



REQUEST FOR APPLICATIONS  
**BETTING LICENCES**  
BOOKMAKER AND TOTALISATOR  
2023

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## 1. DEFINITIONS

In this Request for Applications 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 who submits an application for a Bookmaker or Totalisator Licence pursuant to this Request for Applications”.

**Application** “means an application for the Bookmaker or Totalisator License in accordance with the provisions of this Request for Applications”.

**Authority** “means the Gambling Authority established in terms of section 3 of the Act”.

**Betting** “means making or accepting a bet on the outcome of a race, competition or other event of any description, the likelihood of anything occurring or not occurring; or whether anything is or is not true but does not include any bet made or stake hazarded in the course of or incidental to any gambling, and the expressions “bet”, “betting” and “bookmaking” shall be construed accordingly”.

**Betting Site** “means the physical outlet, physical structure, space, or place from which a Bookmaking or Totalisator Business operates under a Bookmaker Route Operator or a Totalisator”.

**Betting Site Operator** “means a person who entered into a Betting Route Network agreement with a Bookmaker Route Operator or is a Totalisator branch or agent”.

**Board** “means the Board of the Authority established in terms of section 7 of the Act”.

**Bookmaker** “means a person licensed in terms of section 33 (d) of the Act who whether on his or her own account or an employee or agent of any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations; or by way of business in any manner holds himself or herself out, or permits himself or herself to be held out, as a person who receives or negotiates bets or conducts such operations; and the expression “bookmaking” shall be construed accordingly”.

**Bookmaker’s Stake** “means the amount of money a Bookmaker will forfeit in relation to any bet laid, excluding the Punter’s stake, if he or she loses such bet”.

**Bookmaking Business** “means a corporate body that owns one or more Betting Sites and that trades as a Bookmaker as defined in the Act and operates a Bookmaking Business from a single Bookmaker Premises or from a single racecourse.”

**Bookmaker Route Operator** “means a holder of a Bookmaker Licence entitled to operate a prescribed number of Bookmaker Sites within areas designated in terms of the Licensing and Location Plan and this Request for Applications”.



**Central Electronic Monitoring System** “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”.

**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 Bookmakers and Totalisators 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”.

**Empowerment** “means any practice, scheme or programme aimed at enhancing and promoting economic empowerment”.

**Economic Inclusion Act** “means the Economic Inclusion Act, 2021 (Act No. 26 of 2021)”.

**Fixed-Odds Bet** “means a bet on one or more contingencies in which odds are agreed at the time the bet is placed”.

**Gambling** “means betting (including pool betting) and bookmaking, gaming, and promoting or entering a lottery”.

**Gambling Establishment** “means a gambling establishment as defined in the Act and in terms of section 33(f), read with regulation 3(1)”.

**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 Bookmaker or Totalisator”.

**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”.

**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”.

**Pool Betting** “means betting made on terms that all or part of any winnings shall be determined by reference to the aggregate of stakes paid or agreed to be paid by the persons betting; shall be divided among the winners; or shall or may be something other than money”.

**Punter** “means the person placing a bet with a licensed Bookmaker or Totalisator”.

**Punter’s Stake** “means the amount of money such a punter, including a Bookmaker in respect of a take-back bet will forfeit, if such person loses such bet”.

**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 Applications together with annexures, notices, addenda etc”.

**Route Business Network** “means a structure of a 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”.

**Totalisator** “means the scheme for betting on a sporting event, known as a totalisator, or any other machine or instrument of betting of a like nature”.

**Totalisator Operator** “means a holder of a Totalisator Licence”.

**VDR** “means the Virtual Data Room which is an online platform which shall be used for communication purposes with Applicants”.

**Wagering and Betting System** “means the central computer system which facilitates and records all betting transactions, including identification of winning bets and determination of payment thereof according to the defined odds or winning pattern”.





## 2. PRINCIPLES APPLICABLE TO BETTING

- 2.1. The purpose of this RFA is to furnish all potential Applicants for Bookmaker and Totalisator 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 Applicants with clear guidelines on the information required by the Authority, in order to evaluate all Applications.
- 2.2. Incidental to submission of Applications for Bookmaker and Totalisator Licences, potential Applicants should also note that this RFA includes all necessary requirements for licensing of Betting Sites which are complimentary to the manner and form intended for activation of Betting operations in the Country.
- 2.3. An Application for Bookmaker and Totalisator Licences should be made in terms of this RFA. This RFA shall supersede all notices, special dispensations, or arrangements previously approved in respect of any form of Betting in the Country.
- 2.4. The purpose of this RFA is to provide all interested parties with the regulatory requirements and process 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 Bookmaker and Totalisator Licences. This RFA also provides interested parties with guidelines on the information required by the Authority when evaluating Applications.
- 2.5. Applications for the following Betting Licences are invited through this RFA:
  - 2.5.1. Bookmaker Licences.
  - 2.5.2. Totalisator Licences.

## 3. BACKGROUND

- 3.1. Gambling was introduced in Botswana in terms of the Casino Act and Lotteries and Betting Act which was subsequently replaced by the Act and its Regulations with the view to achieve the following objectives:
  - 3.1.1. Enhancement of economic growth and development in the Country through the stimulation of the tourism sector.
  - 3.1.2. The creation of tourism infrastructure and opportunities within the local economy.
  - 3.1.3. Upliftment: advancement and economic empowerment of Citizens.
  - 3.1.4. Promotion of economic development in the Country.
  - 3.1.5. Creation of employment opportunities in areas where Betting Sites are situated.
  - 3.1.6. Promotion of opportunities for SMMEs Development.
  - 3.1.7. Increase in fiscal / tax revenues for the Country.
  - 3.1.8. Provision of entertainment and recreational activities for members of the public.

