling Board for a period of thirty-six(36) months.

## INDICATIVE TIMETABLE

<b>ACTIVITY</b>	<b>DATE</b>
<b>Advertisement of RFP</b>	<b>24 November 2023</b>
<b>Closing Date and Time</b>	<b>19 January 2024 at 11:00am</b>
<b>Validity Period</b>	<b>90 Days</b>

*\*This timetable is provided as an indication of the timing of the tender process. It is indicative only and subject to change by the GGB.*

## SUBMISSION OF TENDERS

### Hardcopy Submission

Physical Address of Tender Box	125 Corlett Drive, Waverly.
Hours of access to Tender Box	During office hours only 08H00 – 16H30
Information to be marked on envelope containing Tender	Gauteng Gambling Board SCM Unit <b>RFP Ref. No. GGB/RFP/002/2023-2024</b> Name of Bidder:

1. Bidders are to provide one (1) original and one (1) hard copy of the Bidders Response (Bid) plus one electronic copy in a CD or USB Drive that are labelled well for each area of Law.
2. Bidders must include an electronic copy of the Bidders Response for each proposal in PDF or Microsoft Office 2010 format as part of the hardcopy submission. All responses must be submitted in a sealed envelope in accordance with the conditions of Tendering and on the official forms included in this document. **PLEASE DO NOT e-mail your responses**
3. All documents must be virus checked by the Bidder before lodgement. In this case of inconsistency between the electronic and hardcopy submissions, the hardcopy submission will prevail.

# **RULES GOVERNING THIS RFP AND THE TENDERING PROCESS**

## **APPLICATION OF RULES**

4. Participation in the tender process is subject to compliance with the rules contained in this RFP Part A.
5. All persons (whether a Participant in this tender process) having obtained or received this RFP may only use it, and the information contained therein, in compliance with the rules contained in this RFP Part A.
6. All Bidders are deemed to accept the rules contained in this RFP Part A.
7. The rules contained in this RFP Part A apply to:
  - a. the RFP and any other information given, received, or made available in connection with this RFP, and any revisions or annexure.
  - b. the Tendering Process; and
  - c. any communications (including any briefings, presentations, meetings, and negotiations) relating to the RFP or the Tendering Process.

## **REQUEST FOR PROPOSAL**

### **STATUS OF REQUEST FOR PROPOSAL**

8. This RFP is an invitation for service provider/s to submit a proposal(s) for the provision of the services as set out in the terms of reference (TOR) Terms of Reference contained in this RFP Part B. Accordingly, this RFP must not be construed, interpreted, or relied upon, whether expressly or implied, as an offer capable of acceptance by any person(s), or as creating any form of contractual, promissory or other rights.
9. No binding contract or other understanding for the supply of the services will exist between the GGB and any Bidder unless and until the GGB has executed a formal written contract with the successful Bidder.

### **ACCURACY OF REQUEST FOR PROPOSAL**

10. Whilst all due care has been taken in connection with the preparation of this RFP, the GGB makes no representations or warranties that the content in this RFP or any information communicated to or provided to Bidders during the Tendering Process is, or will be, accurate, current, or complete. The GGB, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current, or complete.
11. If a Bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by the GGB (other than minor clerical matters), the

Bidder must promptly notify the GGB in writing of such discrepancy, ambiguity, error, or inconsistency to afford the GGB an opportunity to consider what corrective action is necessary (if any).

12. Any actual discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by the GGB will, if possible, be corrected and provided to all Bidders without attribution to the Bidder who provided the written notice.

## **ADDITIONS AND AMENDMENTS TO THE RFP**

13. The GGB reserves the right to change any information in, or to issue any addendum to this RFP before the Closing Date and Time. The GGB and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.

## **REPRESENTATIONS**

14. No representations made by or on behalf of the GGB in relation to this RFP will be binding on the GGB unless that representation is expressly incorporated into the contract ultimately entered into between the GGB and the successful Bidder.

## **CONFIDENTIALITY**

15. All persons (including all Bidders) obtaining or receiving this RFP and any other information in connection with this RFP, or the Tendering Process must keep the contents of the RFP and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this RFP.

## **COMMUNICATIONS DURING THE TENDERING PROCESS**

### **REQUESTS FOR CLARIFICATION OR FURTHER INFORMATION**

16. All communication and attempts to solicit information of any kind relative to this tender should be in writing and channelled to the Supply Chain Management Unit via email to: [tenders@ggb.org.za](mailto:tenders@ggb.org.za)
17. Any communication by a Bidder to the GGB will be effective upon receipt by the SCM Unit.
18. The GGB has restricted the period during which it will accept questions or requests for further information or clarification and reserves the right not to respond to any enquiry or request, irrespective of when such enquiry or request is received. Such restricted times are Saturday, Sunday, and public holidays from 9 am to 4H30 pm and on Fridays from 9 am to 3 pm. The GGB will only respond to such requests from **27 November 2023 until 16 January 2024**, as **19 January 2024** is the closing date for bids and bidders would then be too late to act upon responses.

19. Except where the GGB is of the opinion that issues raised apply only to an individual Bidder, questions submitted and answers provided will be made available to all Bidders by e-mail, as well as on the GGB's website without identifying the person or organisation which submitted the question. Such responses/clarifications will be posted on the GGB website no later than **17 January 2024 at 11:00am**.
20. In all other instances, the GGB may directly provide any written notification or response to a Bidder by email to the address of the Bidder (as notified by the Bidder to the SCM Unit).
21. A Bidder may, by notifying the SCM Unit in writing, withdraw a question submitted in accordance with the tender, in circumstances where the Bidder does not wish the GGB to publish its response to the question to all Bidders.

## **UNAUTHORISED COMMUNICATIONS**

22. Communications (including promotional or advertising activities) with staff of the GGB or advisors assisting with the Tendering Process are not permitted during the Tendering. Nothing in this clause is intended to prevent communications with staff of, or advisors of the GGB to the extent that such communications do not relate to this RFP or the Tendering Process.
23. Bidders must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the Tendering Process in any way.

## **IMPROPER ASSISTANCE, FRAUD AND CORRUPTION**

24. Bidders may not seek or obtain the assistance of employees, contractors, or advisors of the GGB in the preparation of their tender responses.
25. The GGB may in its absolute discretion, immediately disqualify a Bidder that it believes has sought or obtained such improper assistance.
26. Bidders are to be familiar with the implications of contravening the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004 and any other relevant legislation.

## **ANTI-COMPETITIVE CONDUCT**

27. Bidders and their respective officers, employees, agents, and advisors must not engage in any collusion, anti-competitive conduct, or any other similar conduct in respect of this Tendering Process with any other Bidder or any other person(s) in relation to:
  - a. the preparation or lodgement of their Tender
  - b. the evaluation and clarification of their Tender; and
  - c. the conduct of negotiations with the GGB.

28. For this tender collusion, anti-competitive conduct or any other similar conduct may include disclosure, exchange, and clarification of information whether or not such information is confidential to the GGB or any other Bidder or any other person or organisation.
29. In addition to any other remedies available to it under law or contract, the GGB may, in its absolute discretion, immediately disqualify a Bidder that it believes has engaged in any collusive, anti-competitive conduct or any other similar conduct during the entire Tendering Process.

