

REQUEST FOR PROPOSAL/TENDER (RFP/T)

TENDER NUMBER	RFP/T 06-2021/22
TENDER CLOSING DATE AND TIME	13 December 2021 @ 12:00 noon
TENDER DESCRIPTION	To appoint service providers to serve on the panel of Attorneys (Law Firms) for the provision of comprehensive legal services for Seda for a period of twelve (12) months.

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SECTION A: TENDER INSTRUCTIONS & REQUIREMENTS

1. INVITATION TO TENDER

**YOU ARE HEREBY INVITED TO BID FOR REQUIRMENTS OF THE
SMALL ENTERPRISE DEVELOPMENT AGENCY (Seda)**

TENDER NUMBER : RFP/T 06-2021/22

TENDER CLOSING DATE & TIME : 13 December 2021 at 12:00 noon

TENDER DESCRIPTION : To appoint service providers to serve on the panel of Attorneys (Law Firms) for the provision of comprehensive legal services for Seda for a period of twelve (12) months.

TENDER VALIDITY: 120 Days from date of closure of this tender.

BID DOCUMENTS MUST BE PLACED IN THE TENDER BOX AT THE ADDRESS INDICATED BELOW:

**Small Enterprise Development Agency
The Fields, Office Block A
Ground Floor
1066 Burnett Street
Hatfield, Pretoria, 0083**

Bidders should ensure that bids are delivered timeously to the correct address. If the bid submission is late, it will not be accepted for consideration.

The Request for Proposal/Tender, including the returnable address, must be submitted in a sealed envelope, marked with the Tender Number, Closing Date and Time of the Tender, and the Name and Address of the Tenderer/ Bidder.

ANY ENQUIRIES RELATING TO THE PROJECT AND/ OR BIDDING PROCEDURES, MAY BE DIRECTED TO:

Department : Supply Chain Management Unit
Contact Person : F Leeuw
Tel : 012 441 1333
Fax : 012 441 2133
E-mail address : fleeuw@seda.org.za

BIDDER INFORMATION REQUIRED TO BE COMPLETED

The following particulars must be furnished. Failure to do so may result in the bid being disqualified

Name of Bidder		Tax Clearance Status Pin	National Treasury Central Supplier Database (CSD) Registration Number	
Name of Contact Person:		Fax Number:		
Cell Number:		E-mail Address:		
Telephone Number:		Web Address:		
VAT Registration Number :				
Physical Address:		Postal Address:		
.....			
.....			
.....			
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	
		<input type="checkbox"/> No	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No		
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?				
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
		<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
		<input type="checkbox"/>	A REGISTERED AUDITOR	
		<input type="checkbox"/>	NAME:	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]				
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		[IF YES ENCLOSE PROOF]		
ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		[IF YES ANSWER THE QUESTIONAIRE BELOW]		
QUESTIONAIRE TO BIDDING FOREIGN SUPPLIERS				
IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE BIDDER HAVE A BRANCH IN THE RSA?		<input type="checkbox"/> YES <input type="checkbox"/> NO		

DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE QUESTIONS OF THE QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER PARAGRAPH 3.3 BELOW.	
SIGNATURE OF BIDDER	DATE

2. GENERAL CONDITIONS OF TENDER

- 2.1 Bids must be submitted with all official Bid Forms duly completed which are contained within this tender document.
- 2.2 All current and prospective suppliers/ service providers are required to register on the National Treasury CSD prior to submitting bids. - Self-registration: www.csd.gov.za. Enquiries may be directed to csd@treasury.gov.za. Foreign suppliers who do not have local foreign representation in RSA are not required to register on CSD. Suppliers registered on the CSD must submit proof of registration to Seda.
- 2.3 Bids received after the closing date and time will not be considered. Bidders are therefore strongly advised to ensure that their bids be dispatched timeously allowing enough time for any unforeseen events that may delay the delivery of the bid.
- 2.4 This Bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations of 2017, the National Treasury General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract.
- 2.5 The Standard Bidding Documents (SBD) contained in this RFP/T are compulsory documents and must be completed, signed and returned with this bid proposal. Failure to submit completed and signed SBD documents may invalidate the tender proposal.
- 2.6 Should the bidder desire to make any departures from, or modifications to this tender/ bid or to qualify its bid in any way, it shall clearly set out its tender departure/ modification as an Annexure, or alternatively state the content in a covering letter attached to the tender proposal referred to herein. Unless otherwise specified and stipulated in writing, any part of the Bidder's bid which deviates from any terms and conditions stated within the tender document, shall be of no force or effect.
- 2.7 This tender document, together with associated compulsory forms and annexures, may NOT be retyped or re-drafted, but photocopies or reprints may be prepared and used.
- 2.8 This tender document, together with compulsory forms should be filled in with black ink.
- 2.9 Bidders should check the numbers of the pages of the tender document and satisfy themselves that none are missing or duplicated. No liability shall be accepted in regard to claims arising from the fact that pages are missing or duplicated.
- 2.10 The tender price must be valid for acceptance for a period of 120 calendar days after the closing date of the tender.

