



DRAFT REQUEST FOR APPLICATIONS

GAMBLING ESTABLISHMENT LICENCES-

GAMBLING MACHINES WITH LIMITED BETS AND
PAYOUTS (LIMITED PAYOUT MACHINES)
2023



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1 DEFINITIONS

In this Request for Applications (RFA) including the appendices and annexures thereto, unless the context indicates otherwise, the following definitions shall apply:

Act	“means the Gambling Act, 2012 (Act No. 7 of 2012)”.
Applicant	“means a person (natural or juristic) or body corporate who submits an application for a Gambling Establishment licence pursuant to this Request for Applications”.
Authority	“means the Gambling Authority established in terms of section 3 of the Act.”
Board	“means the Board of the Authority established in terms of section 7 of the Act”.
CEMS	“means a central electronic monitoring system established in terms of section 96 of the Act”.
Chairperson	“means the chairperson of the Board or of a committee of the Board, as the case may be, and includes a person who is acting as a chairperson”.
Chief Executive Officer	“means the person appointed or appointed to act in the position of Chief Executive Officer in terms of section 24 of the Act”.
Citizen	“means a person who is a citizen in terms of the Citizenship Act, 2004(Act No 1 of 2004)”.
Citizen Owned Enterprise	“means an enterprise wholly owned by a Citizen or jointly by Citizens”.
Committee	“means any committee established by the Board in accordance with section 13 of the Act to assist the Board in the performance of its functions as defined in the Act”.
Country	“means the Republic of Botswana and the word Botswana shall be used interchangeably”.
Defined Area	“means a town or location or township or otherwise an area with specific boundaries which in terms of the Licensing and Location Plan, has specified the maximum number of Gambling Establishments which may be granted by the Authority”.
District	“means an area, district or sub-district in Botswana demarcated in terms of the Licensing and Location Plan approved by the Minister from time to time”.
Economic Empowerment	“means the capacitation of Citizens to participate, contribute and benefit from economic growth processes”.
Economic Inclusion Act	“means the Economic Inclusion Act, 2021 (Act No. 26 of 2021)”.

Empowerment	“means any practice, scheme or programme aimed at enhancing and promoting Economic Empowerment”.
Gambling	“means betting (including pool betting) and bookmaking, gaming, and promoting or entering a lottery”.
Gambling Activity	“includes any activity described as such under section 122 of the Act”.
Gambling Device	“means any equipment or thing used in connection with gambling or gaming to determine the result of a gambling activity, and includes any playing cards or dice, roulette wheel, electromechanical or electronic device”.
Gambling Establishment	“means a gambling establishment as defined in the Act”.
Gambling Establishment Independent Site Operator	“means a holder of a Gambling Establishment licence entitled to operate a Gambling Establishment Site and is not linked to a Gambling Establishment Route Operator”.
Gambling Establishment Route Operator	“means a holder of a Gambling Establishment licence entitled to operate a prescribed number of Gambling Establishments within areas designated in terms of the Licensing and Location Plan and this Request for Applications”.
Gambling Establishment Site	“means the physical outlet, physical structure, space, or place from which a gambling establishment business operates”.
Gambling Establishment Site Operator	“means a person who entered into a Route Business Network agreement with a Gambling Establishment Route Operator.
Gambling Machine	“means a gambling machine as defined in the Act and this Request For Application”.
Gaming	“means playing a game of chance, for a prize”.
GGR	“means Gross Gambling Revenue”.
Levy Fund	“means the fund established by the Minister in terms of section 134 of the Act for the benefit of the gambling industry in Botswana”.
Licence	“means a licence issued in terms of section 33 of the Act in the form of Gambling Establishment.
Licensed Premises	“means any premises on which gambling takes place under the authority of a licence issued in terms of section 33 of the Act”.
Licensee	“means a person who holds a valid licence issued in terms of the Act and this Request for Application”.
Minister	“means the Minister of Trade and Industry or any other Minister of the Government of Botswana assigned to oversee the regulation of gambling in Botswana”.
Minor	“means a person under the age of 21 years”.
Punter	“means the person placing a bet with a licensed Gambling Establishment”.

Regulations	“means the Gambling Regulations promulgated by the Minister of Trade and Industry in terms of the Act and as amended from time to time”.
RFA	“means this Request for Application, together with its annexures, notices, addenda, e.t.c.”.
Route Business Network	“means a structure of business process or arrangement which afford one business entity an opportunity to distribute its products, solutions and equipment to other entities under one licence on an agreed model of revenue split”.
Rules	“means rules developed by the Authority”.
SMMEs	“means Small, Medium and Micro-sized Enterprises as defined in the Economic Inclusion Act and the Industrial Development Act (Statutory Instrument No.79 of 2020)”.
Technical Specifications	“means standards set by the Botswana Bureau of Standards or any other appropriate authority specifying the technical requirements for gambling equipment”.
VDR	“means the Virtual Data Room which is an online platform which shall be used by the Authority for communication purposes with Applicants.”



2 BACKGROUND

2.1. In terms of the Gaming and Gambling Policy for Botswana of 2002 (the Policy) developed under the Ministry of Trade and Industry, the Government recognised the important role played by the gaming and gambling sector in contributing to the achievement of the Country's socio- economic development objectives. It is well noted in terms of the Policy, that the gaming and gambling sector amongst others, provides entertainment, creates jobs and generates revenue for central and other sectors of Government.

2.2. The Policy took into cognisance the fact that often the socio-economic benefits derived from this sector of the economy are tarnished by social ills such as; addictive gambling, organised crime, money laundering and unfair business practices including defrauding consumers. The Policy places an obligation on the Authority to maintain a socially acceptable balance between the benefits and social ills derived from gaming and gambling activities through the introduction of palliative measures, so as to mitigate the negative effects of gaming and gambling on society.

2.3. Gambling was introduced in Botswana in terms of the Casino Act and Lotteries and Betting Act which were subsequently replaced by the Gambling Act (the Act) and the Gambling Regulations (the Regulations) with the view of achieving the following objectives:

- 2.3.1.** To promote and diversify the gaming and gambling sector by introducing Gambling Establishment Licences to areas determined by the Authority.
- 2.3.2.** To open the gaming and gambling sector by creating opportunities for direct economic participation of Citizens, new entrants, and Small, Medium and Micro-sized Enterprises (SMMEs).
- 2.3.3.** To promote the ideals of Citizen inclusion, by increasing the participation of women and/or youth and/or people living with disabilities in the procurement of goods and services in the gaming and gambling industry.
- 2.3.4.** To guard against excessive concentration of ownership and control of the gaming and gambling industry to few companies and expand full and free participation of Citizen-owned businesses and SMMEs in this sector.
- 2.3.5.** To enhance economic growth and development in the Country through the stimulation of the tourism sector.
- 2.3.6.** To promote the development of the tourism infrastructure through creation of new tourism opportunities within the local economy and provision of additional entertainment and recreational activities for members of the public.

2.3.7. To create employment opportunities mainly in areas where gambling establishments are situated.

2.4. The Authority is of the view that over and above the stated broad objectives, the introduction of Gambling Establishments, gambling machines and various forms of gambling will assist Botswana to achieve the following objectives:

2.4.1. To diversify and expand the existing gambling activities and provide additional alternative forms of leisure and entertainment to all areas in Botswana, in that they will have a much wider distribution throughout Botswana.

2.4.2. To introduce new and additional forms of gambling, thereby creating opportunities for the direct economic participation of Citizens, new entrants and SMMEs within the gambling industry.

2.4.3. To create new job opportunities in targeted communities or areas.

2.4.4. To contribute to the curbing of illegal gambling in the Country.

2.4.5. To generate additional fiscal/tax revenue for the Country.

2.4.6. To curb the illicit flows of money including the prevention of money laundering, financing of terrorism and financing the proliferation of weapons of mass destruction.

2.4.7. To promote the ideals of Citizen inclusion by increasing the participation of women and/or youth and/or people living with disabilities in the procurement of goods and services in the industry.

2.5. The Authority realises the potential negative impact that gambling may have on Citizens and as such, the Authority will regulate this sector of the gambling industry to ensure that:

2.5.1. The demand for gambling is absorbed, without over-stimulating its latent demand.

2.5.2. Minors are prohibited from participating in gambling activities.

2.5.3. Gambling levies and taxes are paid, as provided for in terms of legislation.

2.6. In terms of the Act, and in particular sections 33 and 34, the Authority herewith invites applications for additional forms of gaming and gambling to achieve the above-mentioned objectives. The Authority has to promote transformation of the gaming and gambling industry in Botswana and this Request for Application (RFA) serves as a base to create opportunities for Citizens to take advantage of the availed diversification and transformation opportunities.

2.7. The Authority has considered expanding entertainment and economic opportunities in the gaming and gambling sector and thereby invites applications for Gambling Establishment Licences. The Authority believes that this move will immensely contribute to achieving the objectives mentioned above, but more specifically to diversify the industry.

3 PRINCIPLES APPLICABLE TO LICENSING OF GAMBLING ESTABLISHMENTS

- 3.1.** The purpose of this RFA is to furnish all potential Applicants for Gambling Establishment Licences with a clear indication of the underlying policies and principles applicable to the licensing of these operators, as well as the process and criteria applicable to the licensing of such Applicants. Simultaneously, the RFA will provide all potential Applicants with clear guidelines on the information required by the Authority, in order to evaluate all applications.
- 3.2.** Incidental to submission of applications for Gambling Establishments, potential Applicants should also note that this RFA includes all necessary requirements for licensing of Gambling Establishments which are complementary to the manner and form intended for activation of operations of gambling machines.
- 3.3.** An application for a Gambling Establishment Licence should be made in terms of this RFA. This RFA shall supersede all notices, special dispensations, or arrangements previously approved in respect of Gambling Establishment Licence(s) in the Country.
- 3.4.** The purpose of this RFA is to provide all interested parties with the regulatory requirements and processes to be followed for any persons wishing to submit an application under this RFA. Further, to set out the principles applicable and the criteria that will be applicable in the consideration and awarding of the Gambling Establishment Licences. This RFA also provides interested parties with guidelines on the information required by the Authority when evaluating applications.
- 3.5.** Applications for the following Gambling Establishment Licences are invited through this RFA:
- 3.5.1.** Gambling Establishment Licences including Gambling Machines Licences in terms of section 33 of Act.
- 3.6.** The above-mentioned Licences are to be issued in the following manner:
- 3.6.1.** Gambling Establishment Route Operator Licences.
 - 3.6.2.** Gambling Establishment Site Operator Licences.
 - 3.6.3.** Gambling Establishment Independent Site Operator Licences.

4

REQUIREMENTS FOR GAMBLING ESTABLISHMENTS

4.1. General Requirements

- 4.1.1.** The requirements below shall apply to both the Gambling Establishment Site Operator and Gambling Establishment Independent Site Operator (hereinafter referred to as Site Operator).
- 4.1.1.1.** The Site Operator should find a suitable site or premises for operation of gambling activities.
- 4.1.1.2.** A Site Operator linked to a Gambling Establishment Route Operator may either be a natural or juristic person.
- 4.1.1.3.** An independent Site Operator must be a juristic person registered in terms of the laws of Botswana.
- 4.1.1.4.** If a Site Operator is a juristic person, such entity should be registered in terms of the laws of Botswana in which, Citizens hold at least eighty percent (80%) of shares with exercisable voting rights.
- 4.1.1.5.** The operation of the Gambling Establishment Licences must be supported by a complementary business to be conducted at the identified business premises. In the event that the complementary business does not exist at the time of application, the Applicant should provide the model and concept of the business in its application.
- 4.1.1.6.** Whilst the operation of a Gambling Establishment Licence should be complemented by another business to be conducted at the intended business premises, it is incumbent upon the site owner to ensure that the premises are appropriately licensed in terms of the relevant laws relating to liquor licensing or any such business conducted at such premises, including obtaining permission for operation of gambling at such premises.
- 4.1.1.7.** The holders of the Gambling Establishment Licence shall be fit and proper persons who are not disqualified in terms of the Act or any law of Botswana to hold a financial interest in a gambling establishment.
- 4.1.1.8.** The Site Operator shall ensure that licensed premises are always safe for the public and ensure that no unlicensed or illegal activities are conducted in the licensed premises.
- 4.1.1.9.** The Site Operator shall ensure compliance to health and safety requirements of the licensed premises.
- 4.1.1.10.** The Site Operator must not permit Minors to enter the licensed premises.