## **COMPLAINTS ABOUT THE TENDERING PROCESS**

30. Any complaint about the RFP or the Tendering Process must be submitted to the CEO in writing, (preferably by email), immediately upon the cause of the complaint arising or becoming known to the Bidder.
31. The written complaint must set out:
  - a. The basis for the complaint, specifying the issues involved;
  - b. How the subject of the complaint affects the organisation or person making the complaint;
  - c. Any relevant background information; and
  - d. The outcome desired by the person or organisation making the complaint.
32. If the matter relates to the conduct of an official, employee or advisor of the GGB, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of the GGB, and delivered to the physical address of the GGB, as notified.

## **CONFLICT OF INTEREST**

33. A Bidder must not, and must ensure that its officers, employees, agents, and advisors do not, place themselves in a position that may give rise to actual, potential or perceived conflict of interest between the interests of the GGB and/or the Gauteng Provincial Government and the Bidders interests during the Tender Process.
34. The Bidders Response in this RFP Part C requires the Bidder to provide details of any interests, relationships or clients which may or do give rise to a conflict of interest in relation to the supply of the services under any contract that may result from this RFP.
35. If the Bidder submits its Tender and a subsequent conflict of interest arises, or is likely to arise, which was not disclosed in the Tender, the Bidder must notify the GGB immediately in writing of that conflict.
36. The GGB may immediately disqualify a Bidder from the Tendering Process if the Bidder fails to notify the GGB of the conflict as required.

## **LATE TENDERS**

37. Tenders must be lodged by the Closing Time. Where a tender document is not in the tender box at the time of the bid closing, such a bid document will be regarded as a late bid. Late bids will not be considered.
38. Tenders lodged after the Closing Time or lodged at a location or in a manner that is contrary to that specified in this RFP will be disqualified from the Tendering Process and will be ineligible for consideration.
39. The determination of the GGB as to the actual time that a Tender is lodged is final. All Tenders lodged in the Tender Box after the Closing Time will be recorded by the GGB and will only be opened for the purposes of identifying a business name and address of the Bidder. The GGB will inform a Bidder whose Tender was lodged after the Closing Time of its ineligibility for consideration. The general operating practice is for the late tender to be returned within 5 (Five) working days of receipt or within 5 (Five) working days after determination not to accept a late tender.

## **BIDDERS RESPONSIBILITIES**

40. Bidders are responsible for:
  - a. Examining this RFP and any documents referenced or attached to this RFP and any other information made or to be made available by the GGB to Bidders in connection with this RFP;
  - b. fully informing themselves in relation to all matters arising from this RFP, including all matters regarding the GGB's requirements for the provision of the Services, as well as general conditions and specific conditions of contract;
  - c. ensuring that their Tenders are accurate and complete;
  - d. making their own enquiries and assessing all risks regarding this RFP, and fully considering and incorporating the impact of any known and unknown risks into their Tender;
  - e. ensuring that they comply with all applicable laws in regard to the Tendering Process particularly as specified by National Treasury Regulations, Guidelines, Instruction Notes and Practice Notes and other relevant legislation as published from time to time in the Government Gazette;
  - f. Submitting an Original Valid Tax Clearance status pin.

## **PREPARATION OF TENDERS**

- a. Bidders must ensure that their Tender is submitted in the required format as stipulated in this RFP Part C; and
- b. all the required information fields in RFP Part C are completed in full and contain the information requested by the GGB.

*Note to Bidders: The GGB may in its absolute discretion reject a Tender that does not include the information requested.*

41. Unnecessarily elaborate responses or other presentations beyond that which is sufficient to present a complete and effective tender proposal are not desired or required. Elaborate and expensive visual and other presentation aids are not necessary.

## **ILLEGIBLE CONTENT, ALTERATION AND ERRORS**

42. Incomplete Tenders may be disqualified or evaluated solely on information contained in the Tender.
43. The GGB may disregard any content in a Tender that is illegible and will be under no obligation whatsoever to seek clarification from the Bidder.
44. The GGB is entitled to amend any bid conditions, validity period, Terms of References, or extend the closing date of bids before the closing date. All bidders, to whom the bid documents have been issued, will be advised in writing of such amendments in good time to enable them to respond effectively / positively.

## **OBLIGATION TO NOTIFY ERRORS**

45. Amended bids may be sent, together with the original bid, in an envelope marked "Amendment to bid" and should be placed in the bid box before the closing date and time. Amended bids without the original bid document will not be considered.

## **RESPONSIBILITY FOR TENDERING COSTS**

46. The Bidders participation or involvement in any stage of the Tendering Process is at the Bidders sole risk, cost, and expense. The GGB will not be held responsible for, or pay for, any expense or loss that may be incurred by Bidders in relation to the preparation or lodgement of their Tender.
47. The GGB is not liable to the Bidder for any costs on the basis of any contractual, or promissory or restitutionary grounds whatsoever as a consequence of any matter relating to the Bidders participation in the Tendering Process, including without limitation, instances where:
- a. The Bidder is not engaged to perform under any contract; or
  - b. The GGB exercises any right under this RFP or at law.

## **DISCLOSURE OF TENDER CONTENTS AND TENDER INFORMATION**

48. All Tenders received by the GGB will be treated as confidential. The GGB will not disclose any Tender contents and Tender information, except:
- a. As required by law;
  - b. for the purpose of investigations by other government authorities having relevant jurisdiction;
  - c. to external consultants and advisors of the GGB engaged to assist with the Tendering Process; or
  - d. for the general information of Bidders required to be disclosed as per National Treasury Regulations, Guidelines, Instruction Notes or Practice Notes.

## USE OF TENDERS

49. Upon submission in accordance with the requirements of submission of Tenders, all Tenders submitted become the property of the GGB. Bidders will retain all ownership rights in any intellectual property contained in the Tender.
50. Each Bidder, by submission of their Tender, is deemed to have licensed the GGB to reproduce the whole, or any portion, of their Tender for the purposes of enabling the GGB to evaluate the Tender.
51. Further, in submitting a Tender, the Bidder accepts that the GGB shall, in accordance with the requirements of Treasury Regulation No. 16A.6.3(d) and the National Treasury Instruction Note 3 of 2021/22 on *Enhancing Compliance Monitoring and Improving Transparency and Accountability in Supply Chain Management*, publish (on the internet or otherwise):
- a. The names of all Bidders that submitted bids in relation to this RFP within 10 (Ten) working days after the closing date of this RFP, if the bid is above the threshold value of R1 000 000 and
  - b. on award of the bid, the name of the successful Bidder, the contract price, specific goals specified on the tender, the contract number and description of the contract awarded.

## PERIOD OF VALIDITY

52. All Tenders received must remain valid and open for acceptance for a minimum of **90** (Ninety) days from the Closing Time. This period may be extended by written mutual agreement between the GGB and the Bidder.