- 2.11 During the validity period of the bid, the proposed team members proposed (if applicable), must be confirmed as being available.
- 2.12 Only firm prices will be accepted for the full duration of the contract.
- 2.13 Failure to have the Price Declaration of this tender document completed and signed, or signed by a duly authorized person, will constitute non-commitment by the Bidder, and the bid may be invalidated.
- 2.14 A detailed price break-down of the Total Cost of Ownership (TCO) must be provided to support the Price Declaration of this tender.
- 2.15 All prices must be quoted in South African Rands and be inclusive of all costs and applicable taxes (inclusive of Value Added Tax (VAT) etc.).
- 2.16 Seda reserves the right to only accept part of the submitted bid by a Bidder(s).
- 2.17 Seda reserves the right to withdraw this tender.
- 2.18 Unless specifically provided for in the tender document, no tenders will be considered if submitted or transmitted by facsimile, e-mail or similar apparatus.
- 2.19 Seda reserves the right to accept or reject any tender proposal.
- 2.20 The Bidder's company letterhead must be used for the proposal's cover letter and reflect the company name, address, contact details and company registration number.
- 2.21 The correct Tender Reference Number (See the front page of this RFP/T for the Tender Number) and the bidding company's name must appear on all pages of the proposal.
- 2.22 All pages of the proposal must be initialed by the responsible person.
- 2.23 These General Conditions of Tender (GCT) form part of, and must be read in conjunction with, the attached National Treasury General Conditions of Contract (GCC), and failure to comply therewith may invalidate the tender. The GCC must be returned with the RFP/T initialed on each page.
- 2.24 Seda is committed to a fraud-free environment. One call can keep Seda Fraud & Corruption Free. Individuals may report any suspicious activity by calling the Seda Fraud Hotline: 0800 701 701; or e-mail: FraudPrevention@seda.org.za; or sms: 39772.
- 2.25 Bids must be delivered to the correct address/ location which is indicated in the tender document, and must be delivered timeously, as late bid submissions will NOT be accepted for consideration.
- 2.26 The award of the bid may be subjected to price negotiations with the preferred Bidder(s).

2.27 The successful bidder will be required to sign a written contract.

3. TAX COMPLIANCE REQUIREMENTS

- 3.1 Bidders must ensure compliance with their tax obligations.
- 3.2 Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable Seda to view the taxpayers profile and tax status.
- 3.3 Application for Tax Compliance Status (TCS) or pin may also be made via e-filing in order to use this provision, taxpayers will need to register with SARS as e-fillers through the website www.sars.gov.za
- 3.4 Bidders may also submit a printed TCS together with the bid.
- 3.5 In bids where consortia/joint ventures/sub-contractors are involved, each party must submit a separate proof of TCS/pin/CSD number.
- 3.6 When no TCS is available but the bidder is registered on CSD, a CSD number must be provided.

SECTION B: COMPULSORY TENDER FORMS FOR COMPLETION BY THE BIDDER

4 SCM/PD001: ACCEPTANCE OF SEDA TARIFF RATES - DECLARATION BY THE BIDDER

I/ We have examined the information provided in your tender document and offer to undertake the work prescribed in accordance with the requirements as set out in the tender document. The fixed Tariff of Fees in this tender is valid for the stipulated period of 120 days from date of closure of this bid. I/We confirm that this tender will remain binding upon me/ us and may be accepted by Seda at any time before the expiry date.

Name and Surname :

Signature :

Date :

Are you duly authorized to commit this tender :

Yes	No
-----	----

Capacity under which this tender is signed :
(Attach proof of authority to sign this bid e.g. resolution of directors, etc.)

The Service providers agree and accept the rates provided by Seda as detailed in Annexure B marked Tariff of Fees and will be fixed for the twelve (12) months.