4.2. Gambling Establishment Route Operator

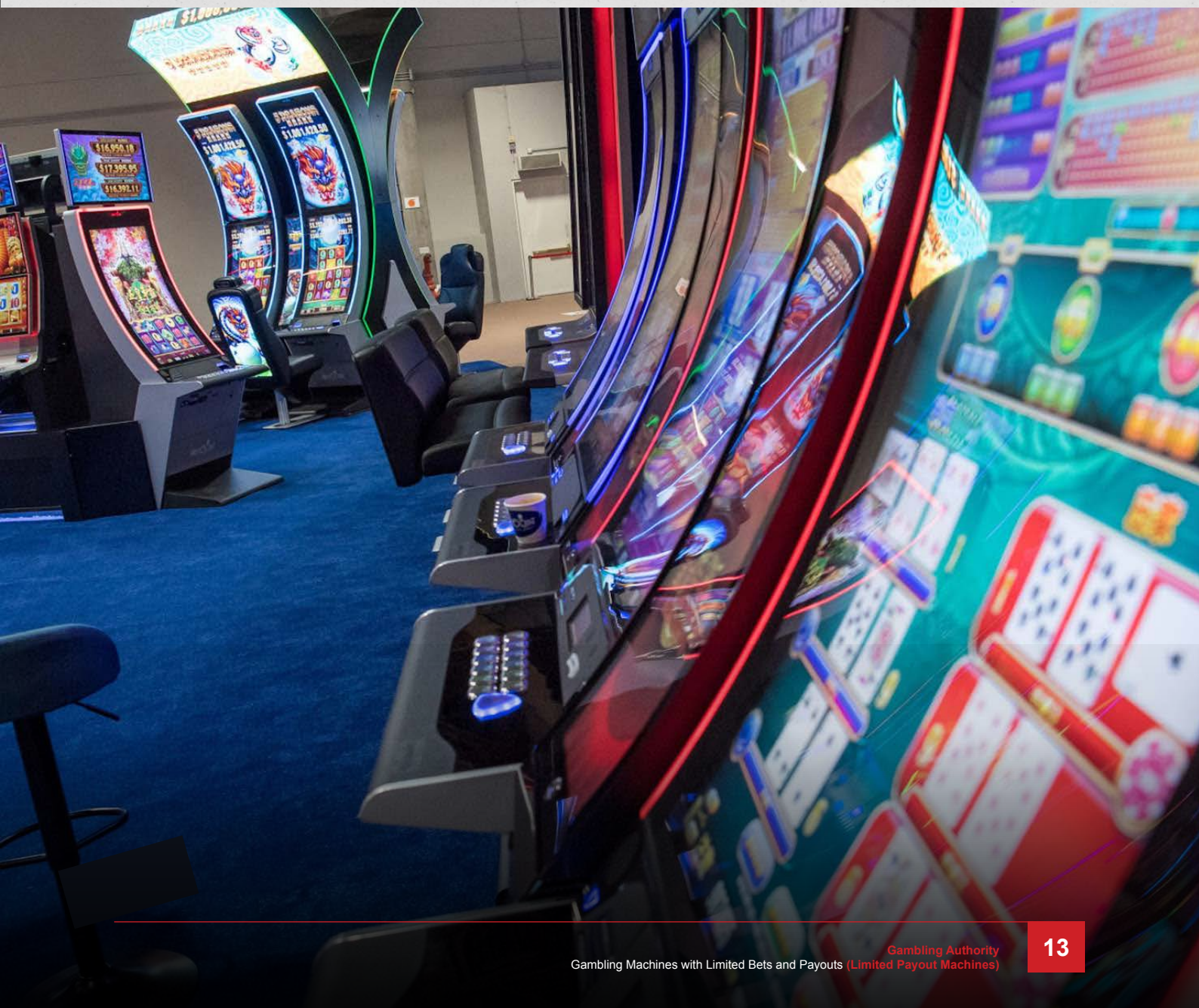
- 4.2.1.** A Gambling Establishment Route Operator Licence shall allow a corporate entity to manage the whole of the facilities of the Gambling Establishment through a service level agreement to be concluded with either a Gambling Establishment Site Operator or Gambling Establishment Independent Site Operator.
- 4.2.2.** A Gambling Establishment Route Operator shall hold the Gambling Establishment Licence in respect of various Site Operators owning or occupying premises for the purpose of operating gambling activities.
- 4.2.3.** A person or body corporate intending to participate in Route Network Business shall source a body corporate with the appropriate knowledge and experience to operate gambling activities associated with the intended business of a Gambling Establishment.
- 4.2.4.** The body corporate intended to play the role of a Gambling Establishment Route Operator should have adequate financial strength to set-up and conduct the business of the intended Gambling Establishment.

4.3. Gambling Establishment Site Operator

- 4.3.1.** A Gambling Establishment Site Operator shall not operate more than five (5) gambling machines and must be linked to a Gambling Establishment Route Operator.
- 4.3.2.** Any Gambling Establishment Site intended to operate gambling machines in excess of five (5), but not exceeding fifteen (15), shall show good cause upon application why such operation should be permitted.
- 4.3.3.** All applications for Gambling Establishment Site Operator shall be submitted to the Authority within thirty (30) days after the Gambling Establishment Route Operator Licences have been granted by the Authority.
- 4.3.4.** The person or body corporate interested to hold a Gambling Establishment Site Operator Licence must provide sufficient proof of the agreement entered into with the intended Gambling Establishment Route Operator, including confirmation of the undertaking by the latter to provide financial, administrative, and operational requirements for the intended gambling business.
- 4.3.5.** In an instance where the Gambling Establishment Site Operator elects to be independent from the Gambling Establishment Route Operator, the Site Operator should also demonstrate its ability to acquire knowledge, experience, financial, administrative, and operational requirements to set-up and operate the intended business in line with the provisions of this RFA.

4.4. **Gambling Establishment Independent Site Operator**

- 4.4.1. A Gambling Establishment Independent Site Operator shall be allowed to operate a maximum of fifteen (15) gambling machines and to operate independent of a Gambling Establishment Route Operator.
- 4.4.2. Any Gambling Establishment Independent Site Operator who elects to operate under a Gambling Establishment Route Operator Licence must submit sound motivation for approval of such an arrangement to the Authority.
- 4.4.3. All applications for Gambling Establishment Independent Site Operator must be submitted as individual applications for Gambling Establishments on/or before the closing date of applications mentioned in this RFA.



5 LEGISLATIVE REQUIREMENTS FOR LICENSING

5.1. This part seeks to address the legislative requirements intended for Gambling Establishment Licences.

5.2. The Authority

5.2.1. The Authority has the sole power to grant Licences under section 33 of the Act. The Authority has the duty to exercise its functions in a manner it considers the most likely to ensure that Gambling Establishment operations are conducted with all due propriety and that the interests of participants are protected. The Authority operates under the direction of the Ministry of Trade and Industry.

5.2.2. Gambling Establishment Licences shall be issued for a period of ten (10) years and licence fees shall be paid annually. These Licences shall not be issued to or be held by any person who is or becomes, subject to disqualifications outlined in section 37 of the Act.

5.2.3. A Gambling Establishment Licence cannot be issued to or be held by a corporate body if any director, member, or any shareholder, its nominee or trustee with a financial interest is subject to disqualification contemplated in section 39 of the Act.

5.2.4. As well as having the duty in certain circumstances to revoke licences (section 41 of the Act), where it deems it necessary.

5.3. Powers of the Minister

5.3.1. The Act gives certain functions to the Minister, inter alia:

5.3.1.1. Appointment of Board members under section 7 of the Act.

5.3.1.2. Statutory powers to make orders and regulations by statutory instrument in connection with various aspects of the Act and Gambling Establishment operations.

5.3.2. Furthermore, in terms of section 5(b) of the Act, the Authority shall with the approval of the Minister define areas in which Gambling Establishments may be established and operated. This RFA is therefore being issued as a result of the approval of the Minister. Moreover, the Authority will also periodically review the maximum number of Gambling Establishment Licences which may operate at any particular area or defined area or areas in order to inform amendments or changes if necessary for alignment with the objectives espoused below.

6 LICENSING OBJECTIVES

6.1. Regarding the objectives highlighted in the background (Chapter 2 above), the Authority regards the issuance of the Gambling Establishment Licences as a means of attaining economic growth and advancement in the Country. Recognising that the goals set for the legalisation of gambling in Botswana cannot be fully accomplished by casinos alone, the Authority considers gambling establishments as complementary to casinos in achieving these objectives. Through the promotion and growth of entertainment, sports, and recreational amenities throughout Botswana, gambling establishments can aid in achieving the aforementioned objectives.

6.2. The Authority also realises the potential negative impact that gambling establishments and gambling as a whole may have on Botswana. The Authority will, therefore, strictly regulate the gambling industry to ensure that the demand for gambling is contained, controlled, and carefully monitored against over-stimulation. Gambling at licensed premises will at all times be regulated in terms of the Act, Regulations, Rules and licence conditions approved by the Authority, with the following key considerations:

- 6.2.1.** Minors are prohibited from participating in gambling activities.
- 6.2.2.** The number of Gambling Establishments are controlled.
- 6.2.3.** General compliance with all legislative requirements.
- 6.2.4.** Gambling at licensed Gambling Establishments is a secondary activity to the main form of entertainment or business provided at such premises.
- 6.2.5.** The number of gambling activities, gambling machines per licensed premises and the maximum prize and bet size are controlled.
- 6.2.6.** Compulsive gambling and problem gambling are controlled.
- 6.2.7.** To curb the illicit flows of money including the prevention of money laundering, financing of terrorism and financing the proliferation of weapons of mass destruction.
- 6.2.8.** Gambling levies and taxes are paid as provided for in terms of legislation.

6.3. When considering an application for a Gambling Establishment Licence, the Authority shall consider the economic, social development, and competition issues in the form of commitments made by the Applicant towards; economic inclusion of Citizens, skills transfer and training, preferential procurement, employment, SMMEs development and measures to combat incidences of addictive and compulsive gambling.

7 APPLICATION AND LICENSING PROCESS

7.1. General Overview

7.1.1. The application process shall be a continuous one, implying that a Gambling Establishment Operator may in accordance with the prescribed timelines hereto annexed, lodge an application with the Authority for a Gambling Establishment Licence subject to limitations prescribed in this RFA. After licensing key requirements of this RFA, there shall be made licence conditions to keep the framework of the objectives for licensing Gambling Establishments.

7.1.2. The Gambling Establishment licensing process shall be in accordance with the following scheduled dates:

7.1.2.1. Table 1

Activity	Date
Publication of draft RFA for public comments and clarification	25 May 2023
Last day of receipt of public comments	16 June 2023 (1700hrs CAT)
Publication of RFA for purchase	11 July 2023
Closing date for purchasing RFA Documents	11 August 2023
Compulsory Bidder's Conference	15 August 2023
Date of submission of Applications	26 September 2023 (1700hrs CAT)
Public Hearings/Board meeting	14 – 15 February 2024
Award of Licences to Successful Applicants	22 February 2024

NOTE; Public comments should be sent via email or registered mail to Lpm@gamblingauthority.co.bw, or **Chief Executive Officer, Gambling Authority, Private Bag BR 161, Gaborone, Botswana**, no later than **Friday 16th June 2023 at 1700hrs (Central African Time)**

7.2. Communication via Virtual Data Room (VDR)

7.2.1. All inquiries and requests for additional information regarding this RFA, technical interpretation of the RFA or for other matters requiring clarification by Applicants registered in terms of the RFA, must be made and submitted online via the VDR. The Authority will only respond via the VDR. All

submissions and responses will be logged electronically via the VDR, with a full audit trail. No other form of communication will be accepted by the Authority.

- 7.2.2.** This communication will be structured in such a manner that, where appropriate and not considered to be confidential by nature of an Applicant's proposal, a question asked by one potential Applicant will be responded to by copying all registered potential Applicants within the secure VDR environment subject to what is stated below.
- 7.2.2.1.** The Authority reserves the right not to respond to enquiries that could place a potential Applicant at a competitive advantage or where an enquiry is of a confidential nature. However, where a potential Applicant believes that the information in question relates to proprietary proposals, the potential Applicant must clearly state this in its request. If the Authority, in its absolute discretion, considers that the request and/or its response should be properly regarded as confidential, then the request and its response shall be kept confidential subject to any statutory obligations. In accordance with the relevant legislation, should the Authority consider the request and/or its response not to be of a commercially sensitive nature, it should afford the potential Applicant an opportunity to retract the request before it is made available to other potential Applicants.
- 7.2.2.2.** For specific queries relating to this RFA, an RFA Clarification Request Form should be submitted via the VDR. In the interest of fairness and transparency, at the sole and absolute discretion of the Authority, the response to such a query which may be relevant to all applicants may be made available to all other potential Applicants on the VDR. The Authority reserves the right not to respond to any query or publish responses to any potential Applicants.

7.3. Bidders Conference

- 7.3.1.** A compulsory bidders conference shall be conducted by the Authority from the 15th August 2023 commencing punctually at 09:00 CAT and shall close at 16:00 CAT. Attendance on the time specified is required.
- 7.3.2.** Bidder's conference fee of Three Thousand Pula (BWP 3, 000.00) must be paid prior to the conference date. The bidders conference shall take place at a venue to be announced on the VDR. Potential Applicants are to provide their own transportation and accommodation.
- 7.3.3.** A certificate of attendance shall be completed at the compulsory bidders' conference and stamped by the Authority and thereafter be submitted as part of the Application.
- 7.3.4.** Potential Applicants should be represented by at least two (2) and no more than five (5) people must attend the compulsory bidders conference, failing which they will be disqualified and their application rejected. No exceptions will be allowed.

7.4. Submission of Applications

- 7.4.1.** The Applicant shall submit one (1) master copy, a copy of the master copy and an electronic copy (softcopy of the master copy which should be in a read only compact disc) and two (2) public inspection documents (in compliance with regulation 67 of the Regulations) in response to this RFA. The documents for public inspection (should be marked “For Public Inspection”) should include the following: copies of prescribed notices, operation location plan, proposed floor layout drawing (aerial view), copies of other relevant licences, property ownership and/or lease agreements, certified copy of tax clearance certificate, and third-party agreements (if applicable).
- 7.4.2.** Applicants must tender original proof of purchase of the RFA upon submission of applications, as failure to do so will render the application invalid. Applications must, in their entirety, be typed or printed in Arial, using font size of 12 and line spacing of 1.5. The application must be in English, prepared in black and white, standard A4 format.