## STATUS OF TENDER

53. Each Tender constitutes an irrevocable offer by the Bidder to the GGB to provide the Services required and otherwise to satisfy the requirements of the Terms of Reference as set out in this RFP Part B.
54. A Tender must not be conditional on:
- a. The Board approval of the Bidder or any related governing body of the Bidder being obtained;
  - b. the Bidder conducting due diligence or any other form of enquiry or investigation;
  - c. the Bidder (or any other party) obtaining any regulatory approval or consent;
  - d. the Bidder obtaining the consent or approval of any third party; or
  - e. the Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.
55. The GGB may, in its absolute discretion, disregard any tender that is, or is stated to be, subject to any one or more of the conditions detailed above (or any other relevant conditions).
56. The GGB reserves the right to accept a Tender in part or in whole or to negotiate with a Bidder in accordance with SCM prescripts. (Unreasonable disadvantage) of this RFP Part A.

## **TENDER RESPONSE**

### **COMPLIANCE WITH TERMS OF REFERENCE**

57. Under Part C of this RFP, a Bidder must submit a tabulated statement showing its level of compliance to the Terms of Reference contained in this RFP Part B.
58. In particular, Bidders must state if they will not comply with the Terms of Reference or will only comply with the Terms of Reference subject to conditions. Full details of the non-compliance (including the nature and extent of the non-compliance and any reasons for such non-compliance) must be stated in the space provided in the tabulated statement.
59. No response is required in respect of a particular section of the Terms of Reference where Bidders will comply with the Terms of Reference. Only sections that Bidders have not complied with, or will only comply with subject to conditions, should be noted in the tabulated statement.
60. The GGB is prepared to contemplate minor variations or departures from the Terms of Reference proposed by Bidders.
61. However, Bidders should note that significant or substantive variations or departures from the Terms of References will not be viewed favourably unless the Bidder is able to clearly demonstrate to the satisfaction of the GGB the necessity for such variations or departures.

*Note to Bidders: The GGB will assume that a Bidders Response complies in all relevant respects with the Terms of Reference unless the Bidder states otherwise. Failure to notify the GGB of any non-compliance may result in a Bidders Response being disregarded.*

### **GENERAL**

62. Indefinite responses such as “noted”, “to be discussed” or “to be negotiated” are not acceptable.
63. Where the Bidder is unwilling to accept a specified condition, the non-acceptance must be clearly and expressly stated. Prominence must be given to the statement detailing the non-acceptance. It is not sufficient that the statement appears only as part of an attachment to the Tender or be included in a general statement of the Bidders usual operating conditions.
64. An incomplete Tender may be disqualified or assessed solely on the information completed or received with the Tender.

## **INNOVATIVE SOLUTIONS**

65. Bidders are encouraged to offer options or solutions which may, in an innovative way, contribute to the GGB's ability to carry out its operations in a more cost-effective manner.
66. These options or solutions may be related to:
- a. The outputs, functional, performance and technical aspects of the requirement; or
  - b. Opportunities for more advantageous commercial arrangements.
67. Any such options or solutions will be considered by the GGB on a "commercial in confidence" basis if so requested by the Bidder.
68. Where a Bidder submits an offer which meets the requirements of this RFP in an alternative and practical manner, the Tender must also include any supplementary material (including such pricing and costing details as may be necessary to enable the GGB to fully assess the financial impact of the alternative proposal), which demonstrates in detail that such an alternative will fully achieve and/or exceed all the specified requirements, together with references as to why the additional features may be advantageous.
69. The GGB reserves the right to consider such offers on their merits or not to consider them at all.

## **CONTRACT DISCLOSURE REQUIREMENTS**

### **DISCLOSURE OF INFORMATION**

70. The Conditions of Tendering include a provision for the disclosure of contract information (refer to this RFP Part A dealing with "Use of Tenders").
71. If a Bidder wishes to withhold the disclosure of specific contract information, the Bidder must clearly outline how the release of this information will expose trade secrets, business strategy or unique methodologies that may expose the business unreasonably to disadvantage.

### **TRADE SECRETS**

72. In considering whether specific information should be categorised as a trade secret, Bidders' should assess:
- a. The extent to which it is known outside of the Bidders business;
  - b. the extent to which it is known by the persons engaged in the Bidders business;
  - c. any measures taken to guard its secrecy.
  - d. its value to the Bidders business and to any competitors.
  - e. the amount of money and effort invested in developing the information; and
  - f. the ease or difficulty with which others may acquire or develop this information.

## **UNREASONABLE DISADVANTAGE**

73. In determining whether disclosure of specific information will expose a Bidders business unreasonably to disadvantage, the following should be considered:

- a. Whether the information is generally available to competitors; and
- b. Whether it could be disclosed without causing substantial harm to the competitive position of the business.

GGB will consider these applications in the Tender evaluation and negotiations (if any) with Bidders.

## **EVALUATION OF TENDERS**

### **EVALUATION PROCESS**

74. Following the Closing Time, the GGB intends to evaluate the Tenders received.

75. Tenders will be evaluated against the Evaluation Criteria specified under the section "Evaluation Criteria Format".

76. Without limiting the GGB's rights in the RFP, the GGB may at any time during the Tendering Process choose to:

- a. Shortlist one or more Bidders; and
- b. Accept one or more of the Tenders.

77. Unless the Evaluation Criteria explicitly require, the GGB may, but is not in any way bound to, shortlist, to select as successful, or to accept the Tender offering the lowest price.

78. Should the GGB choose to include a short-listing stage in its evaluation process, the GGB is not, at any time, required to notify Bidders or any other person or organisation interested in submitting a Tender.

79. A Bidders Response will not be deemed to be unsuccessful until such time as the Bidder is formally notified of that fact by the GGB. The commencement of negotiations by the GGB with one or more other Bidders is not to be taken as an indication that any Bidders Response has not been successful.

## **EVALUATION CRITERIA FORMAT**

80. The evaluation criteria are weighted to reflect the importance of project requirements noted in the Terms of Reference.

81. In evaluating Bidders Responses, the GGB will have regard to:

- a. Specific evaluation criteria identified in the list below.
- b. the overall value for money proposition presented in the Bidders Response; and
- c. particular weighting assigned to any or all of the evaluation criteria specified below.

82. For the purposes of this RFP ‘value for money’ is a measurement of financial and non-financial factors, including:
- a. Quality levels; and
  - b. performance standards.
83. Value for money will be assessed on a ‘whole of life’ basis (including the transitioning-in, the contract term and the transitioning-out phases of the relationship between the GGB and a Bidder), with a view to long-term sustainability of the value for money proposition and with a focus on ensuring that value for money outcomes are promoted and protected following the conclusion of any contract that may result from this RFP.
84. Administrative compliance will be determined in accordance with the conditions listed in this RFP.
85. The evaluation criteria will be in line with the PPPFA, 2000 (Act No. 5 of 2000) and Preferential Procurement Regulations 2022
86. Evaluation will be based on a point system and two-stage evaluation process. As a pre-requisite, a bid must comply with the requirements of the bid solicitation and meet the minimum threshold of the functionality evaluation criteria to be declared responsive and qualify to the next evaluation stage.
87. The value of this bid is estimated to be less than R 50 000 000.00 and therefore the 80/20 preference points system shall apply. The following is the weighting awarded for each element, and the threshold score.