**3.2.** The Authority has considered expanding entertainment and economic opportunities in the betting sector and thereby invites Applications for Bookmaker and Totalisator Licences. The Authority believes that this move will immensely contribute to achieving the following objectives:

- 3.2.1. To promote and diversify the betting sector by introducing Bookmaking Licences and Totalisator Licences to areas determined by the Authority.
- 3.2.2. To open the betting sector by creating opportunities for direct economic participation of Citizens, new entrants, and SMMEs.
- 3.2.3. To create new job opportunities in targeted communities or areas.
- 3.2.4. To contribute to the eradication of illegal gambling in the Country.
- 3.2.5. To generate additional fiscal/tax revenue for the Country.
- 3.2.6. To promote the ideals of Citizen inclusion, by increasing the participation of women and youth in the procurement of goods and services in the Betting industry.
- 3.2.7. To guard against excessive concentration of ownership and control of the betting industry to few companies and expand full and free participation of citizen-owned businesses and SMMEs in this sector.
- 3.2.8. In terms of the Act, and in particular sections 33 and 34, the Authority herewith invites applications for Bookmakers and Totalisators. The Authority has to promote the transformation of the gambling industry in Botswana whereby this RFA serves as a base to create opportunities for Citizens in the gambling industry.

## **4. LEGISLATIVE REQUIREMENTS**

4.1. This part seeks to address the legislative requirements intended for the Bookmaker and Totalisator Licences.

### **4.2. The Authority**

- 4.2.1. 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 the Bookmaker and Totalisator operation is operated with all due propriety and that the interests of every participant are protected. The Authority operates under the direction of the Ministry of Trade and Industry.
- 4.2.2. Bookmaker and Totalisator 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.
- 4.2.3. A Bookmaker and Totalisator 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 a disqualification contemplated in section 39 of the Act.
- 4.2.4. As well as having the duty in certain circumstances to revoke licences (section 41 of the Act), where it deems it necessary.

### 4.3. Powers of the Minister

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

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

4.3.1.2. Statutory powers to make orders and regulations by statutory instrument in connection with various aspects of the Act as well as Bookmaker and Totalisator operations.

4.3.2. 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 Bookmaker and Totalisator Licences which may operate at any particular or Defined Area or areas in order to inform amendments or changes if necessary for alignment with the objectives espoused below.

## 5. LICENSING OBJECTIVES

5.1. Regarding the objectives highlighted in the background (Chapter 3 above), the Authority regards the issuance of Bookmaker and Totalisator Licences as a means of attaining economic growth and advancement in the Country. Recognizing that the goals set for the legalisation of gambling in Botswana cannot be fully accomplished by casinos alone, the Authority considers Betting as complementary to casinos in achieving these objectives. Through the promotion and growth of entertainment, sports, and recreational amenities throughout Botswana, Betting can aid in achieving the aforementioned objectives.

5.2. The Authority also realises the potential negative impact that Betting 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 Board, with the following key considerations:

5.2.1. Persons under the age of 21 are prohibited from participating in gambling activities.

5.2.2. The number of Bookmaker and Totalisator Licences are controlled.

5.2.3. General compliance with all legislative requirements.

5.2.4. Compulsive gambling and problem gambling is controlled.

5.2.5. The eradication of illicit flows of money including the prevention of money laundering, financing of terrorism and financing the proliferation of weapons of mass destruction.

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

5.3. When considering an Application for a Bookmaker or Totalisator 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.





## 6. APPLICATION AND LICENSING PROCESS

### 6.1. General Overview

- 6.1.1. The Application process shall be a continuous one, implying that a Bookmaker or Totalisator Operator may in accordance with the prescribed timelines hereto annexed, lodge an application with the Authority for a Bookmaker and Totalisator 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 Bookmakers and Totalisators.
- 6.1.2. The Bookmaker and Totalisator licensing process shall be in accordance with the following scheduled dates:

**6.1.3. Table 1: Timetable**

ACTIVITY	BETTING
Publication of draft RFA for public comments and clarification	03 April 2023
Last day of receipt of public comments	27 April 2023 (1700hrs CAT)
Publication of RFA for purchase	19 May 2023
Closing date for purchasing RFA Documents	19 June 2023
Compulsory Bidder's Conference	26 June 2023
Date of submission of Applications	7 August 2023 (1700hrs CAT)
Public Hearings/Board meeting	28 – 29 November 2023
<b>Award of Licences to Successful Applicants</b>	<b>5 December 2023</b>

### 6.2. Communication via VDR

- 6.2.1. 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.
- 6.2.2. 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.



- 6.2.3. 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.
- 6.2.4. 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.

### 6.3. Bidders Conference

- 6.3.1. A compulsory bidders conference shall be conducted by the Authority on the **26th June 2023** commencing punctually at **09:00 CAT** and shall close at **16:00 CAT**. Attendance on the time specified is required.
- 6.3.2. Bidders 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.
- 6.3.3. 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.
- 6.3.4. 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 Applications rejected. No exceptions will be allowed.

### 6.4. Submission of Applications

- 6.4.1. 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) 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).



- 6.4.2. 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 and in 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 Licence you are applying for:**

**Bookmaker: GA3/1/1 I 001/2023/2024**

**Totalisator: GA3/1/2 I 001/2023/2024**

#### **6.5. General Delivery Instructions**

- 6.5.1. This RFA closes punctually on **07 August 2023** at **17:00 CAT**.
- 6.5.2. Submissions will only be accepted on **07 August 2023** from **08:00** till **17:00 CAT** and no early or late submissions will be accepted.
- 6.5.3. The Authority reserves the right to increase the number of days for submission of Applications. However, this shall not go beyond the closing date.
- 6.5.4. If Applications are not delivered as stipulated herein, such Applications shall be disqualified.
- 6.5.5. All sets of documents must be submitted to the address specified above.
- 6.5.6. No email or facsimile responses will be considered.
- 6.5.7. All file(s) and other material must reflect the name and return address of the Applicant on the reverse side.
- 6.5.8. 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.
- 6.5.9. 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.

## 6.6. Application Fees

- 6.6.1. Each Application for a Bookmaker Licence must be accompanied by a non-refundable Application fee of **Five Thousand Pula (BWP 5 000. 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 Betting Site.
- 6.6.2. Each Application for a Totalisator 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 of **Five Thousand Pula (BWP 5 000.00)** Application fee for each Betting Site.

## 6.7. Investigation Fees

- 6.7.1. All Applicants shall be required to pay the investigation costs as per the Authority's Investigation Fees Policy.
- 6.7.2. 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.
- 6.7.3. 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.
- 6.7.4. Should it be deemed necessary, the Authority may require an additional investigation fee, during the investigation of an Applicant. 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.
- 6.7.5. 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.

- 6.7.6. 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.