The application should be addressed to:

**The Chief Executive Officer
Gambling Authority
Private Bag BR 161,
Gaborone**

The application should be hand delivered at:

**Gambling Authority
Building 3, Fairscape Precinct, West Wing
Fairgrounds Office Park,
Gaborone**

**The following references should be used to indicate which
Gambling Establishment Licence you are applying for:**

**Gambling Establishment Route Operator:
GA 3/1/3 | 001/2023/2024**

**Gambling Establishment Independent Site Operator:
GA 3/1/4 | 001/2023/2024**

7.5. General Delivery Instructions

- 7.5.1.** This RFA closes punctually on **11 August 2023 at 17:00 CAT**.
- 7.5.2.** Submissions will only be accepted on the **26 September 2023 from 08:00 till 17:00 CAT** and no early or late submissions will be accepted.

- 7.5.3. The Authority reserves the right to increase the number of days for submission of applications. However, this shall not go beyond the closing date.
- 7.5.4. If applications are not delivered as stipulated herein, such applications shall be disqualified.
- 7.5.5. All sets of documents must be submitted to the address specified above.
- 7.5.6. No email or facsimile responses will be considered.
- 7.5.7. All file(s) and other material must reflect the name and return address of the Applicant on the reverse side.
- 7.5.8. Should the Applicant want to include any additional conditions, such conditions must be embodied in an accompanying letter. No alterations, additions or deletions may be made by the Applicant to the RFA documents.
- 7.5.9. All mandatory returnable documents listed in this RFA must be returned with the application. Failing which, the application may be deemed to be incomplete and will automatically be disqualified.

7.6. Application Fees

- 7.6.1. Each application for a Gambling Establishment Route Operator Licence must be accompanied by a non-refundable application fee of **Fifty Thousand Pula (BWP 50 000.00)** and upon award of a Licence the operator will be required to pay a non-refundable additional **Five Thousand Pula (BWP 5 000.00)** application fee for each Gambling Establishment Site.
- 7.6.2. Each application for a Gambling Establishment Independent Site Operator Licence must be accompanied by a non-refundable application fee of **Twenty Thousand Pula (BWP 20 000.00)**.
- 7.6.3. The above application fees are indicative and shall be confirmed in the final RFA following the promulgation of the amended Regulations on fees.

7.7. Investigation Fees

- 7.7.1. All Applicants shall be required to pay the investigation costs as per the Authority's Investigation Fees Policy.
- 7.7.2. Any person, who submits an application to the Authority, shall be liable for and pay to the Authority, all reasonable direct expenses incurred by the Authority, if any, to conduct the investigations on their application. In this instance, a budget/breakdown to deal with the licensing process in the most cost and time efficient manner, will be provided.
- 7.7.3. The estimated costs shall be paid to the Authority, prior to the commencement of the investigation. If the investigation fee is not paid as required by the specific date requested, the application for the Licence will be deemed to have been withdrawn and the application shall not proceed to investigation and evaluation.
- 7.7.4. Should it be deemed necessary, the Authority may require an additional investigation fee, during the investigation of an application. This additional fee shall also be paid within seven (7) days of the request for additional

fees or the application shall no longer be evaluated and shall be deemed to be withdrawn.

- 7.7.5.** In the event the additional fees are requested, the Applicant may request the Authority to provide a budget/breakdown of the anticipated additional costs to be incurred.
- 7.7.6.** After the conclusion of the investigation, usually at the time that the Authority takes final action on the application, an invoice will be issued for the actual investigation expenses incurred. This invoice will be set-off against the above-mentioned deposit for the investigation fee and any shortfall must immediately be paid by the Applicant. Any unused funds will be remitted to the Applicant. Failure to pay additional investigation fees will result in disqualification of the application.

7.8. Annual Fees

- 7.8.1.** The Gambling Establishment Route Operator Licence annual fee is **Twenty-Five Thousand Pula (BWP 25 000.00)**. The Gambling Establishment Site Operator licence annual fee is **Five Thousand Pula (BWP 5 000.00)** as per Schedule 14 of the Regulations.
- 7.8.2.** The Gambling Establishment Independent Site Operator Licence **annual** fee is **Ten Thousand Pula (BWP10 000.00)**.
- 7.8.3.** The above annual fees are indicative and shall be confirmed in the final RFA following the promulgation of the amended Regulations on fees

7.9. Fees Associated with the Gambling Establishment Route Operator Licence

7.9.1. Table 2

Description	Amount
RFA Document Fee	BWP 2 500.00
Bidders Conference Fee	BWP 3 000.00
Gambling Establishment Route Operator Application Fees	BWP 50 000.00
Gambling Establishment Site Application Fees	BWP 5 000.00
Annual Licence Fee Gambling Establishment Route Operator	BWP 25 000.00
Annual Licence Fee Gambling Establishment Site Operator	BWP 5 000.00
Total	BWP 90 500 .00

7.10. Fees associated with the Gambling Establishment Independent Site Operator Licence.

7.10.1. **Table 3**

Description	Amount
RFA Document Fee	BWP 2 500.00
Bidders Conference Fee	BWP 3 000.00
Gambling Establishment Independent Site Operator Application Fees	BWP 20 000.00
Annual Licence Fee	BWP 10 000.00
Total	BWP 35 500.00

7.11. The Authority shall, before deciding whether or not to grant Licences, hold public hearings in line with regulation 68 of the Regulations, in the manner determined by the Authority, and require all fees to have been paid in full against a reconciliation of costs submitted to the Applicant. Applicants may be required to present an application, explaining and providing answers to questions raised by the Authority or any objections by the public during the said hearings.

7.12. Only interested parties or members of the public who submitted written objections within the prescribed time frames shall be allowed to participate during the public hearings. However, all members of the public are allowed to attend public hearings. Representatives of the Applicant and the objecting individuals and entities shall be required to attend the public hearings.

8 MODEL, FORM AND CONCEPT FOR A GAMBLING ESTABLISHMENT LICENCE

- 8.1.** Licensing of Gambling Establishments will take a variety of forms all within the prescribed regulatory requirements and this will allow for the below mentioned models:
- 8.1.1.** A **Gambling Establishment Site Operator** model will allow a natural or juristic person to apply for not more than five (5) Gambling Establishment Licences with a maximum of five (5) gambling machines per site and/or any type of gaming and gambling approved by the Authority.
 - 8.1.2.** A **Gambling Establishment Independent Site Operator** model will allow a juristic person to apply for a maximum of five (5) Gambling Establishment Licences and to operate between five (5) and fifteen (15) gambling machines per site and/or any other type of gaming and gambling approved by the Authority.
 - 8.1.3.** A **Gambling Establishment Route Operator** shall operate its Gambling Establishment Site on a profit sharing business arrangement of 60:40 ratio (60% Gambling Establishment Route Operator and 40% Gambling Establishment Site Operator) and such agreement will be subject to approval by the Authority before commencement of operations.
 - 8.1.4.** All gambling machines operated under a Gambling Establishment Route Operator must be connected to the Central Electronic Monitoring System (CEMS) of the Authority.
 - 8.1.5.** Gambling machines to be operated at any licensed Gambling Establishment shall be limited to a maximum bet of **Ten Pula (BWP 10.00)** and a maximum jackpot of **Three Thousand Pula (BWP 3 000.00)** or as may be prescribed by the Authority from time to time.
 - 8.1.6.** All gambling machines operated at any Gambling Establishment Site must be connected to the CEMS of the Authority.
 - 8.1.7.** A Gambling Establishment Route Operator shall maintain all Gambling Establishment Sites linked to its operations, effect the collection of gambling fees and levies due to the Authority.
 - 8.1.8.** A Gambling Establishment Route Operator is meant for a juristic person that requires a number of Gambling Establishment Licences. A Gambling Establishment Route Operator shall not own or participate in the ownership of a Gambling Establishment Site Operator and Gambling Establishment Independent Site Operator but, shall support management and facilitation of licencing and operation of such premises in terms of the requirements of the Authority in return for maximum shareholding of sixty percent (60%) in the Gambling Establishment Licence and a maximum of sixty percent (60%) revenue share in related Gambling Establishment Sites.

8.1.9. Licensing of Gambling Establishment operations shall also adopt a form, model, and concept of operation of a Route Business Network. These forms of operations are often regarded as more cost-effective for owners of premises and promotes transformation and empowerment of new entrants in the gambling industry through entering into service agreements with Gambling Establishment Route Operators, who will be the direct holders of Gambling Establishment Licences.

8.2. A Gambling Establishment Route Operator shall maintain the Gambling Establishment Licence and licensed premises (gambling establishments sites) in line with the requirements of the Authority and shall pay levies due to the Authority.

8.3. As a result of the fact that Gambling Establishment Sites (licensed premises) do form an integral part of a particular Gambling Establishment Route Operation, the direct holder of the Gambling Establishment Licence (the Route Operator) shall take accountability of regulatory compliance of the licensed business.

8.4. The Authority shall always satisfy itself that both the Route Operator and the Gambling Establishment Site Operator comply with the provisions of the Act and Regulations, and other regulatory considerations such as requirements of this RFA, the Rules and licence conditions.

8.5. A Gambling Establishment Route Operator must be a juristic person duly incorporated and registered according to the laws of Botswana.

8.6. A service agreement between the Gambling Establishment Route Operator and Gambling Establishment Site operator must be submitted to the Authority for evaluation and approval thirty (30) days after the granting of the application for a Licence.

8.7. Apart from knowledge and experience with regard to Gambling Establishment operations and the applicable gambling legislation, a Gambling Establishment Route Operator should be a juristic person with a corporate conscience that acknowledges the socio-economic needs of Botswana and as such should invest in the community in which it operates.

9 DISTRIBUTION OF GAMBLING ESTABLISHMENT OPERATIONS

- 9.1.** This RFA provides an opportunity for the Authority to invite applications and/or prescribe allocation of Licences in respect of the following:
- 9.1.1.** Two (2) Gambling Establishment Route Operator Licences. Each with an allocation of one hundred (100) Gambling Establishment Site Operators.
 - 9.1.2.** Two hundred (200) Gambling Establishment Site Operators. Each with a maximum of five (5) gambling machines.
 - 9.1.3.** Sixty (60) Gambling Establishment Independent Site Operators. Each operating independent of the Gambling Establishment Route Operator, with a maximum of fifteen (15) gambling machines, but on special motivation and consideration by the Authority, may be linked to a Route Operator.
 - 9.1.4.** There may be other forms of gaming and gambling that may be approved by the Authority.
- 9.2.** The Authority acknowledges that entertainment in the form of gambling is inadequate in most of the rural areas within Botswana and that the roll-out of the Gambling Establishment Licences will create an opportunity to address this situation.
- 9.3.** Additional Gambling Establishment Sites shall only be approved by the Authority on exceptional good cause demonstrated upon application as to why additional sites should be licensed. The Authority may grant such additional sites with special conditions.
- 9.4.** All gaming and gambling activities must be conducted on certified and approved gaming and gambling equipment in accordance with the approved technical standards. No Gambling Establishment shall offer online gaming and gambling without approval of the Authority.
- 9.5.** Whilst the operation of Gambling Establishments is incidental to a particular complimentary business conducted at the business premises, it is incumbent upon the Gambling Establishment operator to ensure that the site is licensed in terms of the relevant laws relating to liquor licensing or any other such form of entertainment or business.

9.6. The distribution of gaming and gambling within Districts and Sub-Districts shall be informed by population distribution, economies of scale, viability and sustainability of the operations, and the limitation placed upon them by regulations, as well as the site definition and criteria.

9.7. The Authority shall have the sole discretion in the allocation of Gambling Establishment Licences on a best-bid principle. The schedule depicting the allocation of Gambling Establishment per District, full description of such, including the location plan, zoning, site layout, number of terminals, artist impressions and cost of development must be submitted with the application.