5 SCM/DOI003: DECLARATION OF INTEREST (SBD4)

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

- 2.1 Full Name of bidder or his or her representative:
- 2.2 Identity Number:
- 2.3 Position occupied in the Company (director, trustee, shareholder²):
- 2.4 Company Registration Number:
- 2.5 Tax Reference Number:
- 2.6 VAT Registration Number:

SBD4

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹“State” means -

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder YES / NO
 presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

.....

Name of state institution at which you or the person
 connected to the bidder is employed :

.....

Position occupied in the state institution:

Any other particulars:

.....

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

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

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

2.8 Did you or your spouse, or any of the company’s directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

2.10 Are you, or any person connected with the bidder, YES / NO
aware of any relationship (family, friend, other) between
any other bidder and any person employed by the state
who may be involved with the evaluation and or adjudication
of this bid?

2.10.1 If so, furnish particulars.

.....
.....
.....

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

2.11.1 If so, furnish particulars:

.....
.....
.....

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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

4. DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

6 SCM/PCF004: PREFERENCE POINTS CLAIM FORM (SBD6.1)

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS OF 2017.

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.
- 1.3 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

SBD6.1

- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{min} = Price of lowest acceptable bid

SBD6.1

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

SBD6.1

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	✓	✓
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK WHERE APPLICABLE]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK WHERE APPLICABLE]

SBD6.1

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have -
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>

7 SCM/DPSCM005: DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD8)

- 1 This Standard Bidding Document must form part of all bids submitted.

- 2 This document serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution’s supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.

- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.3.1	If so, furnish particulars:		
4.4	<p>Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

8 SCM/IBD006: CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD9)

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited/ submitted.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation);
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit, or not to submit a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

9 SCM/SPBD007: BANKING DETAILS

I/We hereby request and authorize you to pay any amounts which accrue to me/us to the credit of my/our bank account with the below-mentioned bank. I/we understand that the credit transfer hereby authorized will be processed by computer through a system known as **Electronic Funds Transfer** and I/we also understand that no additional advice of payment will be provided by my/our bank, but details of each payment will be printed on my/our bank statement or any accompanying voucher. (This does not apply where it is not customary for banks to issue bank statements.) I/we understand that a payment will be applied by **Seda** in the normal way, and that it will indicate the date on which funds will be available in my/our account.

Bank Account Name : _____

Name of Bank : _____

Branch Code & Name : _____

Account Number : _____

Type of Account: Cheque Savings Transmission

Bank details to be certified as correct by DATE STAMP of BANK:

Name and Surname : _____

Signature : _____

Designation : _____

Tel number : (_____) _____

Fax number : (_____) _____

DATE STAMP OF BANK

NAME AND SURNAME :
 (Bank Official)

SIGNATURE :
 (Duly Authorised to Sign)

ON BEHALF OF :
 (Name of Organization)

DATE :

SECTION C: TERMS OF REFERENCE

To appoint service providers to serve on the panel of Attorneys (Law Firms) for the provision of legal services for Seda for a period of twelve (12) months.

10. INTRODUCTION

The basis of this terms of reference is to give effect to the implementation of Section 9A and 10(1) [a-d] of the National Small Business Amendment Act No. 29 of 2004 dealing with Seda's objectives and functions which enjoin Seda to:

- (a) *design and implement development support programmes;*
- (b) *promote a service delivery network that increases the contribution of small enterprises to the South African economy, and promotes economic growth, job creation and equity;*
- (c) *generally, strengthen the capacity of-*
 - (i) *service providers to support small enterprises; and*
 - (ii) *small enterprises to compete successfully domestically and internationally*
- (d) *implement the policy of national government for small enterprise development;*
- (e) *design and implement a standard national delivery network that must uniformly apply throughout the Republic in respect of small enterprise development, integrating all government-funded small enterprise support agencies across all spheres of government;*
- (f) *design and implement small enterprise development support programmes;*
- (g) *establish provincial structures to ensure the effective implementation of its functions as defined in section 10, respectively; and*
- (h) *to coordinate and provide non-financial support services to small enterprises through a network of its Branches and services providers.*

11. PURPOSE

To appoint service providers to serve on the panel of attorneys for the provision of legal services to Seda for a period of twelve (12) months.