## 6.8. Annual Fees

- 6.8.1. The Totalisator Licence annual fees are **Twenty-Five Thousand (BWP 25 000.00)**. The Bookmaker Licence annual fees are **Five Thousand Pula (BWP 5 000.00)** as per Schedule 14 of the Regulations.

## 6.9. Fees Associated with the Bookmaker Licence

Description	Amount
RFA Document Fee	BWP 2 500.00
Bidders Conference Fee	BWP 3 000.00
Bookmaker Application Fees	BWP 5 000.00
Bookmaker Site Application Fees	BWP 5 000.00
Annual Licence Fee	BWP 5 000.00
<b>Total</b>	<b>BWP 20 500.00</b>

## 6.10. Fees Associated with the Totalisator Licence

Description	Amount
RFA Document Fee	BWP 2 500.00
Bidders Conference Fee	BWP 3 000.00
Totalisator Application Fees	BWP 50 000.00
Totalisator Site Application Fees	BWP 5 000.00
Annual Licence Fee	BWP 25 000.00
<b>Total</b>	<b>BWP 85 500.00</b>

- 6.11. The Authority shall, before deciding whether or not to grant Licences, hold public hearings in line with regulation 68, 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.
- 6.12. 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.



## **7. MODEL, FORM AND CONCEPT FOR A BOOKMAKER LICENCE**

- 7.1. The Authority realises that, over and above the stated broad objectives, the introduction of Bookmaker operations will assist Botswana 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, including areas currently not serviced by casinos.
- 7.2. Licensing of Bookmaker operations should 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 promote transformation and empowerment of new entrants in the gambling industry through entering into service agreements with route operators, who will be direct holders of Bookmaker Licences.
- 7.3. A Bookmaker Route Operator shall maintain the Bookmaker Licence and Licensed Premises (Betting Sites) in line with the requirements of the Authority, and shall pay levies due to the Authority.
- 7.4. As a result of the fact that Bookmaker Sites (Licensed Premises) do form an integral part of a particular Bookmaker route operation, the direct holder of the Bookmaker License (the route operator) shall take accountability of regulatory compliance of the licensed business.
- 7.5. The Authority shall always satisfy itself that both the Bookmaker Operator and the Bookmaker 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.
- 7.6. A Bookmaker Route Operator must be a juristic person which must be incorporated and registered according to the laws of Botswana.
- 7.7. A Bookmaker Route Operator may not own or hold equity of more than fifty percent (50%) of the approved Bookmaker sites held under that Licence or any other similar type of licence in the Country.
- 7.8. A service agreement between the Bookmaker Route Operator and Bookmaker Site operator must be submitted to the Authority for evaluation and approval thirty (30) days after the granting of the Licence.
- 7.9. Apart from knowledge and experience with regard to Bookmaker operations and the applicable gambling legislation, a Bookmaker 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.

## 8. MODEL, FORM AND CONCEPT FOR A TOTALISATOR LICENCE

- 8.1. The Authority realises that, over and above the stated broad objectives, introduction of Betting in the form of a Totalisator Licence will further assist the country to diversify and expand the existing gambling activities and provide additional alternative forms of leisure and entertainment to all areas. Totalisator operations will contribute to a much wider distribution of gambling opportunity throughout Botswana, including areas currently not serviced by casinos.
- 8.2. Licensing of Totalisator operations should adopt a form, model and concept of operation which utilises branches and agencies as site operations (*what is commonly known as betting outlets*). This is a form commonly known for Pool Betting operations and is often more cost effective for owners of premises where pool bets are placed and as such, should be used as a catalyst for promotion of transformation and empowerment of SMMEs in Botswana in the gambling industry.
- 8.3. The Applicant for this type of Licence should demonstrate how they intend to use this model to achieve the objectives of the Authority as set out above.
- 8.4. A Totalisator Operator should maintain the Totalisator Licence and Licensed Premises in line with the requirements of the Act, and shall pay levies due to the Authority.
- 8.5. Totalisator Betting Sites (Licensed Premises) should form an integral part of a Totalisator Licence and the holder of such Licence (“the Totalisator”) will take accountability of all regulatory compliance requirements of the licensed business.
- 8.6. The Authority shall always satisfy itself that both the Totalisator and branches or agencies comply with the provisions of the Act and Regulations, and other regulatory considerations such as requirements of this RFA, the Rules and licence conditions.
- 8.7. A Totalisator Operator must be a juristic person and as such, shall be incorporated and registered according to the laws of Botswana.
- 8.8. A Totalisator may not draw a stake of more than four percent (4%) of the Gross Gambling Revenue (GGR) on Horse Racing and not more than twenty percent (20%) on sport betting events and any other similar contingencies.
- 8.9. A licensed Totalisator shall conclude branch or agency agreements with each Betting Site and must ensure that such are submitted to the Authority for evaluation and approval thirty (30) days after the granting of the Application for a Licence.
- 8.10. Apart from knowledge and experience with regard to the Totalisator operations and the applicable gambling legislation, a Totalisator 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 BETTING OPERATIONS**