9.8. The Authority will consider the disposable spend within Districts and Sub- Districts when deciding on the allocation of Gambling Establishment Licences. Gambling Establishments shall be distributed in terms of the demographics of Botswana, as follows:

9.9. Demographics

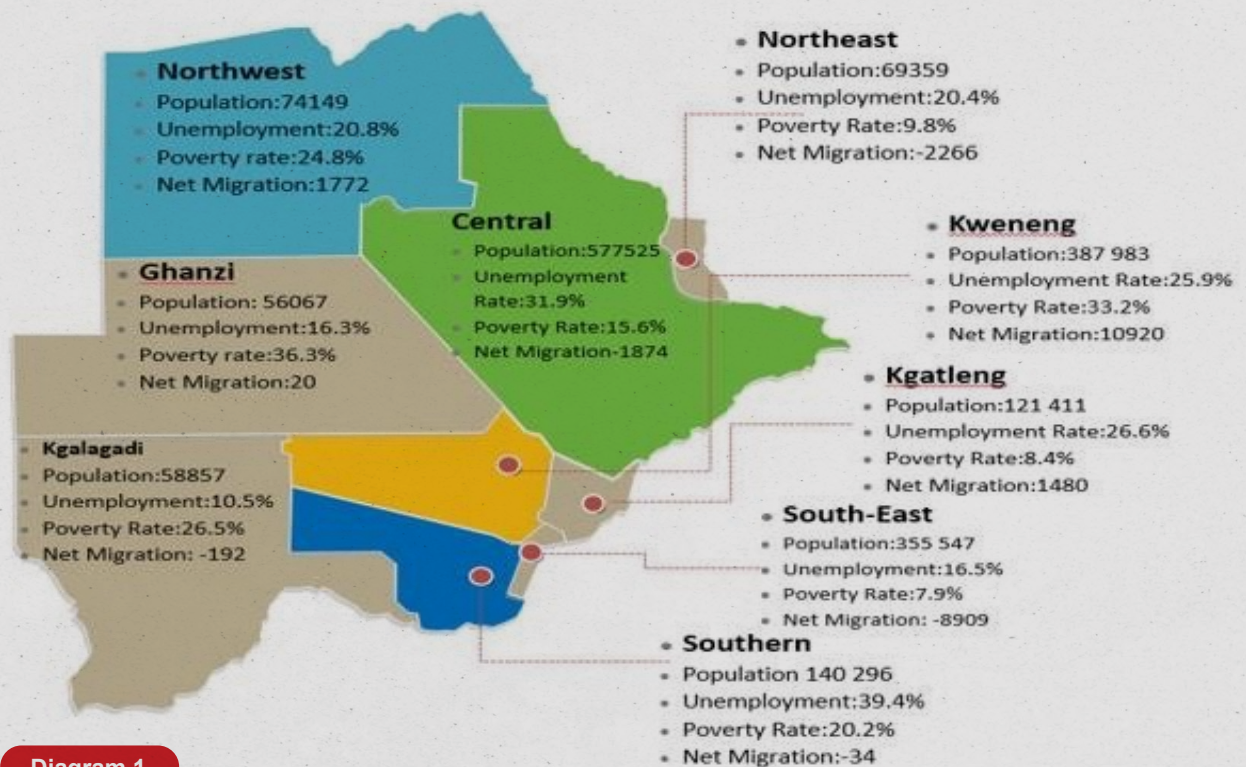


Diagram 1

9.10. Summary of the Demographics

INDICATOR	Southern	South-East	Kweneng	Kgatleng	Central	North-East	Northwest	Ghanzi	Kgalagadi
Population (2022)	140,296	355,547	387,983	121,411	577,525	69,359	74,149	56,067	58,857
Unemployment rate(2022)	39.4%	16.5%	25.9%	26.6%	31.9%	20.4%	20.8%	16.3%	10.5%
Poverty rate (2022)	20.2%	7.9%	33.2%	8.4%	15.6%	9.8%	24.8%	36.3%	26.5%
Net migration (2017)	-34	-8909	10920	1480	-1874	-2266	1772	20	-192

9.11. Distribution and Allocation of Gambling Establishment Sites

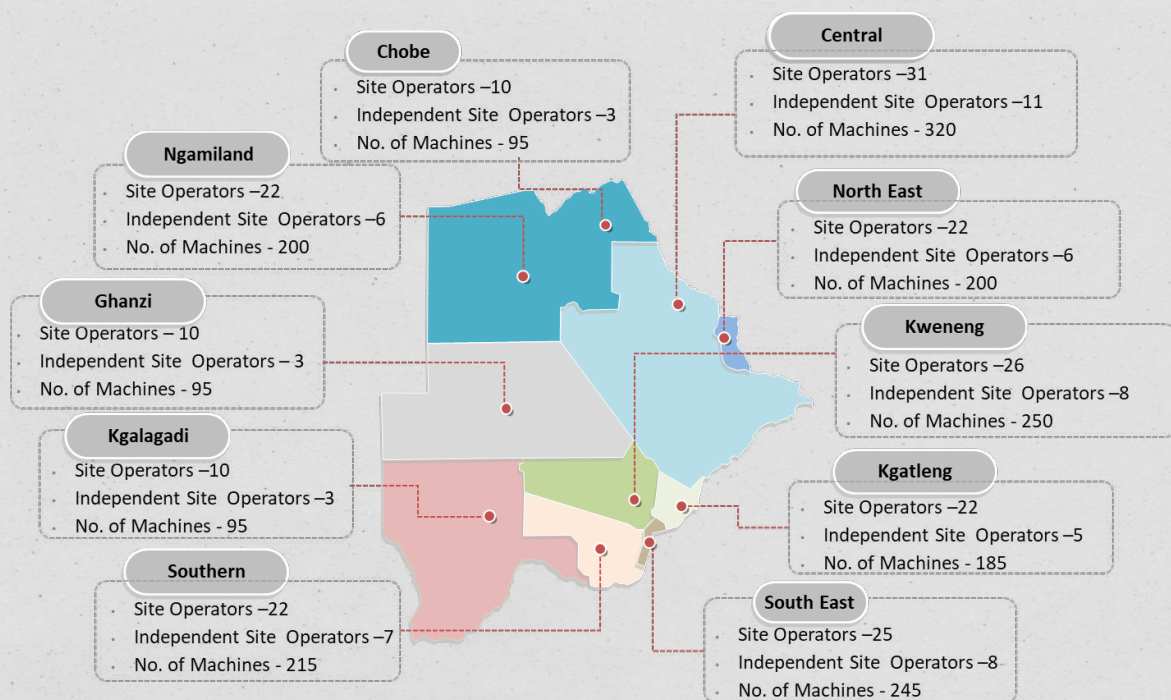


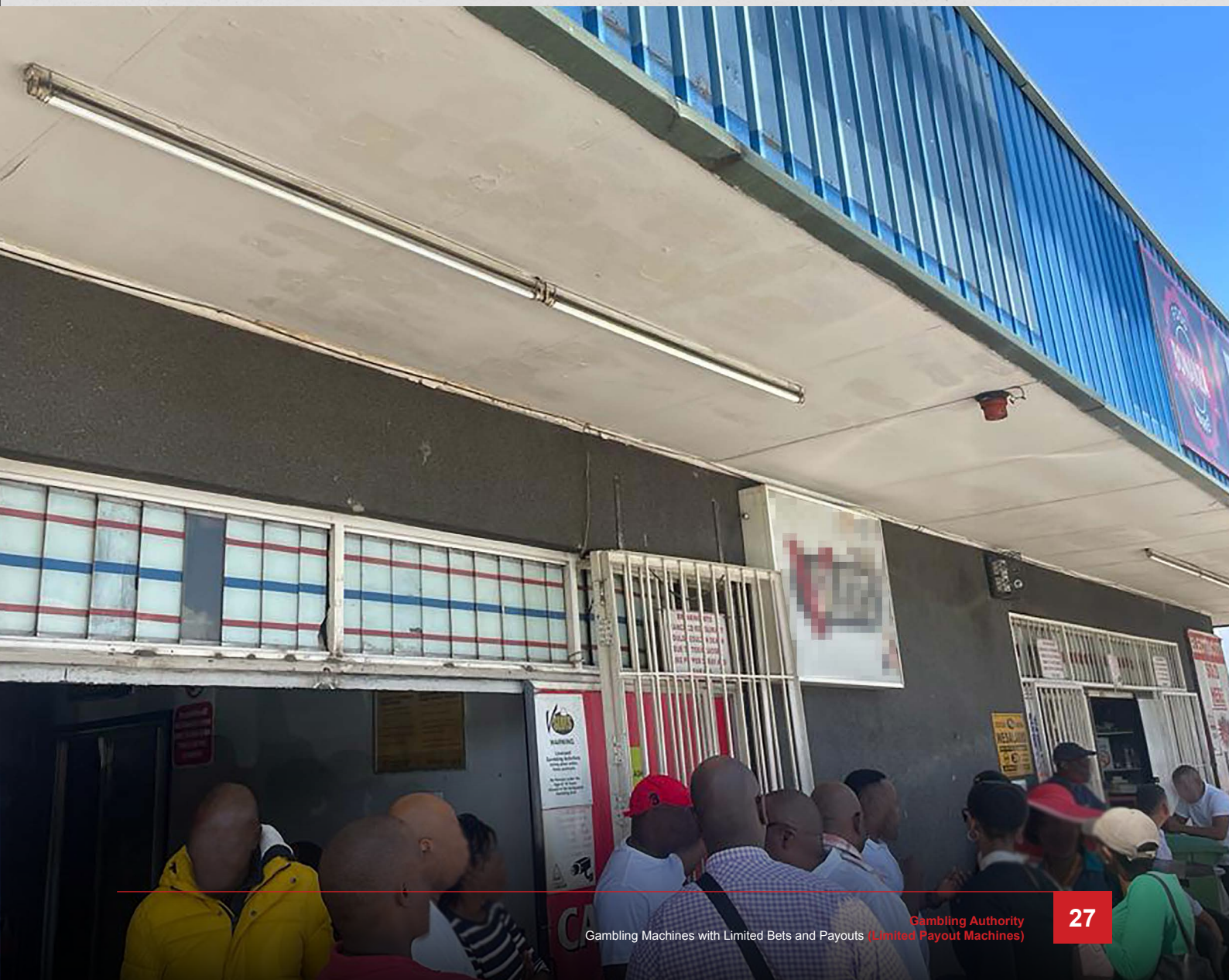
Diagram 2

NB: Each Gambling Establishment Route Operator Licensee shall ensure that they have an administration office in the Country.

9.12. The Authority may at any time issue an amendment to the RFA and publish the appropriate notices. The Authority shall have sole discretion as to the distribution of Gambling Establishments in the Country and shall prescribe such allocations by Districts from time to time as an addendum to this RFA.

10 PROHIBITION OF GAMBLING BY CERTAIN PERSONS

- 10.1.** A Minor shall not enter any designated area or take part in any gambling in a Gambling Establishment or access any online gaming and gambling website. A Licensee or employee of such Licensee shall not permit any person who is under the age of twenty-one (21) years to enter or remain in a designated area, or to take part in any gambling or to handle or operate a gambling device, gambling machine or any associated contrivance mechanical or otherwise.
- 10.2.** A Licensee or employee of such Licensee shall not permit, into the premises, any person who has been excluded from gambling in Botswana.



11 STAKES AND PRIZES

- 11.1.** The Applicant shall state in the application for the Licence the proposed maximum amount a Punter may be allowed to place a bet on a gaming or gambling machine or gambling device at a Gambling Establishment for each game played and the maximum amount or value of a prize that may be won in respect of a winning bet subject to the limitation provided in this RFA and approval by the Authority.
- 11.2.** The Authority reserves the right to make a determination of the maximum allowed amount to place a bet on a gaming or gambling machine or gambling device at a Gambling Establishment and the maximum value of a prize that may be won.
- 11.3.** A prize won on a gaming and gambling machine must be accrued to the winner as credits or paid to the winner in cash (in Pula denomination currency), or by way of electronic funds transfer on request or with the consent of the winner. No other method of payment other than the ones referred to above should be used, unless specifically approved by the Authority.
- 11.4.** No prize or benefit may be given to or accepted by the winner of a prize at a Gambling Establishment in addition to or in lieu of cash or credits won on a bet or wager.
- 11.5.** Bet outcomes and winning combinations, together with the corresponding prizes, must be clearly displayed, or be easily accessible to the players, on every licensed gaming or gambling machine at a Gambling Establishment.
- 11.5.1.** No gaming or gambling activity may take place at the gambling establishment unless specifically approved by the Authority.
- 11.5.2.** The outcome of every gaming and gambling activity or event must be electronically recorded and be available to officers of the Authority for inspection or audit from time to time.
- 11.5.3.** No online bets shall be taken from Citizens on any online application or platform by any person without an appropriate approval granted by the Authority.
- 11.5.4.** A Gambling Establishment must ensure that the measures outlined below are put in place and adhered to at all times:
- 11.5.4.1** Measures to prevent gaming and gambling by Minors.
- 11.5.4.2** Mechanisms through which players are tracked for purpose of indication of threats of compulsive gambling.
- 11.5.4.3** Mechanisms to ensure full compliance to all relevant provisions of the Financial Intelligence Act, 2022.
- 11.5.4.4** Records of all gaming and gambling transactions, bets and payouts.

12 TECHNICAL REQUIREMENTS

- 12.1.** All outcomes of events, winning combinations, together with the corresponding prizes must be clearly displayed on every gaming and gambling machine or device at a Gambling Establishment and electronically recorded.
- 12.2.** The electronic monitoring system intended to be used by a Gambling Establishment must satisfy the following additional requirements:
- 12.2.1.** No gaming or gambling machine, device or contrivance may be distributed and installed at a site and exposed for play, unless such equipment has been certified according to the approved technical standards and specifications approved and registered by the Authority.
 - 12.2.2.** All gambling equipment shall be supplied and maintained by licensed manufacturers, suppliers and distributors.
 - 12.2.3.** All configuration and upgrades to the approved gaming and gambling machines, devices and contrivance must be approved by the Authority.
- 12.3.** The Gambling Establishment shall develop internal control procedures, including but not limited to the following:
- 12.3.1.** Sourcing of gambling equipment.
 - 12.3.2.** System configurations and upgrades and conversions.
 - 12.3.3.** Management and control of operations in line with legislative requirements.
 - 12.3.4.** Access control and general surveillance monitoring.
 - 12.3.5.** Linking of gambling machines to the CEMS of the Authority.
- 12.4.** The Gambling Establishment Route Operator and Gambling Establishment Independent Site Operator shall link their gambling machines to the CEMS of the Authority. The rationale for linking all Gambling Establishment Licences, to the CEMS, relates to the need for the following:
- 12.4.1.** Accurate determination of Gambling Establishment statistics, turnover and/or revenue for accurate calculation and collection of gambling fees and levies.
 - 12.4.2.** Punter protection.
 - 12.4.3.** Curbing money laundering, financing of terrorism and financing the proliferation of weapons of mass destruction.
 - 12.4.4.** Detection and recording of significant events, as specified in the technical specifications, access control and system adjustments.