12. PROJECT BACKGROUND

The National Small Enterprise Act, 1996 (Act 102 of 1996), as amended gave Seda the mandate to coordinate and provide non-financial support to Small enterprises through a network of branches and service providers. Seda has Branches Nationally and provides business development services to both potential and existing entrepreneurs. It is therefore crucial that Seda practitioners be equipped to deliver professional and relevant services to small enterprises. Seda is a public entity defined in Schedule 3A of the Public Finance Management Act, 1999 (Act 1 of 1999) as amended and complies with corporate governance prescripts laid out therein.

Seda does not have a panel of attorneys and there is a need to establish a panel of attorneys for the provision of legal services for Seda.

13. SCOPE OF WORK

The Service provider shall provide various legal services as follows:-

13.1 Advisory Services

- 13.1.1 The provision of sound legal opinion's and memorandum of advice in all areas of the law and on operational matters;

13.2 Litigation Services

- 13.2.1 The provision of litigation services which include but not limited to: opposition of action and motion proceedings; dispute resolution, drafting of pleadings related thereto, appointment of counsel, appointment of tax consultants and ancillary litigation administrative services. Litigation must relate to all the disciplines listed in 14.2.

13.3 Contracts

- 13.3.1 The drafting of contracts and or standard organisational templates
- 13.3.2 The drafting of specific clauses based on best practice.
- 13.3.3 The provision of contract vetting services to ensure Seda is protected.
- 13.3.4 The provision of legal opinions on contracts and or clauses

13.4 Employment Law

- 13.4.1 Defend and or initiate all labour related proceedings for Seda, including but not limited to conduction of disciplinary proceedings, CCMA, Labour Court and Labour Appeals Court proceedings.

14. ATTORNEY (LAW FIRM) REQUIREMENTS

14.1 The Service provider must:-

- 14.1.1 Display an understanding of various areas of the law and good track record in the provision of legal services by indicating experience in the industry.
- 14.1.2 Submit contactable reference list for verifications.

14.2 The Service provider must have appropriate knowledge in the following:-

- 14.2.1 General litigation
- 14.2.2 Administrative and Constitutional law
- 14.2.3 Labour law and employment relations;
- 14.2.4 Alternative dispute resolution
- 14.2.5 Commercial, contract and corporate law
- 14.2.6 Public procurement law

14.3 The service provider must be a firm of attorneys incorporated or registered as such in the Republic of South Africa.

14.4 The Law firm's partners and or directors must be in good standing with their professional body (Legal Practice Council) and must each be in possession of a valid Fidelity Fund Certificate.

15. CONTRACTING AND PANEL UTILISATION GUIDELINE

- 15.1 The Service providers shall take into account that Seda's total requirements will not be allocated to one (1) bidder but on rotational basis.
- 15.2 The Service providers must agree to rates provided by Seda as detailed below and the attached Tariff of Fees and will be fixed for the twelve (12) months.
- 15.3 Once the panel is selected and appointed contracts will be entered into for the duration of twelve (12) months as and when required..

- 15.4 There is no guarantee that a service provider on the panel will be contracted for specific work assignment/project during the duration of the contract.
- 15.5 Assignments/projects will be clearly defined in terms of the scope of work and/or deliverables, duration amongst others.
- 15.6 Performance Assessment will be conducted for each assignment allocated to the selected and appointed Attorney (Law Firm)

16. EVALUATION OF THE TENDER PROPOSAL

The following criteria will form the basis of evaluating all bids received and failure to comply with the pre-qualification criteria may result in the disqualification of the bid:

16.1. Pre-Qualification Criteria

The following pre-qualification criteria will form the basis of evaluating all tender proposals and failure to comply will result in the elimination of the proposal:

1.	A fully completed Tender Document which has been signed and certified where required together with relevant and compulsory attachments and/ or forms must be submitted.
2.	Submission a valid letter of good standing issued by the Law Society in question.
3.	Submission of a valid Fidelity Fund Certificate for all partners and or directors.
4.	Submission of a signed confirmation letter on the company letterhead together with “Annexure A” (SEDA TARIFF OF FEES FOR ATTORNEYS) indicating acceptance of Seda’s rates as outlined in the Tariff of Fees. The Seda rates are attached to this invitation.

Only qualifying bids meeting the Pre-Qualification Criteria will be further evaluated for Functionality.

16.2. Functionality Criteria

The following criteria will be used to evaluate all bids where bids must score a minimum of seventy percent (70%), seventy points (70 points) being the stipulated minimum threshold for functionality criteria. Only qualifying bids meeting/ exceeding the stipulated minimum threshold for the functionality criteria will be considered to be awarded preference points.