<b>Evaluation element</b>	<b>Weighting</b>	<b>Threshold score</b>
Technical proposal (Functionality)	100	70 Points

<b>Evaluation element</b>	<b>Weighting</b>	<b>Threshold score</b>
Price proposal	80	N/A
Specific Goals	20	N/A
<b>Total</b>	<b>100</b>	

### **CRITERIA FOR BREAKING DEADLOCK IN SCORING**

GGB intends to select bidders who scored the highest points in accordance with Regulation 8 of the Preferential Procurement Regulation, 2022,

- (1) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals.
- (2) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.

In accordance with Regulation 8.(1) of the PPR, 2022, the determining of Preference Point will be in line with Regulation 4.(2) of the PPR, 2022, to which the following table will be applied.

<b>The Specific Goals Allocated points in terms of this tender</b>	<b>Number of Points Allocated (80/20 system)</b>
Women-owned companies.	5
People with disabilities.	5
Youth (Between 18 years and 35 years).	5
100 % Black-Owned (Africans, Indians, Coloureds).	5
<b>TOTAL</b>	<b>20</b>

88. A minimum threshold for functionality of seventy (70) points is required. Bids that do not meet this threshold will automatically be disqualified from further evaluation.

89. Thereafter, only the qualifying bids will be evaluated in terms of the 80/20 preference point system, where a maximum of 80 points are allocated for price and a maximum of 20 points are allocated in respect of the specific goals allocated to the bidder.

## **CLARIFICATION OF TENDERS**

90. The GGB may seek clarification from and enter into discussions with any or all of the Bidders in relation to their Tender. The GGB may use such information in interpreting the Tender and evaluating the cost and risk in accepting the Tender. Failure to supply clarification to the satisfaction of the GGB may render the Tender liable to disqualification.

91. The GGB is under no obligation to seek clarification of anything in a Tender and reserves the right to disregard any clarification that the GGB considers to be unsolicited or otherwise impermissible in accordance with the rules set out in this RFP.

## **DISCUSSION WITH BIDDERS**

92. The GGB may elect to engage in detailed discussions with any one or more Bidders, with a view to maximising the benefits of this RFP as measured against the evaluation criteria and in fully understanding a Bidders offer.

93. In its absolute discretion, the GGB may invite some or all Bidders to give a presentation to the GGB in relation to their submissions, that may include a demonstration of software, programs or unique methodologies proposed, if applicable.

94. The GGB is under no obligation to undertake discussions with, or to invite any presentations from Bidders.

95. In addition to presentations and discussions, the GGB may request some or all Bidders to:

- a. Conduct a site visit, if applicable;
- b. provide references or additional information; and/or
- c. make themselves available for panel interviews.

## **SUCCESSFUL TENDERS**

### **NO LEGALLY BINDING CONTRACT**

96. Selection as a successful Bidder does not give rise to a contract (express or implied) between the successful Bidder and the GGB for the supply of the services. No legal relationship will exist between the GGB and a successful Bidder for the supply of the services until such time as a binding contract is executed by them.

### **PRE-CONTRACTUAL NEGOTIATIONS**

97. The GGB may, in its absolute discretion, decide not to enter into pre-contractual negotiations with a successful Bidder.

98. A Bidder is bound by its Tender and all other documents forming part of the Bidders Response and, if selected as a successful Bidder, must enter into a contract on the basis of the Tender without negotiation.

### **NO OBLIGATION TO ENTER INTO CONTRACT**

99. The GGB is under no obligation to appoint a successful Bidder or Bidders (as the case may be), or to enter a contract with a successful Bidder or any other person, if it is unable to identify a Tender that complies in all relevant respects with the requirements of the GGB, or if due to changed circumstances, there is no longer a need for the services requested, or if funds are no longer available to cover the total envisaged expenditure. For the avoidance of any doubt, in these circumstances the GGB will be free to proceed via any alternative process.

100. The GGB may conduct a debriefing session for all Bidders (successful and unsuccessful). Attendance at such debriefing session is optional.

## **ADDITIONAL RULES**

101. It is a condition of the tendering process that Bidders will be required to complete all the forms annexed to this RFP Part C.

## **BIDDER WARRANTIES**

102. By submitting a Tender, a Bidder warrants that:
- a. In lodging its Tender, it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of the GGB, its officers, employees, or advisers other than any statement, warranty or representation expressly contained in the RFP.
  - b. it did not use the improper assistance of GGB employees or information unlawfully obtained from the GGB in compiling its Tender.
  - c. it is responsible for all costs and expenses related to the preparation and lodgement of its Tender, any subsequent negotiation, and any future process connected with or relating to the Tendering Process.
  - d. it otherwise accepts and will comply with the rules set out in this RFP; and
  - e. it will provide additional information in a timely manner as requested by the GGB to clarify any matters contained in the Tender.

## **GGB'S RIGHTS**

103. Notwithstanding anything else in this RFP, and without limiting its rights at law or otherwise, the GGB reserves the right, in its absolute discretion at any time, to:
- a. Cease to proceed with, or suspend the Tendering Process prior to the execution of a formal written contract;
  - b. alter the structure and/or the timing of this RFP or the Tendering Process;
  - c. vary or extend any time or date specified in this RFP for all or any Bidder or other persons;
  - d. terminate the participation of any Bidder or any other person in the Tendering Process;
  - e. require additional information or clarification from any Bidder or any other person or provide additional information or clarification;
  - f. call for new Tenders;
  - g. reject any Tender received after the Closing Time;
  - h. reject any Tender that does not comply with the requirements of this RFP; or
  - i. consider and accept or reject any alternative tender.

## **GOVERNING LAWS**

104. This RFP and the Tendering Process is governed by the laws / legislation applicable to public sector SCM in the Republic of South Africa.
105. Each Bidder must comply with all relevant laws in preparing and lodging its Tender and in taking part in the Tendering Process.

106. All tenders must be completed using the English language and all costing must be in South African Rand.

## **INCONSISTENCY**

107. If there is any inconsistency between any parts of this RFP, a descending order of precedence must be accorded to:
- (a) the conditions of tendering in Part A and Part B of this RFP, and any annexure or attachments.
  - (b) the Bidders response in Part C of this RFP.
  - (c) any other part of this RFP, so that the provision in the higher ranked document, to the extent of the inconsistency, prevails.



# **RFP – PART B**



## **TERMS OF REFERENCE**

**THE APPOINTMENT OF PANEL OF ATTORNEYS TO  
PROVIDE LEGAL SERVICES TO GAUTENG  
GAMBLING BOARD FOR A PERIOD OF 36 MONTHS.**

# TERMS OF REFERENCE

## TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES TO GAUTENG GAMBLING BOARD FOR A PERIOD OF 36 MONTHS

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### 1. INTRODUCTION

1.1. The Gauteng Gambling Board (GGB) is a Schedule 3C Public Entity in terms of the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA). The GGB has been established in terms of section 3 of the Gauteng Gambling Act, 1995 as amended (“the Act”).