13 **PROCESS OF LICENSING OF THE BUSINESS PREMISES**

13.1. All gaming and gambling premises must be licensed. For that purpose, an Applicant for Gambling Establishment Licence must indicate in the application, areas where their intended operations will be located in line with the determination and allocations referred to above (Diagram 2).

13.2. An application for a Gambling Establishment Site Operator must be submitted thirty (30) days after the granting of the Gambling Establishment Route Operator Licence by the Authority. In considering those applications, the Authority shall evaluate the following elements for suitability of business premises:

13.2.1. The location and size of the premises.

13.2.2. The site layout plans, artist impressions.

13.2.3. Access control and surveillance.

13.2.4. Compliance with health and safety requirements.

13.2.5. Adequacy of the parking space.

13.2.6. Adequacy of ablution facilities.

13.2.7. Space of not less than fifty meters squared (50m²) per Gambling Establishment Site or two meter squared (2m²) for each gambling machine intended to be installed at such site, must be maintained. The Applicant should outline all control and supervision (including surveillance systems at all sites) measures in the application for the Licence.

13.3. A Licensee shall comply with the applicable technical standards. After ensuring compliance with the aforementioned requirements, the Authority may grant approval for the operation of the said site.

14 PROHIBITION OF CREDIT EXTENSION AND OTHER TRANSACTIONS

- 14.1.** In line with section 107 of the Act, no person, licensed to make any gambling activity available to the public, shall extend credit in the name of the Licensee or a third party to any person for the purpose of gambling.
- 14.2.** For the purpose of this RFA credit extension includes advancement of cash by the Licensee against a person's credit card, debit card or any other negotiable instrument.
- 14.3.** A Licensee shall not exchange cash for cash, except to enable a Punter to participate in gambling, where cash is used as the stake, or for the purpose of converting cash won by the Punter, while participating in gambling for different denominations of cash.
- 14.4.** A Licensee shall also not:
- 14.4.1.** Issue any form of negotiable instrument.
 - 14.4.2.** Transfer any funds to or on behalf of a Punter, in exchange for cash or other value instruments, unless the Licensee is satisfied that the Punter has genuinely participated in gambling.

15 COMMENCEMENT OF GAMBLING OPERATIONS

- 15.1.** A Gambling Establishment shall before commencement of operation ensure that the Authority has granted approval for the intended hours of operation and any subsequent changes are accordingly considered and approved. In this regard, the Authority shall consider hours of operation which are appropriate for the type of business and related activities at these establishments.
- 15.2.** No Gambling Establishment shall commence with gambling operations on a licensed site unless it has been fully inspected and approved for the commencement of gambling on the particular premises by the Authority.
- 15.3.** **Advertising:** Advertising of Gambling Establishment operations is allowed, on condition that all advertising complies with the provisions of the Act and Regulations.
- 15.4.** **Records and Returns (including Accounting Records):** The Licensee is expected to keep records and returns, as prescribed in any legislation applicable to the business operations, the Act, Regulations, Rules and their respective internal control procedures and licence conditions.
- 15.5.** **Payment of Levies:** The Licensee shall pay levies calculated on Gross Gambling Revenue (GGR) in accordance with the prescribed percentage under Schedule 15 of the Regulations, to the Levy Fund within the time frame specified under section 50 of the Act.
- 15.6.** In addition to the levy referred to above, a licensee shall pay a levy of five percent (5%) of its GGR to a program aimed at supporting responsible gambling, as provided under regulation 109 of the Regulations.
- 15.7.** **Unclaimed Winnings:** All unclaimed winnings shall be forfeited to the Authority after ninety (90) days of not being claimed by Punters and be deposited into a special account for purposes of funding socio-economic projects.
- 15.8.** **Display of Licences:** The Licence issued by the Authority to a Gambling Establishment must be prominently displayed as per section 49(1) of the Act. Gambling Establishment Site operators must display their Licence together with a copy of the Licence issued to the relevant Gambling Establishment Route Operator, where applicable.

15.9. Licensing of Employees

- 15.9.1.** Licensing of all employees shall be in accordance with the provisions of the Act and Regulations. The Authority shall consider licence applications for the Licensee's employees in accordance with the relevant requirements in the Act and Regulations.
- 15.9.2.** The following employees are classified as key employees of a Gambling Establishment:
- 15.9.2.1.** If the Licensee is a juristic person, every shareholder, director, trustee, nominee and officer or equivalent of such juristic person.
- 15.9.2.2.** Any individual who has the authority to hire or terminate the employment of personnel.
- 15.9.2.3.** Any executive, employee or agent of a Licensee having the power to exercise a significant influence over decisions concerning any part of the operations of such Licensee.
- 15.9.2.4.** Any individual who has been specifically presented to the Authority by a Licensee, officer, or director thereof as being important or necessary to the operation of the Licensee.
- 15.9.2.5.** All persons who individually or as a group formulate management policies of a Licensee.
- 15.9.3.** A Gambling Establishment must at all times be conducted under the supervision of an employee who is knowledgeable in the operations of Gambling Establishment and is duly licensed with the Authority.
- 15.9.4.** The Authority may, upon written notification, declare any position, function or individual to be a key employee or other employee.
- 15.9.5.** The Authority shall not be restricted by the employer or title of the position or individual but shall consider the functions and responsibilities of the person or position involved in making its decision as to whether a person is a key employee or other employee.
- 15.9.6.** A Licensee must, within fourteen (14) days of termination of the employment of a key employee or other employee, notify the Authority in writing of such termination and the reasons thereof.
- 15.9.7.** Any information that comes to the attention of a Licensee which may affect the suitability of an employee to be licensed or who has previously been licensed, must be brought to the attention of the Authority within fourteen (14) days of such information coming to the Licensee's attention.
- 15.9.8.** A Licensee must, in respect of every key or other employee, keep a copy of such employee's licence as proof on the employment records of that employee.

16 LICENCE APPLICATION

- 16.1.** The application should be a comprehensive document, which must address all aspects of the proposed bid, including:
- 16.1.1.** The requirements regarding the contents of the application together with supporting schedules and forms to be completed as set out below. The precise information required in each section will clearly depend upon the nature of the bid and as such is largely left to the discretion of the Applicant, where appropriate supplementary sections may be included in the application.
 - 16.1.2.** The information provided should be specific and wherever possible, there should also be a time frame attached to the information to be provided.
 - 16.1.3.** Applicants must bear in mind that any undertakings made in their application, may form part of the conditions of the Licence and shall be subject to constant investigations and performance audits once the Licence has been awarded.
 - 16.1.4.** Licensees are subject to ongoing monitoring by the Authority to ensure compliance with all applicable legislation, maintenance of standards and compliance with the licence conditions.
 - 16.1.5.** The Licence application shall contain background information about the proposed Gambling Establishment operation that includes: the name of the company or other juristic person registered or recognised in terms of the Companies Act 2018 (Act No. 22 of 2018), date and details of incorporation, main objectives of the company, addresses, offices, and short history/profile.

17 OWNERSHIP

- 17.1.** The application shall contain full ownership details of the Applicant, including financial interests, beneficial ownership, or similar structures, with corresponding details of associated companies and businesses, where applicable.
- 17.2.** Details of ownership stake, including exercisable voting rights, economic interest, and profits to which Citizens, including women and/or youth and/or people with disabilities within the Country are entitled to. Details on the intended promotion of economic inclusivity and empowerment through ownership plans and economic interest to which Citizens are entitled to.

18 FINANCE AND FUNDING

- 18.1.** The application shall contain full details of the financing and funding of developments and operations of the Applicant, including but not limited to:
- 18.1.1.** Details of the amount of new investment in respect of the site development and/or other related projects forming part of the application.
 - 18.1.2.** Details of the persons providing financing and funding, as well as the agreements, arrangements, and structures in place in that regard.
 - 18.1.3.** Details of financial control considerations, including sufficient details to enable the Authority to verify the control structure and control mechanisms applicable to the Applicant, also specifying the situation and arrangements in case of failure of the business.
 - 18.1.4.** Accordingly, Applicants should provide the following:
 - 18.1.4.1.** Signed shareholder's agreements including Citizens as shareholders.
 - 18.1.4.2.** Lease agreements between the Applicant and any property owner.
 - 18.1.4.3.** Full details of all circumstances and/or agreements affecting the control of the Applicant by either the shareholders or the directors, or both.

- 18.1.4.4.** In case a management company is appointed to manage the affairs of the entity over and above the role of the Gambling Establishment Route Operator espoused above, the costs and management fees of that structure, as well as the extent and level of participation of Citizens as partners in the entity should be clearly specified.
- 18.1.4.5.** The duration of the management company agreement in order to ensure the acceleration of transfer of skills to Citizens.
- 18.1.4.6.** Details regarding how many directors are to be appointed, by whom, who appoints the chairperson and whether the chairperson has a casting vote.
- 18.1.4.7.** With regard to consortium members (in particular Citizens), details of any arrangements by which the voting rights differ from those for ordinary voting shares and non-voting shares, preference share arrangements, voting pools and conversion rights attached to shares.
- 18.1.5.** Details of financial strength including:
- 18.1.5.1.** The three (3) most recent audited Annual Financial Statements (“AFS”) for the Applicant and all companies/entities holding more than an effective five percent (5%) interest in the Applicant, and an interim report. Full names, addresses and identity numbers of all directors and shareholders for all companies, Trustees of Trusts, and Office Bearers (or similar).
- 18.1.5.2.** For a newly formed company, audited financial statements for the three (3) most recently completed financial years for each Applicant’s ultimate parent company, and if a subsidiary, for each qualifying direct shareholder. If these are not yet available, audited accounts for the previous financial year must be provided plus reviewed interim management accounts for the current financial year.
- 18.1.5.3.** For all dormant companies, an auditor’s confirmation of dormancy or a confirmation that the company is not subject to any undisclosed or contingent liabilities.
- 18.1.6.** Details of access to capital, including:
- 18.1.6.1.** The nature, terms and conditions of all debt financing and details of all other financial commitments, including letters of commitment from financiers for the full debt requirements.
- 18.1.6.2.** Names of contactable representatives of all financiers of the Applicant, financially responsible consortium members and local entities.
- 18.1.6.3.** The proposed capital structure of the Applicant.
- 18.1.6.4.** Whether any of the project capital expenditure is based on cash flows from the gambling operations and details of secondary sources of funding if the primary cash flows fail.
- 18.1.6.5.** A schedule of the specific ultimate sources of all funding for the project.
- 18.1.6.6.** Comprehensive details of commitments for intended funding or funding of local businesses or companies and individual shareholder’s contribution to equity, including sources, terms and conditions relating to it.
- 18.1.6.7.** Whether any party other than financially responsible consortium members has committed a deposit, line of credit or any other form of guarantee for the financing of the project and detail the terms and conditions of the guarantees, particularly in relation to the control of the Applicant.

- 18.1.7.** Details of financial viability including:
- 18.1.7.1.** Financial projections relating to the Applicant covering a period of three (3) years.
 - 18.1.7.2.** A written report to support the financial information included in the proposal. In particular, all critical assumptions shall be clearly documented and cross-referenced to where they apply.
 - 18.1.7.3.** Financial information is to be presented in accordance with International Financial Reporting Standards, wherever applicable, and accounting policies are to be stated.
 - 18.1.7.4.** The balance sheet to be prepared, is to be related to the Applicant's cash flow projections, equity and debt financing and capital expenditure assumptions for the site development. Assumptions in respect of average working capital balances or other items included in the balance sheet, should be clearly stated.
 - 18.1.7.5.** All forms and sources of financing, not disclosed on the balance sheet, shall be fully disclosed by way of notes setting out details and amounts of all related assets and obligations relating to such financing. Full details of all material guarantees or securities provided to or by the Applicant shall be provided by way of notes.
 - 18.1.7.6.** All fees, taxes and levies payable, which the Applicant needs to take into account when preparing their proposals.
- 18.1.8.** The Authority shall view the acquisition of equity in the gaming and gambling market by a loan capital, or payment by way of suspension or postponement of payment of dividends as a form of repayment for such equity, as a significant matter.
- 18.1.9.** Repayment of loan capital by way of utilisation of dividends should not exceed a period of three (3) years and the deduction from the dividends should not exceed fifty percent (50%) of the declared dividends due to the Citizens in any given time unless reasons for deviation can be advanced for consideration and approval by the Authority.
- 18.1.10.** Where a Licensee decides to utilise its profits for the repayment of the loan capital, the period for such repayment shall not exceed three (3) years, unless reasons for deviation can be advanced for consideration and approval by the Authority.
- 18.1.11.** Where a management company is appointed to manage and/ or provide services to a Licensee, the management company shall seek prior approval from the Authority.
- 18.1.12.** Management fees and any costs recovered from the Licensee must not exceed five percent (5%) of the Gross Gambling Revenue (GGR) of the Licensee.
- 18.1.13.** A minimum of twenty percent (20%) of all fees paid to the management company must be invested in skills transfer and development of the Citizens who are shareholders in the Licence. The Authority shall consider the promotion of empowerment, including women and/or youth and/or people living with disabilities in the gaming and gambling market vital to any application.
- 18.1.14.** Objectives in respect of the following areas should be clearly and precisely articulated in the application:
- 18.1.14.1.** Promotion of economic transformation in order to contribute to meaningful participation of Citizens, including women and/or youth and/or people living with disabilities in the economy.