	FUNCTIONALITY CRITERIA	Points Allocation	Weighting of Importance %
1.	Company Experience supported by the reference letters:	5	5%
	<p>The Service provider will be evaluated based on the number of years the company have in providing Legal Services and the service provider must also submit three (3) written and signed reference letter/s from current and previous clients where legal services in respect of General litigation, Administrative and Constitutional law; Labour law and employment relations; Alternative dispute resolution; Commercial, contract and corporate law and Public procurement law were successfully provided. All letters must be on the company letter head of the referee and signed by the referee. The referees must be contactable and the contact details provided must include:</p> <ul style="list-style-type: none"> • Contact Person and Designation; • Value of the project; • Contract period; • Industry/ sector where the contract was carried out; • Company name; and • Cell number/Office number. 		
	If the Service provider has more than six (6) years' experience in all six (6) disciplines as indicated above	= 5	
	If the Service provider has more than five (5) up to six (6) years' experience in all six (6) disciplines as indicated above	= 4	
	If the Service provider has more than four (4) up to five (5) years' experience in all six (6) disciplines as indicated above	= 3	
	If the Service provider has more than three (3) up to four (4) years' experience in all six (6) disciplines as indicated above	= 2	
	If the Service provider has three (3) years' experience in all six (6) disciplines as indicated above	= 1	
	If the Service provider has less than three (3) years' experience in all six (6) disciplines as indicated above	= 0	

2.	Experience supported by the CV of responsible / relevant individual:	5	5%
<p>The Service provider must submit a company profile and CVs of the relevant individual/s that may be rendering assistance to Seda in the area/s of expertise as indicated.</p> <p>The Service provider must have proven record in providing Legal services in the following disciplines:</p> <ul style="list-style-type: none"> i. General litigation; ii. Administrative and Constitutional law; iii. Labour law and employment relations; iv. Alternative dispute resolution; v. Commercial, contract and corporate law; and vi. Public procurement law. 			
If the Service provider has more than six (6) years' experience in all six (6) disciplines as indicated above		= 5	
If the Service provider has more than five (5) up to six (6) years' experience in all six (6) disciplines as indicated above		= 4	
If the Service provider has more than four (4) up to five (5) years' experience in all six (6) disciplines as indicated above		= 3	
If the Service provider has more than three (3) up to four (4) years' experience in all six (6) disciplines as indicated above		= 2	
If the Service provider has three (3) years' experience in all six (6) disciplines as indicated above		= 1	
If the Service provider has less than three (3) years' experience in all six (6) disciplines as indicated above		= 0	
3.	Director/s or Partner/s years of experience <u>(Service provider to submit CV's of its Director/s or Partner/s)</u>		
3.1	General Litigation	5	5%
If the Service provider's Director(s) or Partners(s) has more than six (6) years' experience		= 5	

	If the Service provider's Director(s) or Partners(s) has more than five (5) up to six (6) years' experience	= 4		
	If the Service provider's Director(s) or Partners(s) has more than four (4) up to five (5) years' experience	= 3		
	If the Service provider's Director(s) or Partners(s) has more than three (3) years' up to four (4) experience	= 2		
	If the Service provider's Director(s) or Partners(s) has more than two (2) up to three (3) years' experience	= 1		
	If the Service provider's Director(s) or Partners(s) has less than two (2) years of experience	= 0		
3.2	Labour Law and Industrial relations dispute		5	5%
	If the Service provider's Director(s) or Partners(s) has more than six (6) years' experience	= 5		
	If the Service provider's Director(s) or Partners(s) has more than five (5) up to six (6) years' experience	= 4		
	If the Service provider's Director(s) or Partners(s) has more than four (4) up to five (5) years' experience	= 3		
	If the Service provider's Director(s) or Partners(s) has more than three (3) years' up to four (4) experience	= 2		
	If the Service provider's Director(s) or Partners(s) has more than two (2) up to three (3) years' experience	= 1		
	If the Service provider's Director(s) or Partners(s) has less than two (2) years of experience	= 0		
3.3	Administrative (Public) Law		5	5%
	If the Service provider's Director(s) or Partners(s) has more than six (6) years' experience	= 5		
	If the Service provider's Director(s) or Partners(s) has more than five (5) up to six (6) years' experience	= 4		
	If the Service provider's Director(s) or Partners(s) has more than four (4) up to five (5) years' experience	= 3		