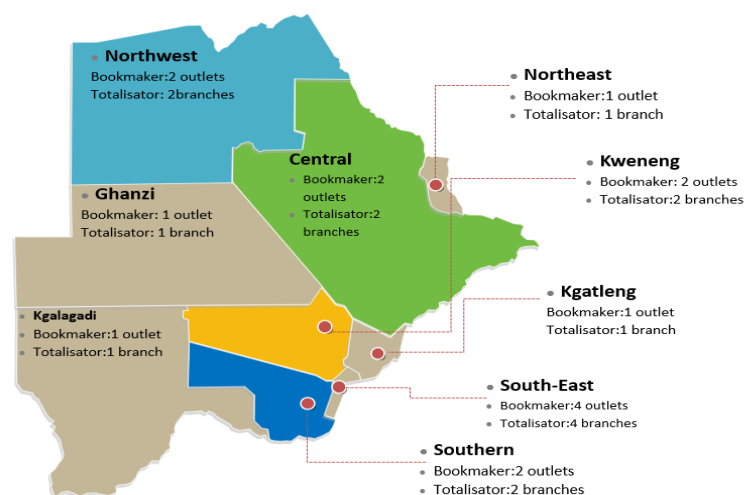
- 9.1. This RFA provides an opportunity for the Authority to invite the public for the submission of applications and/or prescribe the allocation of Licences in respect of the following:
  - 9.1.1. Four (4) Bookmaker Licences.
  - 9.1.2. Sixteen (16) Bookmaker Sites.
  - 9.1.3. One (1) Totalisator Licence.
  - 9.1.4. Sixteen (16) Totalisator Sites (Agencies or Branches).
  - 9.1.5. Online Betting per Bookmaker Licence or Totalisator Licence.
- 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 Bookmaker and Totalisator Licences will create an opportunity to address this situation.
- 9.3. The Authority therefore, prefers to limit the number of Bookmaker and Totalisator Licences and Sites to sixteen (16) of each of the two (2) types of betting operations. The Authority intends to issue four (4) Bookmaker Licences and one (1) Totalisator Licence in the Country. A Bookmaker Licence will allow an operator to open four (4) Bookmaker Sites to be activated within a period of fifteen (15) months after the granting of the Licence.
- 9.4. A Totalisator Licence will allow the operator to apply for sixteen (16) outlets in the Country and should not have more than fifty percent (50%) of such outlets being branches or sites directly owned by the Totalisator Operator (fifty percent (50%) should be in the form of agencies owned by locals).
- 9.5. Both a Bookmaker and Totalisator may facilitate betting and wagering online upon Application to the Authority for approval of the appropriate software and platform. While Applicants who are interested in online betting are expected to make an additional submission on the concept and model of the online platform they intend to use, approval of such will be a separate process to be undertaken by the Authority.
- 9.6. Evaluation of online betting concepts, models or platforms, operating procedures and rules will be considered as the use of an alternative solution for processing bets and wagers and as such, the Authority in making a determination on their approval will apply variant fees and levies.
- 9.7. Additional Betting 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 more, with special conditions.



- 9.8. All betting and wagering activities must be conducted on a certified and approved betting and wagering system. No Bookmaker or Totalisator Operator shall offer betting and wagering online without an appropriate Bookmaker or Totalisator Licence and activation of at least two (2) Betting Sites. A licensed Bookmaker or Totalisator must have offices in Botswana.
- 9.9. Whilst the operation of Bookmaker or Totalisator Licence may be incidental to a particular primary business conducted at the business premises, it is incumbent upon the site operator to ensure that the site is licensed in terms of the relevant laws relating to liquor licensing.
- 9.10. The distribution of Betting Sites within Districts and Sub-Districts shall be informed by population distribution, economies of scale, viability and sustainability of the operations, the limitation placed upon them by regulations and the site definition and criteria.
- 9.11. The Authority shall have the sole discretion in the allocation of Bookmaker and Totalisator Licences on a best-bid principle. The schedule depicting the allocation of Bookmaker and Totalisator sites per District, full description of such, including the location plan, zoning, site layout, number of terminals, artist impressions and cost of development shall be submitted with the Application.
- 9.12. The Authority will consider the disposable spend within Districts and Sub-Districts when deciding on the allocation of Bookmaker sites and Totalisator branch and agency Licences. Bookmaker sites and Totalisator agencies and branches shall be distributed as follows:

**9.13. Diagram 1**

**PROPOSED BOOKMAKERS AND TOTALISATOR PER DISTRICT**



**9.14. Table 2: Distribution and Allocation of Bookmaker and Totalisator Operations**

	Southern	South East	Kweneng	Kgatleng	Central	North East	North west	Ghanzi	Kgalagadi
<b>Bookmaker</b>	2	4	2	1	2	1	2	1	1
<b>Totalisator</b>	2	4	2	1	2	1	2	1	1

*NB: Each Bookmaker and the Totalisators Licensee shall ensure that they have an administration office in the Country.*

9.15. 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 Bookmaker and Totalisator sites 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 person under the age of twenty-one (21) years may not enter any designated area or take part in any gambling on a Bookmaker or Totalisator site or access any online betting 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 Bookmaker or Totalisator Licence.

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 maximum amount a Punter may be allowed to place a bet with on a Bookmaker or Totalisator event or contingency and the maximum amount or value of a prize that may be won in respect of a winning bet on a Bookmaker or Totalisator for evaluation and approval by the Authority.

11.2. The Authority reserves for itself the option to make a determination of the maximum allowed amount to place a bet on a Bookmaker or Totalisator contingency and the maximum value of a prize that may be won.

11.3. A prize won on Betting must be accrued to the winner as credits or paid to the winner in Pula denomination currency, provided that the payment of a prize may be made 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 on a Bookmaker and Totalisator bet in addition to or in lieu of cash, cheque 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, at every licensed Bookmaker or Totalisator site:
  - 11.5.1. No betting exchange shall be operated by a Bookmaker or Totalisator in terms of any of these Licences, unless specifically approved by the Authority.
  - 11.5.2. The outcome of every betting event or contingency must be electronically recorded and be available to officers of the Authority for inspection or audit from time to time.
  - 11.5.3. Any event or contingency upon which betting takes place must be legal.
  - 11.5.4. No online bets shall be taken from Citizens on any online application or platform by any person without an appropriate betting Licence and approved online platform granted by the Authority.
  - 11.5.5. Any Licensee who would like to take bets online, must ensure that a completed online system is submitted to the Authority for approval including:
    - 11.5.5.1. Measures to prevent Betting by persons under the age of twenty-one (21) years.
    - 11.5.5.2. Mechanism through which players are tracked for purpose of indication of threats of compulsive gambling.
    - 11.5.5.3. Mechanism to ensure full compliance with the “Know Your Client” (KYC) requirements and to comply with all anti-money laundering guidelines of the Country.
    - 11.5.5.4. Record of all betting transactions and odds.

## **12. TECHNICAL REQUIREMENTS**

- 12.1. All outcomes of events, winning combinations, together with the corresponding prizes must be clearly displayed at every Bookmaker or Totalisator site.
- 12.2. The betting and wagering system intended for use by an Applicant must satisfy the following additional requirements:
  - 12.2.1. The betting and wagering software and online betting platform must be approved.
  - 12.2.2. No Bookmaker or Totalisator betting and wagering system may be distributed and installed at site and exposed for play, unless such system has been certified according to the approved technical standards and specifications approved and registered by the Authority.