### 2. OBJECTIVE

2.1. The objective of this tender is to invite and appoint a panel of suitable law firms as per the five (5) areas of law (refer to paragraph 5), to provide legal services to GGB on an ad hoc basis for specific assignments. The successful bidders will not be entitled to a retainer fee. Dependant on the quality of the proposals submitted and bidders complying with the elimination criteria (refer to paragraph 8), GGB intends to select the bidders who scored the highest points during the Stage 1B: Evaluation Criteria for Functionality for each of the five (5) areas of law as follows:

No.	Area of Law
1	Gambling Law
2	Administrative and Constitutional Law
3	PFMA and Procurement Law
4	Employment Law
5	Information Technology Law and Intellectual Property Law

2.2. The preferred bidders will be appointed as part of a panel of legal service providers and will enter into an agreement with GGB on terms and conditions to be agreed upon. The duration of the approved panel will be a period of thirty-six (36) months effective from the date of contracting.

2.3 The panel of service providers shall provide legal services to GGB on a non-exclusive basis and GGB is not obliged to procure services from the service providers.

2.4 This Request for Proposals (RFP) sets out clear specifications for the service requirements in each of the five (5) areas of law identified by GGB (refer to paragraph 5). Each assignment(s) will be awarded on rotational basis on a fixed rate determined by the GGB. The request for a clear company profile from the bidders as outlined in the scope of work is to ensure that GGB acquires the necessary skills and expertise over the contractual period when necessity dictates.

### **3. BACKGROUND**

3.1. The GGB is a Schedule 3C Public Entity in terms of the PFMA, governed by applicable legislative frameworks and it is accountable to the Gauteng Provincial Legislature through the MEC of the Gauteng Department of Economic Development who is the Executive Authority.

3.2. **The functions of GGB are to:**

- a) Oversee and control gambling activities in Gauteng, including:
  - (i) Licensing of individuals and entities to conduct gambling and related activities.
  - (ii) Registering of persons engaged in such activities.
  - (iii) Approving and registering of all gaming devices.
  - (iv) Collecting prescribed taxes and levies for the Gauteng Province and other specified beneficiaries.
- b) Managing and administrating the Sports Development Fund (SDF),
- c) Advising the MEC on matters relating to gambling,
- d) Supervising and enforcing compliance with the requirements of the Financial Intelligence Centre Act by the gambling industry,
  - (i) Conducting FICA inspections,
  - (ii) Taking disciplinary action in instances of non-compliance,
  - (iii) Reporting to the Financial Intelligence Centre on enforcement.
- e) Supervising and enforcing compliance with the requirements of the National Gambling Act by the gambling industry, including:
  - (i) Investigation and issuing of national entity and employment licences.
  - (ii) Ensuring continuous suitability and compliance with the legislative prescripts by the national licensees.

*Copies of the latest Annual Reports are available on the website. Additional information can be requested from Supply Chain Management Office on 011 581 4800 or at [tenders@gqb.org.za](mailto:tenders@gqb.org.za).*

### **4. BRIEFING SESSION**

4.1. A Compulsory Briefing Session will be held at the Gauteng Gambling Board, failure to attend the briefing session will result in your bid not being considered.

## 5. TENDER SCOPE

- 5.1. The Legal and Law Enforcement Department of the GGB is responsible for in-house legal services. However, the need arises from time to time to outsource some of the work to external legal firms.
- 5.2. The panel of service providers will be required to provide services in one or more of the following five (5) areas of the law:

### a) Gambling Law

- Advise on the interpretation and the applicability of gambling legislation i.e., National Gambling Act, Gauteng Gambling Act, and related legislation.
- Assist Law Enforcement Officers in drafting affidavits, applications for search and seizure warrants and related matters.
- Assist the National Prosecution Authority (NPA) with Public Prosecution where necessary, in preparing for and presenting the case in court.
- Represent the Board in any litigation matters that may arise as a result of the Board's action in its efforts to eradicate illegal gambling.

### b) Administrative and Constitutional Law

- Advise and represent the Board in all areas relating to constitutional and administrative law
- Generally, advise on all matters relating to the public sector.

### c) PFMA, Procurement Law

- Advise and represent the Board on any matter arising from the application and interpretation of the PFMA, procurement laws and related legislation.

### d) Employment Law

- Advise and represent the Board on any matter arising from the application and interpretation of employment laws and related legislation.
- Assist in drafting and vetting contracts of employment, policies, and procedures.
- Assist the GGB in all employment-related forums, such as the Commission for Conciliation, Mediation and Arbitration (CCMA), Labour Court, etc.
- Appear on behalf of the GGB in Labour Court related matters.

### e) Information Technology Law and Intellectual Property Law

- Advise on all legal issues arising from the development, procurement, and use of technology by the GGB.

- Draft and negotiate complex information technology agreements.
- Advise on intellectual property matters, including trademarks, copyright, designs, etc.
- Provide litigation services in all areas of intellectual property law.

The service provider(s) must submit a proposal in respect of any one or more of the five (5) areas of law mentioned above.

**NB: Should the service providers desire to submit proposals in respect of more than one of the chosen areas of law, the bidder should submit a separate envelope indicating the area of law they are proposing for.**

**The service provider must complete the table below, by indicating all the area(s) of law for which they have submitted their proposal(s)**

No.	Specialization	Tick ✓
1	Gambling Law	
2	Administrative and Constitutional Law	
3	PFMA and Procurement Law	
4	Employment Law	
5	Information Technology Law and Intellectual Property Law	

## 6. APPOINTMENT, COMMENCEMENT AND DURATION

- 6.1. The service provider will be appointed for a period thirty-six (36) months, effective from the date of contracting.
- 6.2. The approved panel should be available to commence with the provision of services from the contracting date.
- 6.3. The preferred bidder(s) will have to enter into a Service Level Agreement (SLA) with the GGB. The Rules for Courts of Law Act, 1985 (Act No. 107 of 1985) and/or any other relevant legislation, must be utilised to determine the appropriate rate of each team member and/or different types of services/investigations during the RFQ stage mentioned under paragraph 2.4.
- 6.4. The contract may be terminated by either party by giving the other party thirty (30) days written notice.

## 7. SPECIAL CONDITIONS

- 7.1. GGB has the right to appoint a law firm outside of the panel in cases where services required are not part of the scope of work provided for in this tender. In such cases, GGB will follow the prescribed Supply Chain Management processes in appointing such law firm(s).
- 7.2. GGB may negotiate the rates proposed by the preferred bidder(s) that meet the minimum requirements to get the same rates for the Legal Panel and will be appointed on a rotational basis as and when the services are required.

## 8. EVALUATION PROCESS

### 8.1. BID EVALUATION METHODOLOGY

Evaluation of the bids will be conducted in two stages in accordance with Preferential Procurement Regulations, 2022, issued in terms of section 5 of the Preferential Procurement Policy Framework Act, Act number 5 of 2000 (PPPFA) as follows:

Stage One (1) will consist of the evaluation of bids on **Administrative Compliance** and **Functional Evaluation**.

During these stages of evaluation, the bidder/s that do not meet the prescribed criteria for mandatory requirements will not be evaluated for functionality. And bidders that does not meet criteria or threshold/s for functionality will be disqualified and will not be considered for further evaluation.

Stage Two (2) of the evaluation will be based on the Preference Point System Price as per Regulation 4 of the PPR, 2022.

- Price = 80 points
- Specific Goals = 20 points

### 8.2. BID EVALUATION STAGES

- **STAGE 1A** - Administrative Compliance.
- **STAGE 1B** - Functional Evaluation.
- **STAGE 2** - Preference Point System.