	If the Service provider's Director(s) or Partners(s) has more than three (3) years' up to four (4) experience	= 2		
	If the Service provider's Director(s) or Partners(s) has more than two (2) up to three (3) years' experience	= 1		
	If the Service provider's Director(s) or Partners(s) has less than two (2) years of experience	= 0		
3.4	Constitutional Law		5	5%
	If the Service provider's Director(s) or Partners(s) has more than six (6) years' experience	= 5		
	If the Service provider's Director(s) or Partners(s) has more than five (5) up to six (6) years' experience	= 4		
	If the Service provider's Director(s) or Partners(s) has more than four (4) up to five (5) years' experience	= 3		
	If the Service provider's Director(s) or Partners(s) has more than three (3) years' up to four (4) experience	= 2		
	If the Service provider's Director(s) or Partners(s) has more than two (2) up to three (3) years' experience	= 1		
	If the Service provider's Director(s) or Partners(s) has less than two (2) years of experience	= 0		
3.5	Public Procurement Law		5	5%
	If the Service provider's Director(s) or Partners(s) has more than six (6) years' experience	= 5		
	If the Service provider's Director(s) or Partners(s) has more than five (5) up to six (6) years' experience	= 4		
	If the Service provider's Director(s) or Partners(s) has more than four (4) up to five (5) years' experience	= 3		
	If the Service provider's Director(s) or Partners(s) has more than three (3) years' up to four (4) experience	= 2		
	If the Service provider's Director(s) or Partners(s) has more than two (2) up to three (3) years' experience	= 1		

	If the Service provider's Director(s) or Partners(s) has less than two (2) years of experience	= 0		
3.6	Commercial law, contract law and Corporate Governance		5	5%
	If the Service provider's Director(s) or Partners(s) has more than six (6) years' experience	= 5		
	If the Service provider's Director(s) or Partners(s) has more than five (5) up to six (6) years' experience	= 4		
	If the Service provider's Director(s) or Partners(s) has more than four (4) up to five (5) years' experience	= 3		
	If the Service provider's Director(s) or Partners(s) has more than three (3) years' up to four (4) experience	= 2		
	If the Service provider's Director(s) or Partners(s) has more than two (2) up to three (3) years' experience	= 1		
	If the Service provider's Director(s) or Partners(s) has less than two (2) years of experience	= 0		
4	Senior Associate/s years of experience (Bidder to submit CV's of its Senior Associates)			
4.1	General Litigation		5	5%
	If the Service provider's Senior Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Senior Associate/s has more than four (4) years' up to five (5) years' experience	= 4		
	If the Service provider's Senior Associate/s has more than three (3) years' up to four (4) years' experience	= 3		
	If the Service provider's Senior Associate/s has more than two (2) years' up to three (3) years' experience	= 2		
	If the Service provider's Senior Associate/s has two (2) years' experience	= 1		
	If the Service provider's Senior Associate/s has less than two (2) years of experience	= 0		

4.2	Labour Law and Industrial relations dispute		5	5%
	If the Service provider's Senior Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Senior Associate/s has more than four (4) years' up to five (5) years' experience	= 4		
	If the Service provider's Senior Associate/s has more than three (3) years' up to four (4) years' experience	= 3		
	If the Service provider's Senior Associate/s has more than two (2) years' up to three (3) years' experience	= 2		
	If the Service provider's Senior Associate/s has two (2) years' experience	= 1		
	If the Service provider's Senior Associate/s has less than two (2) years of experience	= 0		
4.3	Administrative (Public) Law		5	5%
	If the Service provider's Senior Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Senior Associate/s has more than four (4) years' up to five (5) years' experience	= 4		
	If the Service provider's Senior Associate/s has more than three (3) years' up to four (4) years' experience	= 3		
	If the Service provider's Senior Associate/s has more than two (2) years' up to three (3) years' experience	= 2		
	If the Service provider's Senior Associate/s has two (2) years' experience	= 1		
	If the Service provider's Senior Associate/s has less than two (2) years of experience	= 0		
4.5	Constitutional Law (with emphasis on Constitutional litigations)		5	5%
	If the Service provider's Senior Associate/s has more than five (5) years' experience	= 5		