- 12.2.3. All gambling equipment shall be supplied and maintained by licensed manufacturers, suppliers and distributors.
- 12.2.4. All configurations and upgrades to the approved betting and wagering system must be approved by the Authority.
- 12.3. The Licensee shall develop internal control procedures, regarding the following:
  - 12.3.1. Sourcing of gambling equipment.
  - 12.3.2. System configurations and upgrades and conversions.
  - 12.3.3. Linking to the approved Central Electronic Monitoring System (CEMS).
- 12.4. The Licensee shall link its wagering and betting system to the CEMS of the Authority. The rationale for linking to the CEMS, relates to the need for the following:
  - 12.4.1. Accurate determination of Bookmaker and Totalisator Licence statistics, turnover and/or revenue for accurate calculation and collection of gambling fees and levies.
  - 12.4.2. Punter protection.
  - 12.4.3. Anti Money Laundering and Counter 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 Betting Premises must be licensed. For that purpose, an Applicant for Bookmaker or Totalisator Licence must indicate in the Application, areas where their intended operations will be located in line with the determination and allocations referred to above.
- 13.2. An Application for site licensing must be submitted one (1) month after the granting of the 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 and 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 one-hundred metres squared (100m<sup>2</sup>) per Bookmaker and Totalisator 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 holder of the Bookmaker or Totalisator Licence shall comply with the technical specifications, as well as the minimum standards of the Authority. 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 purposes 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, tokens or other value instruments, unless the Licensee is satisfied that the Punter has genuinely participated in gambling.

14.5. The hours of operation of Bookmaker and Totalisator Licences shall form part of the conditions of the Licence. The hours of operation of all Betting Site shall be subject to the approval of the Authority. In this regard, the Authority shall consider hours of operation which are appropriate for the type of business and related activities at these sites.

#### **15. COMMENCEMENT OF GAMBLING OPERATIONS**

15.1. No Bookmaker or Totalisator shall commence with gambling operations on a licensed site unless it has been finally inspected and approved for the commencement of gambling on the particular premises by the Authority.

- 15.2. **Advertising:** Advertising of Bookmaker and Totalisator Licence operations is allowed, on condition that all advertising complies with the provisions of the Act and Regulations.
- 15.3. **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.
- 15.4. **Payment of Levies:** The Licensee shall pay levies calculated on GGR in accordance with the prescribed percentage under schedule 15 of the Regulations, to the Levy Fund within the timeframe specified under section 50 of the Act.
- 15.5. In addition to the levy referred to above, a Licensee shall pay a levy of five percent (5%) of its gross revenue to a program aimed at supporting responsible gambling, as provided under regulation 109.
- 15.6. **Unclaimed Winnings:** All unclaimed winnings shall be forfeited to the Authority after ninety (90) days of not being claimed by the Punters and be deposited into a special account for purposes of funding socio-economic projects.
- 15.7. **Display of Licences:** The Licence issued by the Authority to a Bookmaker or Totalisator must be prominently displayed at the entrance of the designated area as per section 49(1) of the Act. Betting Site Operators must display their Licence together with a copy of the Licence issued to the relevant Bookmaker or Totalisator Operator.
- 15.8. **Licensing of Employees:** Licensing of all employees shall be in accordance with the provisions of the Act and Regulations. The Authority shall consider licence applications for the Licensees employees in accordance with the relevant requirements in the Act and Regulations.
  - 15.8.1. The following employees are classified as key employees of Bookmaker and Totalisator:
    - 15.8.1.1. If the Licensee is a corporate body, every shareholder, director, trustee, nominee and officer or equivalent of such corporate body.
    - 15.8.1.2. Any individual who has the authority to hire or terminate the employment of personnel.
    - 15.8.1.3. 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.
    - 15.8.1.4. 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.



- 15.8.1.5. All persons who, individually, or as a group formulate management policies of a Licensee.
- 15.8.2. A Bookmaker and Totalisator Licence must at all times be conducted under the supervision of an employee who is knowledgeable in the operations of a Bookmaker and Totalisator Licence and is duly registered with the Authority.
- 15.8.3. The Authority may, upon written notification, declare any position or function to be a key employee or any other employee.
- 15.8.4. 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.
- 15.8.5. 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.
- 15.8.6. Any information that comes to the attention of a Licensee which may affect the suitability of an employee to be registered or who has previously been registered, must be brought to the attention of the Authority within fourteen (14) days of such information coming to the Licensee's attention.
- 15.8.7. 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, measurable, 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 will 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 Application shall contain background information about the proposed Bookmaker or the Totalisator operation that includes; the name of the Company or other corporate entity 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.
- 17.2. Details of ownership stake, including exercisable voting rights, economic interest, and profits to which Citizens, including women and youth within the Country are entitled. Details on the intended promotion of economic inclusivity and empowerment through ownership plans and economic interest to which Citizens are entitled.

## **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:
  - 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 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, 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 and the 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 betting 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 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 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 youth in the betting 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 youth in the economy.
  - 18.1.14.2. Improvement of the extent to which communities, employees, enterprises, women and youth 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 Bookmaker and Totalisator 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 Bookmaker Route Operator or Totalisator must ensure that training related to the following areas of operation is provided for the operation and general upkeep of Bookmaker or Totalisator 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 Bookmaker Licences).

20.1.3. Basic business management skills training.

20.2. Training should be provided in a language understood by all the 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 Bookmaker Route Operators or Totalisator 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 to 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 minimum number of Bookmaker site licences 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.
- 23.2.3. 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.
- 23.2.4. 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.
- 23.2.5. Comments from the Ministry of Land Management, Water and Sanitation Services.
- 23.2.6. Details regarding the proximity of the site development to schools, other educational institutions, churches, mosques, temples, social institutions, and other gambling establishments.
- 23.2.7. To satisfy the five hundred metres (500m) radius of areas categorised as prohibited, the Applicant has a duty to show cause or place before the Authority exceptional circumstances or evidence to the effect that, the granting of the Licence within five hundred metres (500m) radius from places of worship and educational institutions will not impact negatively on the institutions referred to in the Liquor Act, 2003 and its subsidiary legislation.
- 23.2.8. In addition to this, in instances where the Bookmaker and Totalisator Licence site falls within a five hundred metres (500m) radius from an existing place of worship, school, university, college, technical college or similar institution, or any site or premises for which approval has been granted by a relevant authority for the running of any of the above facilities or institutions, the Applicant must submit, together with their Application, a letter of exemption from the Minister responsible for the regulation of liquor, and the Authority reserves the right to impose conditions as deemed necessary.
- 23.2.9. 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 betting terminals.