- 18.1.14.2.** Improvement of the extent to which communities, employees, enterprises, women and/or youth and/or people living with disabilities will access economic opportunities, infrastructure and requisite skills.
- 18.1.14.3.** Promotion of investment programmes, including enterprise and supplier development, which will create meaningful participation of Citizens in the economy in order to achieve sustainable development and general prosperity.
- 18.1.14.4.** Promotion and support of access to finance to advance economic empowerment of Citizens.

19 EMPLOYMENT OPPORTUNITIES

- 19.1.** The application shall contain full employment details, including:
 - 19.1.1.** The strategy for creating sustainable employment opportunities.
 - 19.1.2.** How the Applicant will ensure that the maximum number of job opportunities are provided to Citizens.
 - 19.1.3.** Details of all directors and strategies for the promotion of locals in this regard.
 - 19.1.4.** A proposed organizational chart, with all management positions and staff in respect of all areas of operations.
 - 19.1.5.** Strategies for the promotion of locals regarding management control and employment equity.
 - 19.1.6.** Experience in managing and operating gaming and gambling businesses, or access to such expertise, and how this experience and expertise will be applied to the project.
 - 19.1.7.** Strategies for the promotion of local empowerment regarding skills development.
 - 19.1.8.** The number of temporary jobs, during the construction phase or other projects, where applicable.

20 GAMBLING RELATED TRAINING

20.1. The Gambling Establishment Route Operator or Gambling Establishment Independent Site Operator must ensure that training related to the following areas of operation is provided for the operation and general upkeep of the Gambling Establishment to all its employees of a site in respect of:

20.1.1. Regulatory training, including training on compliance to all laws applicable to the Site Operator (e.g. liquor, health and safety, etc.).

20.1.2. Gambling related training (especially on how to operate and play gaming and gambling machines).

20.1.3. Basic business management skills training.

20.2. Training should be provided in a language understood by all employees by an accredited training provider, which will ensure that trainees receive certificates that can be used elsewhere and that will further empower the trainees. Training should be monitored by the Gambling Establishment Route Operators or Gambling Establishment Independent Site Operator to ensure that the employees are applying their knowledge and record of such should be made available to the Authority upon request.

21 ENTERPRISE DEVELOPMENT

21.1. The application shall contain full details regarding proposed enterprise development initiatives and the promotion of local businesses.

22 SOCIO-ECONOMIC DEVELOPMENT

22.1. The Authority acknowledges the lack of infrastructure and the need for social or community development projects in the Country and therefore, expects Licensees to:

22.1.1. Carry out initiatives that contribute towards social and economic infrastructure that promote access to the economy for Citizens in particular communities.

22.1.2. Spend at least one percent (1%) of its monthly GGR towards projects that empower communities in the Country.



23 BUSINESS AND/OR OPERATIONS

23.1. The application shall contain full details regarding the proposed business and/or operations, including:

23.1.1. The number of Gambling Establishment sites for a Gambling Establishment Route Operator Licence to be operated.

23.1.2. Site selection considerations (where applicable).

23.2. Site location considerations (where applicable), with the following:

23.2.1. Applicants shall describe the overall design of the proposed site in terms of its size and prominence in terms of location, visibility and usage of nearby land; site locality plans, including a layout plan of the site and parking facilities.

23.2.2. Details regarding the current ownership and operation of businesses on the site. Evidence of pre-contracts, guarantees or options regarding site availability must be provided, together with any potential legal or physical impediments to site occupation and development.

23.2.3. The current status of negotiations in respect of land and/or buildings (if applicable) and any lease or lease agreements is to be disclosed together with details of the ownership of the premises and any person holding more than five percent (5%) of such ownership, directly or indirectly.

23.2.4. Approval from the relevant Authorities (i.e. Land Board, Department of Lands, Local Authority) on the proposed use of the site.

23.2.5. Details regarding the proximity of the site development to schools, other educational institutions, churches, mosques, temples, social institutions, and other gambling establishments.

23.2.6. Site layout and design features (where applicable), including sustainable recreational and/or entertainment features for the benefit of the community and the gambling area size, layout, security, surveillance, and placement of gambling machines.

24 RADIUS FROM OTHER SITES

- 24.1.** The Applicant must submit a clear and legible diagram, together with photographs or impressions of the exterior and interior of the business and related amenities. The aforementioned diagram must be representative and proportional and must include specific reference to the size of the premises through the use of detailed measurements.
- 24.2.** Furthermore, the diagram contemplated above must depict the number of gaming and gambling machines and their location within the establishment in a manner which must provide reasonable evidence to prove adequate supervision of each Gambling Establishment and which must depict:
- 24.2.1.** An unobstructed view of each gambling machine or device from the point of supervision.
 - 24.2.2.** Any mirrors necessary to maintain adequate supervision.
 - 24.2.3.** Any video surveillance equipment that will be used for supervision.
 - 24.2.4.** Where the premises to which an application for a Gambling Establishment Licence relate are accessible to Minors, no such Licence will be issued, unless there is a separate cordoned-off area by way of a solid barrier, not less than two (2) meters high, wherein all gaming and gambling machines are to be located if the premises are accessible to Minors.
 - 24.2.5.** Where a temporary operation is proposed, full details of same.
 - 24.2.6.** Details on the sourcing of products and services within Botswana, as well as the promotion of SMMEs.
 - 24.2.7.** A motivation to show good cause why the operation of Gambling Establishment and the related sites where applicable, should be approved.

25 RELATIONSHIP BETWEEN A GAMBLING ESTABLISHMENT ROUTE OPERATOR AND GAMBLING ESTABLISHMENT SITE OPERATOR

- 25.1.** The Gambling Establishment Route Operator has a responsibility to provide a detailed explanation to the Gambling Establishment Site Operator of its responsibilities, as set out in the agreement, in a language, understandable by the site operator, to enable the site operator to have a better understanding and full outlook of the arrangement concluded.
- 25.2.** It is important to note that although the prospective Gambling Establishment Site Operator may enter into an agreement with the Gambling Establishment Route Operator to facilitate the submission of the application of the Gambling Establishment Site Operator, the responsibility of a detail submission of all required information and documents lies with the Gambling Establishment Route Operator.
- 25.3.** The said agreement should not be confused with the contractual agreement for the placement and keeping of gaming and gambling equipment at licensed premises, owned or leased by the Gambling Establishment Route Operator.
- 25.4.** The contractual agreement for the placement of gaming and gambling equipment must be entered into after the Gambling Establishment Site Operator and the Gambling Establishment Route Operator have been informed of the decision of the Authority to grant both the Gambling Establishment Route Operator Licence or Gambling Establishment Site Operator Licences.
- 25.5.** The validity of the contract is dependent upon both parties being granted the applicable Licences, and subject to the approval of the contract by the Authority.
- 25.6.** The Gambling Establishment Route Operator shall enter into contracts (including terms and conditions thereof), for preparation of the business premises, the placement of gaming and gambling equipment on the premises of Gambling Establishment Site Operator and management and support to operate the licensed site.

25.7. Notwithstanding the contents of the agreement entered into between the Gambling Establishment Route Operator or Gambling Establishment Site Operator, the Gambling Establishment Route Operator shall be responsible for:

25.7.1. Preparation of the site for compliance with the requirements of the Authority for operation of a Gaming Establishment.

25.7.2. Placing of its gaming and gambling equipment at licensed premises, owned or leased by the Gambling Establishment Site Operator, and have such machines or equipment made available for the operation of the licensed business.

25.7.3. Compliance with the Act and Regulations and all notices issued by the Authority including this RFA and the terms and conditions of the Licence, as well as the internal control procedures, approved by the Authority.

25.7.4. Compliance with the terms and conditions as stipulated in the contractual agreement entered into between the Gambling Establishment Route Operator and the Gambling Establishment Site Operator.

25.8. A Gambling Establishment Site Operator shall be entitled to a revenue split of forty percent (40%) of the GGR after payment of levies to the Authority on a monthly basis.

25.9. A Gambling Establishment Route Operator must link to sufficient sites to ensure that the number of sites and gaming and gambling machines, as per its Licence application and/or as allocated by the Authority, are operational at all times.

26 CORPORATE STRUCTURE AND OFFICES

26.1. A Gambling Establishment Route Operator shall be operated by a juristic person registered in Botswana and must have at least forty percent (40%) shareholding by Citizens, with full exercisable voting rights and economic interest, thirty-five percent (35%) of which must be represented by women and/or youth and/or people living with disabilities.

26.2. No shareholder of a Gambling Establishment shall hold shares in two Gambling Establishment Route Operator Licences and no shareholder of any Gambling Establishment Site Operator shall hold shares in more than five (5) Gambling Establishments of a cumulative value of forty percent (40%).

26.3. The offices of a Gambling Establishment Route Operator, at which the administrative, accounting as well as monitoring and control functions will be conducted, must be located within the Country.

27 **GUARANTEES**

27.1. The guarantee is required to ensure that the Licensee complies with the terms of the Licence. The following guarantees will be required by the Authority, this forfeitable bank guarantee shall be for the liabilities of the Licence in relation to:

27.1.1. Levies payable in terms of the Act and Regulations.

27.1.2. Levies that would have been payable, in terms of the projections, for each month, in the event that the Licence does not become operational within the fifteen (15) months period approved by the Authority to commence and complete operations. Payable levies shall be deducted until commencement of the operation.

27.1.3. Gambling debts payable by the Licensee, which shall be calculated at fifty percent (50%) of GGR over three (3) months, initially based on the highest three (3) months GGR in the first year of the projections, or fifty percent (50%) of GGR over three (3) months based on the highest three (3) months actual GGR in the previous year.

27.1.4. The guarantees referred to in paragraphs (27.1.1), (27.1.2) and (27.1.3) shall be maintained at such amounts as may be determined by the Authority from time to time.

27.1.5. Alternatively, a Licensee shall present a demonstratable and auditable statement of liquidity of the funding entity or some of the shareholders to the value of guarantees amount outlined in paragraph (27.1) above.

27.2. The forfeitable bank guarantee shall be submitted to the Authority before the granting of the Licence.

28 CORPORATE SOCIAL RESPONSIBILITY (CSR)

28.1. The Authority acknowledges the lack of infrastructure and the Country's need for social or community development projects and therefore, expects Gambling Establishment Route Operators or Gambling Establishment Independent Site Operators to contribute to specific projects, in line with government objectives and priorities within Botswana in this regard.

28.2. The Applicant shall categorically state the amount of not less than one percent (1%) of the annual projected GGR intended to be contributed towards corporate social responsibility projects to empower communities in the country, in line with government key priorities. The Applicant should clearly articulate the relevance of these projects in line with the priorities of government and particular elements of the requirements of the Economic Inclusion Act of 2021.



29 ARCHITECTURAL DIAGRAM

- 29.1.** The Gambling Establishment Route Operators when submitting applications for sites, must submit the site's technical architectural diagram representing a description of the equipment to be used accompanied by a schematic presentation of the intended outlook of the site.
- 29.2.** The Gambling Establishment Independent Site Operator when submitting applications for licence, must submit the site's technical architectural diagram representing a description of the equipment to be used accompanied by a schematic presentation of the intended outlook of the site.
- 29.3.** Information referred to in paragraphs 29.1 and 29.2 above should include all related equipment and technical information attesting to its compliance with all relevant technical standards (e.g., test reports, letters of certification) which shall be readily available upon request.
- 29.4.** An Applicant should also include artist impressions of the interior and exterior of the proposed site and technical plans approved by the Ministry of Land Management, Water and Sanitation Services.

30 TECHNICAL COMPLIANCE

- 30.1.** The Gambling Establishment Route Operator or Gambling Establishment Independent Site Operator should stipulate to the Authority on how they will ensure technical compliance of the site to the approved requirements prior to commencement of operations.
- 30.2.** All gambling equipment used in the operation shall be approved by the Authority.