## 9. BID EVALUATION CRITERIA

### 9.1. Stage 1A: Administrative Compliance

#### Mandatory requirements

- a. Provide completed and signed tender document.

- This includes completed and signed SBD forms (SBD1; SBD 4; SBD 3.3; SBD 6.1)
- b. Bidders must provide a certified copy of proof of registration with the Legal Practice Council (valid when submitting bid) and must be in good standing with such Council at the time of submission.
- c. Bidders must provide a certified copy of a current and valid Fidelity Fund Certificate (valid when submitting bid)

**NB: Non-compliance of the above will lead to your bid being non-responsive and will be disqualified for any further evaluation process.**

**9.2. Other non-mandatory requirements.**

- a) Provide company registration documents issued by Companies and Intellectual Property Commission (CIPC).
- b) Provide company shareholders certificates.
- c) Valid SARS Tax Compliance Status (TCS) Pin
- d) Proof of registration with the National Treasury Central Supplier Database (CSD)
- e) In case of a Consortium, Joint Venture (JV) or Subcontracting, a tenderer must submit a copy of an Agreement/Contract signed by all parties of their intention and clearly indicate the percentages for the roles and responsibility of each.
- f) GGB consent form in compliance with the POPI Act

**Note:** *Bidders must submit their SARS TCS PIN and CSD Supplier number with their bid so that the bidder's Tax Compliance Status can be verified. Should a bidder not be Tax Compliant at the time of verification, the bidder will be notified in writing of their non-compliant tax status and be requested to remediate their tax status within seven (7) working days. Failure to provide written proof of tax status remediation, within seven (7) working days of notification, will result in the rejection of the bid submitted by the Bidder.*

9.3. **Stage 1A: Mandatory Requirements.**

ITEM	DESCRIPTION	ATTACHED(YES/NO)
1.	A fully completed Tender Document with duly completed compulsory documents must be signed and certified where required and submitted as part of the bidder's tender submission.	
2.	Attendance of a compulsory briefing session	
3.	<b>The following proof of Accreditation/registration must be attached. Non-submission will lead to disqualification.</b>	
	Proof of Registration with Legal Practice Council(Valid when submitting bid) and must be in good standing with such Council at the time of submission.	
	Valid Fidelity Fund Certificate(Valid when submitting the bid)	

**NB: Only qualifying bids meeting the mandatory requirements will be further evaluated for Functionality.**

#### 9.4. Stage 1B:Functionality Evaluation Criteria

A total of **100 points** is allocated for this stage of the evaluation. The minimum threshold for the evaluation is **70 points**. Any bidder who fails to meet this minimum requirement shall be deemed non-responsive and disqualified from further evaluation.

<b>FUNCTIONALITY &amp; CAPABILITIES</b>		<b>MAXIMUM POINTS</b>
<b>1. RELEVANT TEAM EXPERIENCE IN RESPECT OF THE AREA OF LAW CHOSEN.</b> (Team experience should be relevant to the tender scope & area of law chosen)		<b>60</b>
<b>FUNCTIONALITY &amp; CAPABILITIES</b>	<b>EVIDENCE/ SUPPORTING INFORMATION REQUIRED</b>	<b>MAXIMUM POINTS</b>
<b>1.1. Partner / Director/Executive</b> <ul style="list-style-type: none"> <li>➤ Below 3 years' experience = <b>0 points</b></li> <li>➤ 3 – 5 years' experience = <b>10 points</b></li> <li>➤ 6 - 8 years' experience = <b>20 points</b></li> <li>➤ Above 8 years' experience = <b>30 points</b></li> </ul> (Only one personnel will be considered)	<b>Bidder to submit</b>  <b>Company Profile</b>  <b>including</b>  <b>Organogram with names &amp; designation of each team member and submit CVs for personnel as per the organogram detailing their relevant sector experience and qualifications</b>	<b>30</b>
<b>1.2. Associates/ Practicing Attorney</b> <ul style="list-style-type: none"> <li>➤ Below 3 years' experience = <b>0 points</b></li> <li>➤ 3 - 5 years' experience = <b>5 points</b></li> <li>➤ 6 - 8 years' experience = <b>10 points</b></li> <li>➤ Above 8 years' experience = <b>20 points</b></li> </ul> (Only one personnel will be considered)		<b>20</b>
<b>1.3. Candidate Attorney</b> <ul style="list-style-type: none"> <li>➤ 1 years' articles = <b>5 points</b></li> <li>➤ 2 years' articles = <b>10 points</b></li> </ul> (Only one personnel will be considered)		<b>10</b>

<b>2. CONTACTABLE REFERENCE LETTER(S)</b> (All letter(s) should be relevant to the tender scope & area of law chosen, for the work done over the last 8 years)		15
<b>2.1. Contactable reference letters</b>  <b>NB: 3 points to a maximum of 15 points will be allocated for each Valid letter submitted</b> <ul style="list-style-type: none"> <li>➤ 5 letters = <b>15 points</b></li> <li>➤ 4 letters = <b>12 points</b></li> <li>➤ 3 letters = <b>9 points</b></li> <li>➤ 2 letters = <b>6 points</b></li> <li>➤ 1 letter = <b>3 points</b></li> </ul> <b>*Valid – means a letter on letterhead of the client signed, with contactable details and clear description of service that was rendered in relation the area of law chosen. <u>Any letter older than 8 years will not be considered.</u></b>	Provide copy (ies) of a signed reference letter(s) on the client’s letterhead with contactable details and clear description of service that was rendered in relation the area of law chosen.	15
<b>3. RELEVANT QUALIFICATIONS OF THE TEAM IN RESPECT OF THE AREA OF LAW CHOSEN</b> (As outlined per Paragraph 5, Tender Scope)		15
<b>3.1. Partner / Director/Executive</b>  <ul style="list-style-type: none"> <li>➤ Degree in law = <b>2 points</b></li> <li>➤ Admission as an Attorney = <b>2 points</b></li> <li>Completed Post Graduate qualification in one of the areas of law = <b>2 points</b></li> </ul>	In line with the submitted organogram  - Submit copies of the qualification for each team member.  Submit their proof of	6
<b>3.2. Associates/ Practicing Attorney</b>  <ul style="list-style-type: none"> <li>➤ Degree in law = <b>2 points</b></li> <li>➤ Admission as an Attorney = <b>1 point</b></li> <li>➤ Completed Post Graduate qualification in law chosen = <b>2 points</b></li> </ul>		5

<b>3.3. Candidate Attorney</b> <ul style="list-style-type: none"> <li>➤ Degree in law = <b>2 points</b></li> <li>➤ Completed Post Graduate qualification in law chosen = <b>2 points</b></li> </ul>	<b>admission in their area of professional</b>	<b>4</b>
<b>4. METHODOLOGY ON THE TRANSFER OF SKILLS TO GGB OVER THE PERIOD OF APPOINTMENT</b>		<b>10</b>
<b>4.1. Skills transfer plan</b> <ul style="list-style-type: none"> <li>➤ Service Provider to demonstrate how it will build internal capacity, transfer skills to the internal resources = <b>5 points</b></li> </ul>	<b>Submit a documented skill transfer plan aligned to the scope of work and duration of the project.</b>	<b>5</b>
<b>4.2. Subscriptions tools</b> <ul style="list-style-type: none"> <li>➤ Service provider to demonstrate how they will keep the GGB abreast of legal developments = <b>5 points</b></li> </ul>	<b>Submit available list of legal and compliance subscriptions tools that will be beneficial to GGB</b>	<b>5</b>
<b>TOTAL POINTS</b>		<b>100</b>
<b>MINIMUM POINTS REQUIRED</b>		<b>70</b>

## 10. Stage 2: Preference Point System

10.1. At this Stage the bidders will be evaluated on price and specific goals point system according to the 80/20-point system in terms of the requirements of the Preferential Procurement Policy Framework Act (Act 5 of 2000) and the Regulation 4. (1) of the Preferential Procurement Regulations 2022. The preference points will be allocated in terms of the specific goals specified for this tender.