## **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 betting terminals and their location within the establishment in a manner which must provide reasonable evidence to prove adequate supervision of each Betting site and which must depict:
  - 24.2.1. An unobstructed view of each Betting site 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.
- 24.3. Where the premises to which an Application for a Bookmaker or Totalisator site license relate are accessible to Minors, no such License will be issued, unless there is a separate cordoned-off area by way of a solid barrier, not less than two metres (2m) high, wherein all betting terminals are to be located if the premises is accessible to Minors.
- 24.4. Where a temporary operation is proposed, full details of same.
- 24.5. Details on the sourcing of products and services within Botswana, as well as the promotion of SMMEs.
- 24.6. A motivation to show good cause why the operation of Bookmaker or Totalisator Licence and the related sites should be approved.

## **25. RELATIONSHIP BETWEEN A LICENSEE AND A BETTING SITE**

- 25.1. The Bookmaker Route Operator and the Totalisator have a responsibility to provide a detailed explanation to the Betting 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 site operator may enter into an agreement with the Bookmaker Route Operator or Totalisator to facilitate the submission of the site operator, the responsibility of a detailed submission of all required information and documents lies with the Bookmaker Route Operator and a Totalisator.
- 25.3. The said agreement should not be confused with the contractual agreement for the placement and keeping of betting equipment at Licensed Premises, owned or leased by the site operator.

- 25.4. The contractual agreement for the placement of betting equipment must be entered into after the site operator and the Bookmaker Route Operator or Totalisator have been informed of the decision of the Authority to grant both the Bookmaker Route Operator Licence or Totalisator Licence and the site licence.
- 25.5. The validity of the contract is dependent upon both parties being granted the applicable Licence, and subject to the approval of the contract by the Authority.
- 25.6. The Bookmaker operator or Totalisator shall only enter into contracts (including terms and conditions thereof), for preparation of the business premises and the placement of betting equipment on the premises of the site operator.
- 25.7. Notwithstanding the contents of the agreement entered into between the Bookmaker Route or Totalisator and site operator, the Bookmaker Route Operator or Totalisator shall be responsible to:
  - 25.7.1. Prepare the site for compliance with the requirements of the Authority for a Betting Site.
  - 25.7.2. Place its betting equipment at Licensed Premises, owned or leased by the site operator, and have such machines or equipment made available for the operation of the licensed business.
  - 25.7.3. Comply 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. Comply with the terms and conditions as stipulated in the contractual agreement entered into between the Bookmaker Route Operator or Totalisator and site operator.
- 25.8. A 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.

## **26. SELECTION OF SITE OPERATOR BY A BOOKMAKER OR A TOTALISATOR**

- 26.1. A Bookmaker Route Operator or Totalisator must link to sufficient sites to ensure that the number of sites and betting terminals, as per its License Application and/or as allocated by the Authority, are operational at all times.
- 26.2. At least fifty percent (50%) of the Bookmaker site licences linked to a Bookmaker Operator must be owned by Citizens and shall share immediately in the profits mentioned under paragraph 25.8 above.
- 26.3. At least fifty percent (50%) of the Totalisator sites licences linked to a Totalisator must be owned by Citizens and shall share the Totalisator stake at ratio of 80:20.
- 26.4. All Citizens shall be permanent residents of Botswana.

## **27. CORPORATE STRUCTURE AND OFFICES**

- 27.1. A Bookmaker Operator or Totalisator License shall be operated by a company or corporation registered in Botswana and must have at least forty percent (40%) shareholding by Citizens, with full exercisable voting rights and economic interest, ten percent (10%) of which must be represented by youth and people with disabilities.
- 27.2. A minimum of thirty percent (30%) of the forty percentage (40%) citizen shareholding must be held by women, and they should have full exercisable voting rights and economic interest.
- 27.3. No shareholder of a Bookmaker shall hold shares in two Bookmaker Licences and no shareholder of any Betting Site (Bookmaker or Totalisator) shall hold shares in more than two (2) Betting Sites of the cumulative value of forty percent (40%).
- 27.4. The offices of a Bookmaker Operator or Totalisator, at which the administrative, accounting as well as monitoring and control functions will be conducted, must be within the Country.

## **28. GUARANTEES**

- 28.1. 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:
  - 28.1.1. Levies payable in terms of the Act.
  - 28.1.2. Levies that would have been payable in terms of the projections, for each month that the Licence does not become operational within the approved fifteen (15) months period by the Authority. Payable levies shall be deducted until commencement of the operation.
  - 28.1.3. 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.
  - 28.1.4. The guarantees referred to in paragraphs (28.1.1), (28.1.2) and (28.1.3) shall be maintained at such level as may be determined by the Authority from time to time.
  - 28.1.5. 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 (28.1) above.
- 28.2. The forfeitable bank guarantees shall be submitted to the Authority before the premises are opened.

## **29. CORPORATE SOCIAL RESPONSIBILITY (CSR)**

- 29.1. The Authority acknowledges the lack of infrastructure and the Country's need for social or community development projects and therefore, expects the Licensee to contribute to specific projects, in line with Government objectives and priorities within the Country in this regard.
- 29.2. The Applicant shall categorically state the amount of not less than one percent (1%) of the annual projected GGR intended to be contributed towards CSR 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.

## **30. ARCHITECTURAL DIAGRAM**

- 30.1. The Bookmaker Operators or Totalisator 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. This should also include the source of all related equipment and technical information attesting to its compliance with all relevant technical standards (e.g. test reports, letters of certification).
- 30.2. An Applicant should also include artist impressions of the interior and exterior of the proposed site and technical plans approved by Ministry of Land Management, Water and Sanitation Services.

## **31. TECHNICAL COMPLIANCE**

- 31.1. The Licensee should stipulate to the Authority on how they will ensure technical compliance of the site to the approved requirements prior to commencement of operations.
- 31.2. All gambling equipment used in the operation shall be certified and approved by the Authority.