31 INTERNAL CONTROL PROCEDURES

- 31.1.** A Licensee shall establish and maintain administrative and accounting procedures for the purpose of determining such holder's liability for levies and fees payable in terms of the Regulations, and for the purpose of exercising effective control over the Licensee's internal financial affairs.
- 31.2.** The procedures must be designed to reasonably ensure that:
- 31.2.1.** Assets are safeguarded.
 - 31.2.2.** Financial records are accurate and reliable.
 - 31.2.3.** Transactions are performed only in accordance with management's general or specific authorization.
 - 31.2.4.** Transactions are recorded adequately to permit proper reporting of gambling revenue, including fees and levies.
 - 31.2.5.** Relevant requirements relating to a Gambling Establishment are addressed.
- 31.3.** Requirements for surveillance systems on gambling establishment sites
- 31.3.1.** The Licensee shall be required to install a surveillance system approved by the Authority on the premises to which the Licence relates.
 - 31.3.2.** The surveillance system shall consist of one or more cameras, monitors and video recorders, as approved by the Authority, and shall view or record and shall make use of digital cameras or recording devices.
 - 31.3.3.** A surveillance camera shall make use of uninterrupted real-time monitoring and recording.
 - 31.3.4.** Where the premises to which a site licence relates are also licensed in terms of another licence issued in terms of the Act for which a surveillance system is required, it shall be sufficient if the whole gambling area of the premises concerned is covered by a single surveillance system.
 - 31.3.5.** The surveillance system must include date and time generators that display on each recording the date and time of the recorded view. Logs must be kept of surveillance malfunction.
 - 31.3.6.** The Authority must be informed within 24 hours of any surveillance malfunction. Tapes or digital data produced by the surveillance system must be kept for thirty (30) days in case of a dispute or if any concerning public safety incident arose.
 - 31.3.7.** The Authority may, at its discretion, approve a different or alternative mechanism for any site with no more than five (5) machines.

32 TYPICAL SITE

32.1. The operation of a Gambling Establishment may be conducted in the following types of premises:

- 32.1.1.** A sporting club, which:
 - 32.1.1.1.** Has more than fifty (50) members.
 - 32.1.1.2.** Occupies suitable fixed premises.
 - 32.1.1.3.** Is licensed in terms of the relevant laws relating to liquor licensing.
 - 32.1.1.4.** Is operated as an association not for gain.
- 32.1.2.** A bar, nightclub, sports bar, liquor restaurant.
- 32.1.3.** Racecourses.
- 32.1.4.** A hotel or similar establishment.
- 32.1.5.** Any other premises determined suitable by the Authority.

32.2. The following constitutes a list of typical sites that are deemed **inappropriate** to be licensed, as Gambling Establishments by the Authority:

- 32.2.1.** A supermarket, café or other such retailer of food.
- 32.2.2.** An amusement arcade.
- 32.2.3.** Place of worship.
- 32.2.4.** A theatre, cinema, museum or other places of culture.
- 32.2.5.** A bottle store.
- 32.2.6.** A private home.
- 32.2.7.** A fuel station.
- 32.2.8.** A school, university, college.
- 32.2.9.** Any other premises considered by the Authority to be unsuitable.

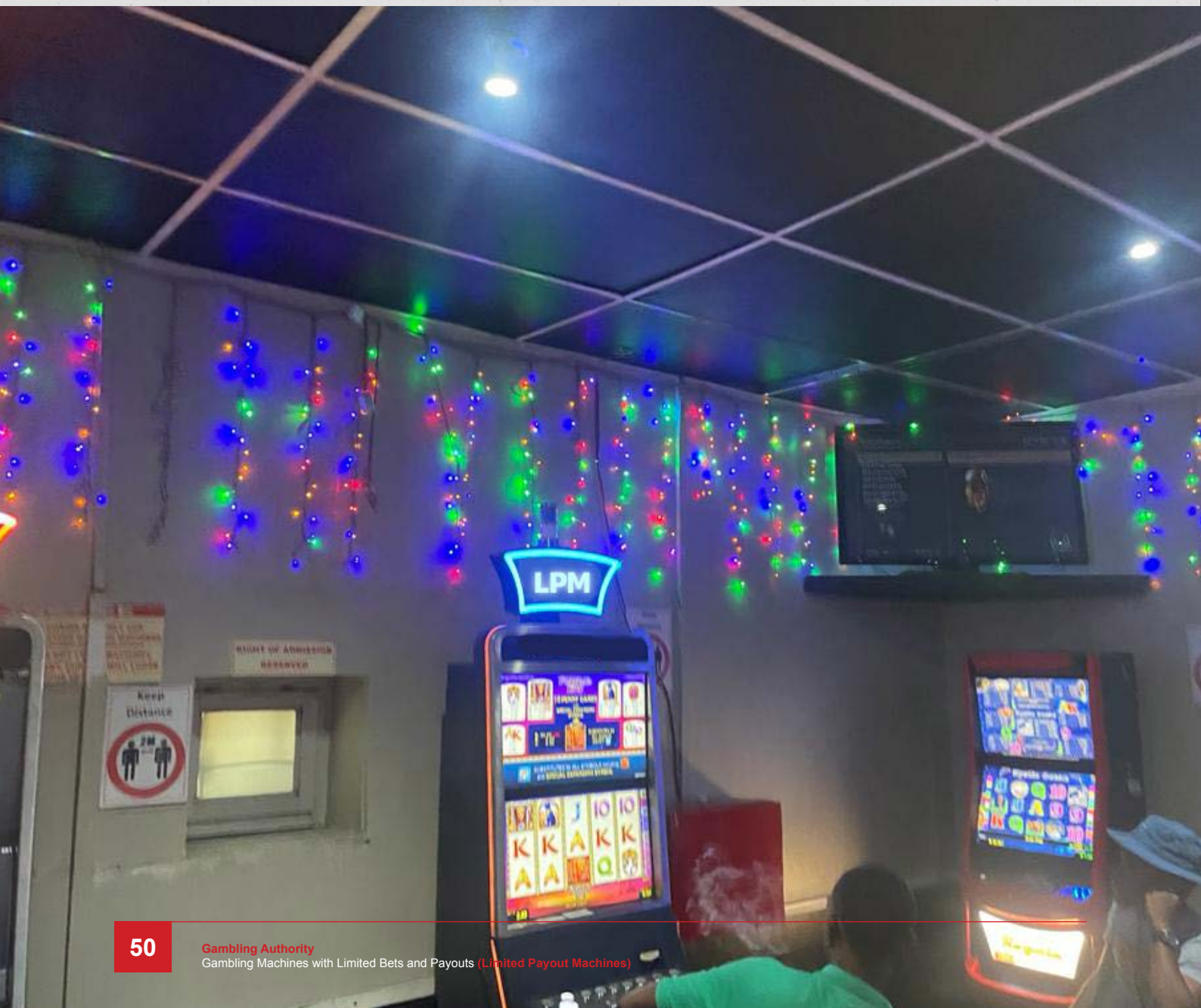
32.3. An Applicant may motivate any other entertainment, leisure, and recreation facilities, as appropriate for licensing.

32.4. Peremptory Specifications

- 32.4.1.** The floor plan should include the following:
 - 32.4.1.1.** Separate the primary business if any, from the gambling business.
 - 32.4.1.2.** Male and female toilets.
 - 32.4.1.3.** Facilities accessible to people with disabilities and to accommodate them.
 - 32.4.1.4.** Where the site does not have items in paragraph 32.4.1.2 and 32.4.1.3 above, the Applicant should provide a motivation for exclusion of these items.

32.5. Additional Specifications

- 32.5.1. Direct line of sight to the designated area to the point of supervision or surveillance cameras installed in case of no direct line of supervision.
- 32.5.2. The flooring and walls of the site should be done in an appropriate standard suitable for public use.
- 32.5.3. Copies of liquor and other relevant licenses.
- 32.5.4. Land and zoning rights.
- 32.5.5. Fire extinguishers.
- 32.5.6. Adequate parking for customers.
- 32.5.7. Security measures in place.
- 32.5.8. Escape and trap door(s).



33

INVITATION TO SUBMIT APPLICATION FOR GAMING AND GAMBLING LICENCES

33.1. This serves as an invitation to interested parties to apply for Gambling Establishment Licences including Gambling Machines Licences, in terms of section 33 of the Act.

33.2. The above-mentioned Licences are to be issued in the following manner;

33.2.1. Gambling Establishment Route Operator Licences.

33.2.2. Gambling Establishment Site Operator Licences.

33.2.3. Gambling Establishment Independent Site Operator Licences.

33.3. In order for the Authority to achieve the objectives of the Act and to ensure the financial viability of the Gambling Establishment to be created, the Authority resolved that the following shall be the criteria for evaluation and adjudication of applications:

33.3.1. The disposal of each Gambling Establishment shall reflect participation of Citizens. Citizens will be allowed to form joint ventures with established Gaming and Gambling companies and control at least forty percent (40%) financial interest in the applicant company business.

33.3.2. Funding and financial strength to set up the business and manage to commence and sustain licensed operations.

33.3.3. Sustainable Employment with greater focus on Citizens. This criterion includes training and skills transfer or development.

33.3.4. SMMEs development through procurement of goods and services from Citizens and the targeted groups (women and/or youth and/or people living with disabilities) and emerging enterprises.

33.3.5. CSR in the form of contributions to good causes and socio-economic development project to support Government priorities.

33.3.6. Experience and knowledge of the industry in order to avoid business failure and delays in achieving the set objectives. However, these skills can be acquired but demonstratable mechanisms of acquiring the same should be provided.

33.3.7. General compliance and completeness of the application in order to ensure that all information is available for evaluation to assist the Authority in making the appropriate and informed decision.

33.3.8. The applications shall be scored in accordance with the criterion set out in Tables 4 and 5 below. However, the Authority reserves the right to:

33.3.8.1. Not necessarily accept the application with the highest score.

33.3.8.2. Reject all Applications if the Authority so decides.

33.3.8.3. Withdraw the RFA on good cause shown, including if final approval by the Authority is not granted.

33.3.8.4. Award the licence at any time after the RFA's closing date.

- 33.3.8.5.** Make no award of a Licence.
- 33.3.9.** The Authority shall issue a further notice for a compulsory bidders conference which must be attended by all prospective Applicants after the acquisition of this RFA.
- 33.3.10.** Applicants should take note that this RFA is inviting applications for Gambling Establishments modeled in two forms, including a Route Operator and Site Operator as a Gambling Establishment in concurrent operation and a Gambling Establishment Independent Site Operator.
- 33.3.11.** Applicants who would like to specify some of the information as confidential (as per regulation 67(2)) over and above what has been classified as such in the public document specifications below, should make a special request for consideration by the Authority upon submission of their applications.
- 33.3.12.** The Authority may from time to time make enquiries or request clarification on submitted information. If in the opinion of the Authority, an Applicant fails to provide adequate information sought by this request, or by a subsequent request by the Authority, such failure shall be taken into account by the Authority during the evaluation process.
- 33.3.13.** Approval of the premises from which the licensed business is to be operated, shall be processed separately after granting of the Licences.
- 33.3.14.** The successful Applicants will be further invited to submit their detailed site application (gambling establishment site) and gambling equipment applications for processing.
- 33.3.15.** This process consists of two separate and distinct phases. The first phase shall be the process of evaluation and adjudication of applications and the second phase shall be to evaluate the intended business premises and this shall include the site owner for suitability and the employees categorised as gambling employees.
- 33.3.16.** There shall be public hearings held to allow objections (raised in line with section 34(2) of the Act) and responses from interested parties as per regulation 68 of the Regulations.
- 33.3.17.** Applicants whose applications are not successful shall not proceed to the second phase of the application process and shall accordingly be informed after the award of the Licence.
- 33.3.18.** Gambling Establishment are regulated in terms of the Act, the Regulations, and other related legislation. Interested parties are strongly advised to familiarise themselves with all relevant legislation in this regard before submission of applications.

33.4. The Evaluation and Assessment Criterion

33.4.1. Gambling Establishment Route Operator Licence

Table 4

No.	Description	Weighting	Points
1.	Citizens Ownership	100%	40
		60% - 80%	30
		40% - 59%	20
		0% - 39%	0
2.	Funding and Financial Strength of a Gambling Establishment Route Operator	P 10 million and above	10
		P 7 – P 9 million	7
		P 4 – P 6,9 million	5
		P 2 - P 3,9 million	3
		Below P 2 million	1
3.	Financial Strength to support a Gambling Establishment Sites	P 1,5 million and above	5
		P 1 million - P 1,4 million	4
		P 500 000 - P 900 000	2
		Below P 500 000	1
4.	Sustainable Employment by a Gambling Establishment Route	15 Employees and above	5
		10 - 14 Employees	3
		Below 10 Employees	1
5.	Employment at a Gambling Establishment Site	5 Employees and above	10
		3 - 4 Employees	7
		Below 3 Employees	3
6.	Enterprise Development	50% and above procurement budget	10
		40% - 49% Procurement Spend	7
		30% - 39% Procurement Spend	5
		Below 30% Procurement Spend	1
7.	Corporate Social Responsibility	5% of GGR Spend	10
		4% of GGR Spend	7
		3% of GGR Spend	5
		Below 3% of GGR Spend	2
8.	Knowledge and Experience	10 years' Experience and above	5
		7 - 9 years' Experience	4
		3 - 6 years of Experience	3
		Below 3 years' Experience	2
9.	Compliance and Completeness of the application	100% Compliant and Complete	5
		75% Compliant and Complete	3
		50% Compliant and Complete	1
		Below 25% Non- responsive	0