10.2. A maximum of 80 points will be allocated for price and a maximum of 20 points for specific goals.

10.3. The price points and the specific goals points will be added together to obtain the total score out of 100 points.

10.4. The contract will be awarded in accordance with Preferential Procurement Policy Framework Act, (Act 5 of 2000) and PPR 2022.

**Price = 80 points**  
**Specific Goals = 20 points**

**TABLE - SPECIFIC GOALS ALLOCATED IN TERMS OF THIS TENDER**

<b>The Specific Goals Allocated points in terms of this tender</b>	<b>Supporting Documents</b>	<b>Number of Points Allocated (80/20 system)</b>
Women-owned companies.	CIPC and ID copy	5
People with disabilities.	Doctors' note stating the disability	5
Youth (Between 18 years and 35 years).	ID copies of directors	5
100 % Black-Owned (Africans, Indians, Coloureds).	Valid CIPC and Sworn Affidavit	5
<b>TOTAL</b>		<b>20</b>

Sworn Affidavits and certification as a “*true copy of the original*”, must comply with the requirements outlined in the Justices of the Peace and Commissioners of Oaths Act, No.16 of 1963 and its Regulations promulgated in Government Notice GNR 1258 of 21 July 1972 Justices of the Peace and Commissioners of Oaths Act, No. 16 of 1963.

**NOTES TO APPLICANTS:**

- Evaluation of proposals will be carried out by an evaluation committee. The evaluators may, if required, contact parties who have submitted proposals to seek clarification of any aspect of a proposal.
- Gauteng Gambling Board has the discretion to condone immaterial non- compliance with the requirements of this specification.

## **11. NEGOTIATIONS**

11.1. The GGB may:

- (a) Negotiate if the price offered by a tenderer scoring the highest points is not market related, GGB may not award the contract to that tenderer.
- (b) Recommend that prices be negotiated with the successful bidder.
- (c) Upon approval obtained from the AO/AA or delegated authority. GGB may
  - i. Negotiate a market-related price with the tenderer scoring the highest points .
  - ii. If the tenderer scoring the highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points.
  - iii. If the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market related price with the tenderer scoring the third highest points.
- (d) If a market-related price is not agreed as envisaged in paragraph (c) above, the GGB shall cancel the tender.

## **12. PRICING PROPOSAL**

12.1. The bidder is required to submit rates proposal and the pricing should be on an hourly rate and rates should be inclusive of disbursement and VAT.

## **13. TERMS AND CONDITIONS OF TENDER.**

13.1. **General**

13.1.1. Bidders should not subcontract any of the work without GGB approval.

## **14. SUBMISSION OF BID PROPOSAL**

14.1. **General.**

14.1.1. Bidders must deliver their proposals in one package or separate envelopes.

14.1.2. Ensure that all pages are completed in full and signed by authorised representative(s) of the bidder.

14.1.3. The address for delivery of the package is as follows:

- **Gauteng Gambling Board, 125 Corlett Drive, Bramley, Johannesburg**

14.1.4. The outside of the package is to show:

- **Name of Bidder**
- **Description of proposal**
- **RFP Number**
- **Closing date and time**

14.1.5. **The bid documentation and further details are obtained from:**

- website: [www.ggb.org.za](http://www.ggb.org.za)
- E-mail: [tenders@ggb.org.za](mailto:tenders@ggb.org.za)



# **RFP - PART C**

**PART A  
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE GAUTENG GAMBLING BOARD					
BID NUMBER:	<b>GGB/RFP/002/2023-2024</b>	CLOSING DATE:	<b>19 January 2024</b>	CLOSING TIME:	<b>11:00am</b>
DESCRIPTION	<b>The Appointment of Panel of Attorneys to Provide Legal Services to Gauteng Gambling Board for a period of thirty-six (36) months.</b>				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT ( <i>STREET ADDRESS</i> )					
<b>Waverly Office Park</b>					
<b>125 Corlett Drive</b>					
<b>Bramley -Johannesburg</b>					
<b>2018</b>					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mapula Mokono		CONTACT PERSON	Lebo Chaba	
TELEPHONE NUMBER	011 581 4800		TELEPHONE NUMBER	011 581 4800	
E-MAIL ADDRESS	<a href="mailto:tenders@ggb.org.za">tenders@ggb.org.za</a>		E-MAIL ADDRESS	<a href="mailto:tenders@ggb.org.za">tenders@ggb.org.za</a>	
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:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA

<p>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES ENCLOSE PROOF]</p>	<p>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]</p>
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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES  NO

**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

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

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

## BIDDERS DECLARATION

All responses must be provided within the specified boxes, must comply with the word and page limits imposed and must respond to this RFP Part B in accordance with the Conditions of Tendering in this RFP Part A. All Annexures form part of the Bidders Response and must be completed in full and signed.

BIDDERS DECLARATION	
I the undersigned _____ (full name) hereby certify that:	
<input type="checkbox"/> I have read, understood and accept the conditions contained in this RFP.	
<input type="checkbox"/> I have supplied all the required information, and all the information submitted as part of the RFP is true and correct.	
NAME OF THE BIDDER	
IDENTITY NUMBER	
POSITION	
AUTHORISED SIGNATORY	

BIDDERS RESPONSE	
FULL NAME	
POSTAL ADDRESS	
PHYSICAL ADDRESS	
ENTITY REGISTRATION NUMBER	

<b>VAT REGISTRATION NUMBER</b>				
<b>CONTACT PERSON'S FULL NAME</b>				
<b>TELEPHONE NUMBER 1</b>	<b>CODE</b>		<b>NUMBER</b>	
<b>TELEPHONE NUMBER 2</b>	<b>CODE</b>		<b>NUMBER</b>	
<b>FACSIMILE NUMBER</b>	<b>CODE</b>		<b>NUMBER</b>	
<b>CELLULAR PHONE NUMBER</b>				
<b>E-MAIL ADDRESS</b>				
<b>TAX CLEARANCE CERTIFICATE</b>	<b>YES</b>		<b>NO</b>	
<b>FULL NAME OF AUTHORISED AGENT</b>				
<b>TITLE OF AUTHORISED AGENT</b>				
<b>SIGNATURE OF AUTHORISED AGENT</b>				
<b>DATE OF SIGNATURE</b>				
<b>TOTAL BID PRICE</b>				
<b>CONFLICT OF INTEREST</b>				
Provide details of any interests, relationships or clients which may give rise to a conflict of interest and the area of expertise in which that conflict of interest may arise.	<i>Complete as attached in SBD 4</i>			

## TAX COMPLIANCE REQUIREMENTS

**A tax compliance status pin issued by SARS is required.**

**PRICING SCHEDULE**

**(Professional Services)**

NAME OF BIDDER: ..... BID NO: GGB/RFP/002/2023-2024

CLOSING TIME 11:00 CLOSING DATE.....