## **32. INTERNAL CONTROL PROCEDURES**

- 32.1. 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.
- 32.2. The procedures must be designed to reasonably ensure that:
  - 32.2.1 Assets are safeguarded.
  - 32.2.2. Financial records are accurate and reliable.
  - 32.2.3. Transactions are performed only in accordance with management's general or specific authorization.



32.2.4. Transactions are recorded adequately to permit proper reporting of gambling revenue, including fees and levies.

32.2.5. Relevant requirements relating to Bookmaker or Totalisator sites are addressed.

### **32.3. Requirements for surveillance systems on sites**

32.3.1. The Licensee shall be required to install a surveillance system approved by the Authority on the premises to which the Licence relates.

32.3.2. The surveillance system shall consist of one or more cameras, monitors and video recorders, as approved by the Authority, and may view or record and may make use of digital cameras or recording devices.

32.3.3. A surveillance camera shall make use of uninterrupted real-time monitoring and recording.

32.3.4. 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.

32.3.5. The surveillance system must include date and time generators that display on each recording the date and time of the recorded view.

32.3.6. Logs must be kept of surveillance malfunction and gambling operations must cease pending repair of malfunction, unless the malfunction affects only part of the operations, in which case only that part of the operations shall be ceased pending repair of the malfunction.

32.3.7. The Authority must be informed within twenty-four (24) hours of any surveillance malfunction or cessation of betting operations contemplated in paragraph 32.3.6.

32.3.8. Tapes or digital data produced by the surveillance system must be kept for thirty (30) days in the case of a dispute or if any concerning public safety or order incident arose.

32.3.9. The Authority may, at its discretion, approve a different or alternative mechanism for any site with no more than five (5) machines.

## **33. TYPICAL SITE**

33.1. The operation of Bookmaker or Totalisator site may be conducted in the following types of premises:

33.1.1. A sporting club, which:

33.1.1.1. Has more than fifty (50) members.

33.1.1.2. Occupies suitable fixed premises.

33.1.1.3. Is licensed in terms of the relevant laws relating to liquor licensing.

33.1.1.4. Is operated as an association not for gain.

33.1.2. A bar, nightclub, sports bar, liquor restaurant.

33.1.3. Racecourses.

33.1.4. A hotel or similar establishment.

33.1.5. A Bookmaker's or Totalisator site.

33.1.6. A bingo hall.

33.1.7. Any other premises determined suitable by the Authority.

33.2. The following constitutes a list of typical sites that are deemed **inappropriate** to be licensed as Betting Sites by the Authority:

33.2.1. A supermarket, café or other such retailer of food.

33.2.2. An amusement arcade.

33.2.3. Place of worship.

33.2.4. A theatre, cinema, museum or other places of culture.

33.2.5. A bottle store.

33.2.6. A private home.

33.2.7. A petrol or diesel station.

33.2.8. A school, university, college.

33.2.9. Any other premises considered by the Authority to be unsuitable.

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

#### **33.4. Peremptory Specifications**

33.4.1. The floor plan should include the following:

33.4.1.1. Separate the primary business if any, from the gambling business.

33.4.1.2. Male and Female toilets.

33.4.1.3. Facilities accessible to people with disability and to accommodate them.

33.4.1.4. Where the site does not have items in paragraph 33.4.1.2. and 33.4.1.3. above, the Applicant should provide a motivation/exclusion of these items.

### **33.5. Additional Specifications**

33.5.1. The site should not be within five hundred metres (500m) from places of worship and educational institutions and must have been approved by the relevant authorities.

33.5.2. 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.

33.5.3. The flooring and walls of the site should be done in an appropriate standard suitable for public use.

33.5.4. Copies of liquor and other relevant licenses.

33.5.5. Land and zoning rights.

33.5.6. In cases where the distance is within five hundred metres (500m) a exemption from the Minister responsible for the regulation of liquor needs to be provided from the affected public place.

33.5.7. Fire extinguishers.

33.5.8. Adequate parking for customers.

33.5.9. Security measures in place.

33.5.10. Escape and trap door(s).

## **34. INVITATION TO SUBMIT APPLICATION FOR BETTING LICENCES**

34.1. This serves as an invitation to interested parties to apply for Licences with the Authority. Interested parties are invited to submit Applications for the Bookmakers and Totalisator Licences in terms of section 33 of the Act.

34.2. Bookmaker and Totalisator businesses 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.

34.3. In order for the Authority to achieve the objectives of the Act and to ensure the financial viability of the Betting businesses to be created, the Authority resolved that the following shall be the criteria for evaluation and adjudication of Applications:

34.3.1. Citizens will be allowed to form joint ventures with established Betting companies and control at least forty percent (40%) financial interest in the Applicant company business.

- 34.3.2. Funding and financial strength to set up the business and manage to commence and sustain licensed operations.
- 34.3.3. Sustainable employment with greater focus on Citizens. This criterion includes training and skills transfer or development .
- 34.3.4. SMMEs development through procurement of goods and services from Citizens and the targeted groups (women and youth) and emerging enterprises.
- 34.3.5. CSR in the form of contributions to good causes and socio-economic development projects to support Government priorities.
- 34.3.6. 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 same should be provided.
- 34.3.7. 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.
- 34.3.8. The Applications shall be scored in accordance with the criteria set out in the Table 3 below. However, the Authority reserves the right to:
  - 34.3.8.1. Not necessarily accept the Application with the highest score.
  - 34.3.8.2. Reject all Applications if the Authority so decides.
  - 34.3.8.3. Withdraw the RFA on good cause shown, including if final approval by the Authority is not granted.
  - 34.3.8.4. Award the Licence at any time after the RFA's closing date.
  - 34.3.8.5. Make no award of a Licence.
- 34.3.9. 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.
- 34.3.10. Applicants should take note that this RFA is inviting Applications for two (2) types of Betting Licences (Bookmaker and Totalisator), including the premises as a Betting Site concurrently.
- 34.3.11. 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.