33.4.2. Gambling Establishment Independent Site Operator Licence

Table 5

No.	Description	Weighting	Points
1.	Citizens Ownership	80% - 100%	50
		60% - 79%	30
		40% - 59%	20
		15% - 39%	10
		5% - 14%	5
		0% - 4%	1
2.	Funding and Financial Strength of a Gambling Establishment Independent Site Operator	P 4 million and above	10
		P 3 – P 3,9 million	7
		P 2 – P 2,9 million	5
		P1 - P 1,9 million	3
		Below P 1 million	1
3.	Sustainable Employment by a Gambling Establishment Independent Site Operator	10 Employees and above	10
		5 - 9 Employees	7
		3 - 4 Employees	5
		Below 3 Employees	3
4.	Corporate Social Responsibility	3% of GGR Spend	10
		2% of GGR Spend	7
		1% of GGR Spend	5
		Below 1% of GGR Spend	0
5.	Knowledge and Experience	3 years' Experience and above	10
		2 years' Experience	7
		1 year of Experience	3
		Below 1 years' Experience	2
6.	Compliance and Completeness of the application	100% Compliant and Complete	10
		75% Compliant and Complete	7
		50% Compliant and Complete	5
		Below 25% Non- responsive	0

34 ANNEXURES

The following minimum information is required for purposes of lodging an application for a Gambling Establishment Operator Licence:

Part 1 Detailed Application

1.	Consolidated and costed Business plan in response to this RFA	Annexure 1
2.	Project model and plans (Interior and exterior)	Annexure 2
3.	Land and zoning rights	Annexure 3
4.	Property ownership and/or lease agreements	Annexure 4
5.	Shareholding and Corporate structure	Annexure 5
6.	Shareholders agreements	Annexure 6
7.	Business Entity Disclosure Form	Annexure 7
8.	Copies of prescribed notices	Annexure 8
9.	Confirmation of payment of prescribed fees	Annexure 9
10.	Operation Location Plan	Annexure 10
11.	Floor plan	Annexure 11
12.	Financial statements (latest audited)	Annexure 12
13.	Copies of Liquor and other relevant licences (proof of application)	Appendix 13
14.	Original Tax Clearance Certificate	Annexure 14
15.	Valid business registration	Annexure 15
16.	Third Party agreements (if applicable)	Annexure 16
17.	Personal History Disclosures	Annexure 17

Part 2 Public Inspection

1.	Copies of prescribed notices	Annexure 1
2.	Operation Location Plan	Annexure 2
3.	Proposed Floor Layout Drawing (Ariel View)	Annexure 3
4.	Copies of Liquor and other relevant licences	Annexure 4
5.	Property ownership and/or lease agreements	Annexure 5
6.	Certified Copy of Tax Clearance Certificate	Annexure 6
7.	Third Party Agreements	Annexure 7

Part 3 Returnable Documents

1.	Company Release Authorisation	Annexure A
2.	Personal History Disclosure	Annexure B
3.	Application for Gambling Establishment Licence	Annexure C
4.	Signing Power - Resolution of Board of Directors	Annexure D
5.	Certificate of Attendance of Bidders' Conference	Annexure E
6.	Breach of Law Declaration	Annexure F
7.	Certificate of Acquaintance with RFA Document	Annexure G
8.	Declaration of Interest	Annexure H
9.	RFA Declaration Form	Annexure I
10.	Security Vetting Form	Annexure J

35 TERMS AND CONDITIONS

35.1. Disclaimer

- 35.1.1.** Every effort has been made to ensure that the information contained in this RFA is correct, but it is the obligation of interested parties to ensure that their applications are correct and that they comply with the provisions of the Act and RFA in all material respects.
- 35.1.2.** Each independent party must make its own independent assessment and investigation of the issues, required to be dealt with in its application and should not rely solely on the accuracy of the information provided in this RFA; and neither the Authority, its employees nor its agents shall be held liable for any act performed in good faith during the application process.
- 35.1.3.** Any additional information provided to interested parties by the Authority or any of its employees in connection with this RFA shall be subject to the terms herein.
- 35.1.4.** The Authority reserves the right to:
 - 35.1.4.1.** Reject any application which does not conform to instructions and specifications which are detailed in the RFA or any subsequent amendments to the RFA.
 - 35.1.4.2.** Disqualify applications submitted after the stated closing time and closing date for the submission of the applications.
- 35.1.5.** No information whatsoever contained in this RFA forms (nor should be understood as forming) the basis for any warranty, representation or term or any agreement/ contract by the Authority or its advisors, with any third party whomsoever.
- 35.1.6.** This RFA is not intended to (and does not) constitute the giving of investment advice by the Authority nor its advisors, Board members, employees, officers, agents and/or affiliates nor should it be used as the basis for any investment decision, and each recipient, reader and/or user of this RFA must make their own independent analysis of this RFA and of its contents, make its own independent investigations regarding the information contained in the RFA and obtain its own independent advice, as may be needed.
- 35.1.7.** For purposes of this RFA, the advisors are acting exclusively as advisors to the Authority and shall not be responsible to anyone other than the Authority (as applicable) in respect of any work conducted by them in connection with this RFA.

- 35.1.8.** All Applications, responses, proposals, and/or submissions relating to this RFA are made at the applicants' own risk and each applicant to whom this RFA is made available to or who responds to this RFA agrees to and accepts the terms set out in this disclaimer to the RFA.

35.2. Changes and amendments to the RFA

- 35.2.1.** The Authority reserves the right to modify the RFA requirements and request Applicants to re-apply or submit amendments to the RFA in respect of any changes.
- 35.2.2.** The Authority may, at its discretion, by notice in writing to the potential Applicants and/or Applicants via VDR, supplement or update any of the contents or terms and conditions applicable to the RFA. It may also change procedures, timetables, requirements, and any other aspect of or in connection with matters covered in this RFA.
- 35.2.3.** All communication with potential Applicants and/or Applicants shall be done through the VDR.

35.3. No Guarantee

The Authority does not guarantee that any Applicant will be granted a Licence.

35.4. Right to Award

- 35.4.1.** The Authority is not under any obligation whatsoever, following the publication of this RFA, to award the Licence, whether before or after the application, evaluation and/or adjudication process.
- 35.4.2.** The Authority reserves the right to:
- 35.4.2.1.** Not necessarily accept the Application with the highest score.
- 35.4.2.2.** Reject all Applications, if the Authority so decides.
- 35.4.2.3.** Withdraw the RFA on good cause shown, including if final approval by the Authority is not granted.
- 35.4.2.4.** Award the Licence at any time after the RFA's closing date.
- 35.4.2.5.** Make no award of a Licence.
- 35.4.3.** In addition, the Authority reserves the right to exclude any Applicant from the RFA process who has been found guilty of a serious breach of law, in Botswana or any other jurisdiction, calculated from the closing date for submissions. Applicants are required to indicate whether or not they have been found guilty of a serious breach of law or whether they have been convicted of any crime whether in Botswana or any other jurisdiction.
- 35.4.4.** This RFA contains the key, indicative commercial, technical, and legal terms on which the Authority proposes to award the Licence as contemplated in this RFA. The decision shall be taken by the Authority to award the Licence to an Applicant through its internal processes and governance structures. Any commitment from the Authority, is subject to and will be completed upon the awarding of the Licences to the successful Applicants (substantially in accordance with the Gambling Act).

35.5. Right to Terminate/Cancel

- 35.5.1.** The Authority reserves the right to terminate the application process commenced pursuant to the issue of this RFA without prior notice, to change the basis, the procedures and the time frame for the RFA or to reject any or all of the Applications received and to terminate discussions with any or all Applicants at any time. Nothing contained in this RFA should be understood or interpreted as constituting a binding commitment by the Authority, to award the Licence to any Applicant.
- 35.5.2.** The Authority reserves the right to cancel, or amend this RFA, or restructure the RFA timeframes.

35.6. Acceptance or Approval

- 35.6.1.** The acceptance or approval by the Authority of any system, functional specification or any equipment, is no warranty as to their quality, fitness for purpose, technical capability and suitability to operate the Gambling Establishment business.
- 35.6.2.** Neither the Authority nor its advisors accept any liability for any loss or damage, howsoever caused, suffered by any person in placing reliance on such acceptance or approval, whether or not resulting from any negligent or wrongful act or omission by or on behalf of any of the persons.

35.7. Right to Update or Amend the Request for Applications

This RFA is provided without any undertaking whatsoever, whether express or implied, by the Authority, or any of its advisors, Board members, employees, officers, agents, and/or affiliates to provide any Applicants with access to any additional information or to update its content or correct any information incorrectly captured (as may become apparent) herein.

35.8. Changes In Legislation

Applicants must be aware that any legislation governing the Gambling as may be referred to in this RFA is subject to change. The Authority does not take any responsibility whatsoever for such changes or any other external factors that may affect the Gambling Establishment business. The Authority may seek, or be required, to modify the conditions of the Licence relating to the Gambling Establishment business and in its absolute discretion, is of the opinion that such changes would be consistent with its statutory duties.

35.9. Intellectual Property Rights

- 35.9.1.** All intellectual property rights in this RFA document, and the information contained or referred to in it, remain the property of the Authority and no Applicant shall obtain any right, title or interest therein. This RFA document, including all its annexures, may not, under any circumstances whatsoever, be reproduced, copied or stored in any medium, in whole or in part, without

the prior written approval of the Authority, other than as strictly required for the preparation of an application in respect of this RFA or other than as strictly required by the advisors.

- 35.9.2.** All applications received by the Authority shall immediately upon receipt become the property of the Authority. Each Applicant, by its response to this RFA, grants to the Authority the right to use, copy or modify applications in terms of this RFA for any purposes in connection with the fulfilment of the Authority's statutory duties.

35.10. Evaluation Process and Authority's Decision

- 35.10.1.** Notwithstanding any provisions to the contrary that may be contained in this RFA, the evaluation process will at all times be conducted in terms of the Act and any other applicable laws of Botswana. Any terms or concepts referred to in this RFA that are not defined shall bear the meaning ascribed to such terms or phrases in the Act.
- 35.10.2.** The process of evaluation will result in, amongst others, probity checks, an evaluation of viability, sustainability, technical capability, financial viability, resources, experience and capability of the Applicant in order to assess which Applicant will be most suitable to operate a Gambling Establishment business. This evaluation will be undertaken by an evaluation team, which may include advisors, Board members and the CEO of the Authority and other principal staff.
- 35.10.3.** An independent external auditor may be appointed to conduct a review of the RFA, evaluation and adjudication processes to ensure that all criteria were applied consistently and impartially to all Applicants.
- 35.10.4.** The Authority may make a final decision to award the Licence to the successful Applicant(s).
- 35.10.5.** The Authority reserves the right to only announce the identity of the successful Applicant(s).

35.11. No Guarantee or Expectation as to the Profitability of the Gambling Establishment business

- 35.11.1.** It is the responsibility of each Applicant and the Licensee to satisfy themselves that the Gambling Establishment business will be operated on a commercial and profitable basis.
- 35.11.2.** No guarantee or expectation as to the profitability or otherwise of the Gambling Establishment business is provided.

35.12. Disclosure of Information

- 35.12.1.** Applicants are made aware of the fact that section 45 of the Act empowers the Authority to request for any information as may be necessary and the Applicant is therefore obliged to disclose all the information that is requested of them in terms of the Act.
- 35.12.2.** Furthermore, the Applicants are advised and hereby consent to the fact that the Authority may be required to disclose to Parliament or to a court of law and/or any regulatory body (whether in the course of legal or other proceedings) certain information and/or documents relating to the RFA process, Applications received in response to the RFA and/or any statutory functions of its officers.

35.13. Dispute Resolution

- 35.13.1.** Any disputes arising in relation to this RFA, the evaluation and/or the adjudication of the RFA or any other matter stemming from the RFA shall be adjudicated in terms of the Laws of Botswana, which laws shall govern the RFA, and any disputes arising shall be resolved via an arbitration process, conducted by a panel of three (3) independent arbitrators provided that nothing in this RFA shall preclude any party from seeking urgent interim relief from any courts in Botswana.
- 35.13.2.** The arbitrators shall be appointed by the Authority and shall have the same remedial powers as a court of law in Botswana would have were it adjudicating the dispute.
- 35.13.3.** The arbitration shall be conducted in Gaborone, in accordance with the Arbitration Act and the Arbitration rules of the Botswana Institute of Arbitrators, in force at the time of the dispute.
- 35.13.4.** The arbitration award shall be final and binding on the parties to the dispute.
- 35.13.5.** The arbitrator shall have the right to determine the costs for each party to the dispute.

35.14. Costs and Expenses

- 35.14.1.** Neither the Authority nor its advisors, Board members or respective employees, officers, agents, and/or affiliates shall under any circumstances whatsoever, whether directly or indirectly, be liable for any costs or expenses incurred by any Applicant or other recipient of this RFA, whether such costs arise as a consequence of the Applicant's response to the RFA or are incidental thereto, and whether or not such costs arise as a result of any request by the Authority for further information in respect of any Applicant's submissions in its Application.

35.14.2. The Authority shall not reimburse any Applicant for any preparatory costs or other work performed in connection with its Application, whether or not the Applicant is awarded the Licence.

35.15. Fraud or Corruption

The Authority urges all Applicants and the general public to report any fraud or corruption on the part of the Authority's employees to TIP OFFS Anonymous Toll free numbers below

BTC 0800 600 644	Mascom 71 11 96 03	Orange 11 44
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Email:

Lpm@gamblingauthority.co.bw

Post:

Chief Executive Officer
Gambling Authority
Private Bag BR161, Gaborone

Telephone:

Tel: (+267) 395 7672/398 6600
Cell: (+267) 71 361 412

Website

www.gamblingauthority.co.bw

Plot

Fairgrounds, Plot 70667,
Fairscape Pricint, West Wing, Gaborone