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM	DESCRIPTION	BID PRICE IN RSA CURRENCY
NO		**(ALL APPLICABLE TAXES INCLUDED)

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total R \_\_\_\_\_  
 Estimated time for completion of all phases and including all expenses  
 Inclusive of all applicable taxes for the project
3. Persons who will be involved in the project and rates applicable  
 (Certified invoices must be rendered in terms hereof)

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
<b>TOTAL</b>	-----	-----	-----

\*\*\* all applicable taxes includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, e.g. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	-----	-----	-----
-----	-----	-----	-----

<b>TOTAL</b>			

6. Period required for commencement with project after acceptance of bid .....

7. Estimated man-days for completion of project .....

8. Are the rates quoted firm for the full period of contract? \*YES/NO

9. If not firm for the full period, provide details of the basis on which  
 Adjustments will be applied for, for example consumer price index.  
 .....  
 .....  
 .....

Any enquiries regarding bidding procedures may be directed to the –

**Gauteng Gambling Board**

**125 Corlett Drive**

**Bramley, Johannesburg**

**2018**

**Ms. Mapula Mokono**

**Tel: 011 581 4862**

Or for technical information –

**Ms. Lebo Chaba**

**Tel: 011 581 4800**

**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 interest<sup>1</sup> 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.

<b>Full Name</b>	<b>Identity Number</b>	<b>Name of State institution</b>

<sup>1</sup> 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 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 consortium<sup>2</sup> will not be construed as collusive bidding.

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<sup>2</sup> 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.

- 3.4 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.
- 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).

**1.2 To be completed by the organ of state**

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) 80/20 preference point system will be applicable in this RFP. 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:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b>	<b>20</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES.

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20**

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

Where.

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

## 4. POINTS AWARDED FOR SPECIFIC GOALS.

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

***(Note to organs of state: Where 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.)**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)  (To be completed by the organ of state)	Number of points claimed (80/20 system)  (To be completed by the tenderer)
Women owned company	5	
People with disabilities	5	
Youth (Between 18 years and 35 years).	5	
Black-Owned (Africans, Indians, Coloureds)	5	
<b>TOTAL</b>	<b>20</b>	

**Service providers will need to have 100% ownership towards a specific goal to obtain full points for that specific goal. Otherwise, points will be allocated based on the percentage of ownership. e.g., 5 points for 50 % ownership and 3 points for 30% ownership.**

**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.

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

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

## WITNESSES

NAME OF BIDDER	
IDENTITY NUMBER	
POSITION	
AUTHORISED SIGNATORIES OF BIDDERS	
WITNESS 1	
WITNESS 2	
DATE	
ADDRESS	

125 CORLETT DRIVE  
BRAMLEY  
2090  
SOUTH AFRICA



PRIVATE BAG15 BRAMLEY 2018  
EMAIL: [info@ggb.org.za](mailto:info@ggb.org.za)  
[www.ggb.org.za](http://www.ggb.org.za)  
TELEPHONE +27(11) 581 4800  
FAX: +27(11) 581 4900

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## SUPPLIER DATABASE CONSENT FORM (POPIA)

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**General:** In order for the Gauteng Gambling Board ("**GGB**") to consider the supplier's (referenced below) response to an RFP to become a supplier to the GGB ("**RFP**") and/or to be included in the GGB's supplier database, it will be necessary for the GGB to process certain information which the supplier may share with the GGB for the purpose of the RFP, including personal information – which may include special personal information (all hereafter referred to as "**Personal Information**"). The GGB will process the supplier's Personal Information in accordance with the GGB Privacy Policy available at [[www.ggb.org.za](http://www.ggb.org.za)].

**Access to supplier Personal Information and purpose specification:** Personal Information will be processed by the GGB for purposes of assessing the supplier's submission in relation to the RFP and for registering the supplier on the GGB supplier database and may be shared and stored internally for the purposes of assessing current and future services required by the GGB. We may also share the supplier's Personal Information with third parties, both within the Republic of South Africa and in other jurisdictions, including to carry out verification and background checks. In this regard, the supplier acknowledges that the GGB's authorised verification agent(s) and service providers will access Personal Information and conduct background screening.

**Consent:** By ticking "Yes" and signing below, you agree and voluntarily consent to the GGB's processing of the supplier's Personal Information for the purposes of evaluating its RFP submission, including to confirm and verify any information provided in the submission and supplier gives the GGB permission to do so. The supplier understands that it is free to withdraw its consent on written notice to the GGB and the supplier agrees that the Personal Information may be disclosed by the

GGB to third parties, including the GGB's affiliates, service providers and associates (some of which may be located outside of the Republic of South Africa). Please note that if you withdraw your consent at any stage, we may be unable to process the RFP or continue to retain the supplier details the GGB supplier database.

Yes

No

\_\_\_\_\_  
Supplier Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Authorised representative, who warrants that he/she is duly authorised

## CHECKLIST OF BIDDING DOCUMENTATION BEFORE SUBMITTING

**NB: Has the following forms been completed, signed and submitted with your proposal?**

Documentation	Checked by Tenderer
Invitation to bid - SBD 1	
Valid tax compliance status pin issued by SARS	
Declaration of interest –SBD4	
Preference point claim– SBD6.1	
Central Supplier Database (CSD)	
Bidder must submit as part of their proposal, the scope of work detailed in paragraph 5 in respect of one (1) or more of the areas of law for which they are bidding, in separately marked sub-envelope(s) clearly indicating the area of the law they are bidding for.	
Bidders must provide a certified copy of proof of registration with the Legal Practice Council and must be in good standing with such Council	
Bidders must provide a certified copy of a current and valid Fidelity Fund Certificate	
Detailed Company Profile highlighting bidder’s experience in their areas of expertise as per scope of work.	
Five (5) reference letters from current and previous clients in the area of law chosen indicating the name of the client; contact telephone numbers; description of work performed; and dates of engagement.	
Company Registration Documents	
Company Profile, an organogram or list of Partners or Directors, Associates, Candidates attorneys and ID Documents of Directors	

Documentation	Checked by Tenderer
<p>Details of the probable team that will be tasked with the assignment. Information should include the name of employee; Job title; Short CV reflecting legal qualifications; other professional qualifications and current and previous work experience.</p>	
<p>Identification of tools and technologies developed and utilised by the firm to increase the efficiency and effectiveness of the legal service function.</p>	
<p>Transfer of skills - The bidder should demonstrate how it intends to assist GGB in building of the internal capacity and how it will transfer skills to GGB employees.</p>	

**Note: The submitted information must be accompanied with an index, and the bidding documents must be numbered, labelled and tabbed as per index.**