- 34.3.12. The investigators of 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.
- 34.3.13. Approval of the premises from which the licensed business is to be operated, shall be processed separately after granting of the Licences.
- 34.3.14. The successful Applicants will be further invited to submit their detailed site application (Betting Site) and gaming equipment applications for processing.
- 34.3.15. This process consists of two (2) 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.
- 34.3.16. There shall be public hearings held to allow for objections (raised in line with section 34(2)) of the Act and responses from interested parties as per regulation 68 of the Regulations.
- 34.3.17. Applicants whose Applications are not successful shall not proceed to the second phase of the applications process and shall accordingly be informed after the award of the Licence.



### 34.4. THE EVALUATION AND ASSESSMENT CRITERIA

Table 3

No.	Description	Weighting	Points
1.	Citizens Ownership	100%	40
	40%	60% - 80%	30
		40% - 30%	20
		15% - 30%	10
		5% - 15%	5
		0% - 5%	1
2.	Funding and Financial Strength	P 6 million and above	15
	15%	P 4 – P 6 million	10
		P 2 - P 4 million	5
		P1 – P 2 million	3
		P 500 000 – P 1 million	1
3.	Sustainable Employment	25 and above Site Employees per	15
	15%	20 – 25 Employees per Site	10
		15 – 20 Employees per Site	7
		5 - 15 Employees per Site	3
4.	Enterprise Development	50% - above procurement budget	10
	10%	40% - 50% Procurement Spend	7
		30% - 40% Procurement Spend	5
		20% - 30% Procurement Spend	1
5.	Corporate Social Responsibility	5% of GGR Spend	10
	10%	4% of GGR Spend	7
		3% of GGR Spend	5
		1% - 2% of GGR Spend	2

No.	Description	Weighting	Points
6.	Knowledge and Experience	10 years and above Experience	5
5%		7 - 10 years' Experience	4
		3 - 7 years of Experience	3
		0 - 3 years' Experience	2
7.	Compliance and Completeness	100% Compliant and Complete	5
5%		75% Compliant and Complete	3
		50% Compliant and Complete	1
		25% Non- responsive	0

### 35. ANNEXURES

The following minimum information is required for purposes of lodging an application for a Bookmaker and Totalisator Licence:		<b>PART 1 DETAILED APPLICATION</b>
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
		<b>PART 2 PUBLIC INSPECTION</b>
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

<b>Part 3: Returnable Documents</b>	
1. Company Release Authorisation	Annexure A
2. Personal History Disclosure	Annexure B
3. Application for Bookmaker and Totalisator 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

## **36. TERMS AND CONDITIONS**

### **36.1. Disclaimer**

- 36.1.1. 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.
- 36.1.2. Each interested 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.
- 36.1.3. Any additional information provided to interested parties by the Authority or any of its employees in connection with this invitation for betting licences shall be subject to the terms of this RFA.
- 36.1.4. The Authority reserves the right to:
- 36.1.4.1. Reject any Application which does not conform to instructions and specifications which are detailed in the RFA or any subsequent amendments to the RFA.
- 36.1.4.2. Disqualify Applications submitted after the stated closing time and closing date.
- 36.1.5. All information contained in this RFA has been prepared in good faith. Neither the Authority nor its advisors in respect of this RFA, Board members, employees, officers, agents, consultants and/or affiliates, undertake to anyone whomsoever on any basis whatsoever regarding the completeness or accuracy of the information contained in this RFA and the information is utilised at the sole risk of the potential Applicant.



- 36.1.6. 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.
- 36.1.7. 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.
- 36.1.8. 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 is applicable) in respect of any work conducted by them in connection with this RFA.
- 36.1.9. 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.

## **36.2. Changes and Amendments to the RFA**

- 36.2.1. 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.
- 36.2.2. 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.
- 36.2.3. All communication with potential Applicants and/or Applicants shall be done through the VDR.

## **36.3. No Guarantee**

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

## **36.4. Right to Award**

- 36.4.1. 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.
- 36.4.2. The Authority reserves the right to:
- 36.4.2.1. Not necessarily accept the Application with the highest score.

36.4.2.2. Reject all Applications, if the Authority so decides.

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

36.4.2.4. Award the Licence at any time after the RFA's closing date.

36.4.2.5. Make no award of a Licence.

36.4.3. 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.

36.4.4. 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).

### **36.5. Right to Terminate/Cancel**

36.5.1. 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.

36.5.2. The Authority reserves the right to cancel, or amend this RFA, or restructure the RFA timeframes.

### **36.6. Acceptance or Approval**

36.6.1. 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 Betting business.

36.6.2. 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.

### **36.7. 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.

### **36.8. Changes In Legislation**

Applicants must be aware that any legislation governing 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 Betting business. The Authority may seek, or be required, to modify the conditions of the Licence relating to the Betting operation in response to such legislative or other changes where it, in its sole and absolute discretion, is of the opinion that such changes would be consistent with its statutory duties.

### **36.9. Intellectual Property Rights**

36.9.1. 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.

36.9.2. 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.

### **36.10. Evaluation Process and Authority's Decision**

36.10.1. 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.

36.10.2. 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 Betting 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.

36.10.3. 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.

36.10.4. The Authority may make a final decision to award the Licence to the successful Applicant(s).

36.10.5. The Authority reserves the right to only announce the identity of the successful Applicant(s).

### **36.11. No Guarantee or Expectation as to the Profitability of the Betting business**

36.11.1. It is the responsibility of each Applicant and the Licensee to satisfy themselves that the Betting business will be operated on a commercial and profitable basis.

36.11.2. No guarantee or expectation as to the profitability or otherwise of the Betting business is provided.

### **36.12. Disclosure of Information**

36.12.1. 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.

36.12.2. 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.

### **36.13. Dispute Resolution**

36.13.1. 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.

36.13.2. 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.

36.13.3. 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.



36.13.4. The arbitration award shall be final and binding on the parties to the dispute.

36.13.5. The arbitrator shall have the right to determine the costs for each party to the dispute.

#### 36.14. Costs and Expenses

36.14.1. 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.

36.14.2. 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.

36.14.3. Likewise, the costs of terminals, submitted to Botswana Bureau of Standards (BOBS)/ or any other body designated by BOBS for testing shall be for the relevant Applicant's own account. It shall be noted that it is possible that the terminals maybe rendered inoperable or maybe destroyed during testing.

#### 36.15. Fraud or Corruption

14.1 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**



**Email:**

[betting@gamblingauthority.co.bw](mailto:betting@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](http://www.gamblingauthority.co.bw)

**Plot**

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