	If the Service provider's Senior Associate/s has more than four (4) years' up to five (5) years' experience	= 4		
	If the Service provider's Senior Associate/s has more than three (3) years' up to four (4) years' experience	= 3		
	If the Service provider's Senior Associate/s has more than two (2) years' up to three (3) years' experience	= 2		
	If the Service provider's Senior Associate/s has two (2) years' experience	= 1		
	If the Service provider's Senior Associate/s has less than two (2) years of experience	= 0		
4.6	Public Procurement Law		5	5%
	If the Service provider's Senior Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Senior Associate/s has more than four (4) years' up to five (5) years' experience	= 4		
	If the Service provider's Senior Associate/s has more than three (3) years' up to four (4) years' experience	= 3		
	If the Service provider's Senior Associate/s has more than two (2) years' up to three (3) years' experience	= 2		
	If the Service provider's Senior Associate/s has two (2) years' experience	= 1		
	If the Service provider's Senior Associate/s has less than two (2) years of experience	= 0		
4.7	Commercial law, contract law and Corporate Governance		5	5%
	If the Service provider's Senior Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Senior Associate/s has more than four (4) years' up to five (5) years' experience	= 4		
	If the Service provider's Senior Associate/s has more than three (3) years' up to four (4) years' experience	= 3		

	If the Service provider's Senior Associate/s has more than two (2) years' up to three (3) years' experience	= 2		
	If the Service provider's Senior Associate/s has two (2) years' experience	= 1		
	If the Service provider's Senior Associate/s has less than two (2) years of experience	= 0		
5.	Associate/s years of experience (Bidder to submit CV's of its Associates)			
5.1	General litigation		5	5%
	If the Service provider's Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Associate/s has more than four (4) years' but less than five (5) years' experience	= 4		
	If the Service provider's Associate/s has more than three (3) years' but less than four (4) years' experience	= 3		
	If the Service provider's Associate/s has more than two (2) years' but less than two (2) years' experience	= 2		
	If the Service provider's Associate/s has more one (1) but less than two (2) years' experience	= 1		
	If the Service provider's Associate/s has less than one (1) years of experience	= 0		
5.2	Labour Law and Industrial relations dispute		5	5%
	If the Service provider's Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Associate/s has more than four (4) years' but less than five (5) years' experience	= 4		
	If the Service provider's Associate/s has more than three (3) years' but less than four (4) years' experience	= 3		
	If the bidder's Associate/s has more than two (2) years' but less than two (2) years' experience	= 2		

	If the Service provider's Associate/s has more one (1) but less than two (2) years' experience	= 1		
	If the Service provider's Associate/s has less than one (1) years of experience	= 0		
5.3	Administrative (Public) Law		5	5%
	If the Service provider's Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's s Associate/s has more than four (4) years' but less than five (5) years' experience	= 4		
	If the Service provider's Associate/s has more than three (3) years' but less than four (4) years' experience	= 3		
	If the Service provider's Associate/s has more than two (2) years' but less than two (2) years' experience	= 2		
	If the Service provider's Associate/s has more one (1) but less than two (2) years' experience	= 1		
	If the Service provider's Associate/s has less than one (1) years of experience	= 0		
5.4	Constitutional Law (with emphasis on Constitutional litigations)		5	5%
	If the Service provider's Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Associate/s has more than four (4) years' but less than five (5) years' experience	= 4		
	If the Service provider's Associate/s has more than three (3) years' but less than four (4) years' experience	= 3		
	If the Service provider's Associate/s has more than two (2) years' but less than two (2) years' experience	= 2		
	If the Service provider's Associate/s has more one (1) but less than two (2) years' experience	= 1		
	If the Service provider's Associate/s has less than one (1) years of experience	= 0		
5.5	Public Procurement Law		5	5%

	If the Service provider's Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Associate/s has more than four (4) years' but less than five (5) years' experience	= 4		
	If the Service provider's Associate/s has more than three (3) years' but less than four (4) years' experience	= 3		
	If the Service provider's Associate/s has more than two (2) years' but less than two (2) years' experience	= 2		
	If the Service provider's Associate/s has more one (1) but less than two (2) years' experience	= 1		
	If the Service provider's Associate/s has less than one (1) years of experience	= 0		
5.6	Commercial law, contract law and Corporate Governance		5	5%
	If the Service provider's Associate/s has more than five (5) years' experience	= 5		
	If the Service provider's Associate/s has more than four (4) years' but less than five (5) years' experience	= 4		
	If the Service provider's Associate/s has more than three (3) years' but less than four (4) years' experience	= 3		
	If the Service provider's Associate/s has more than two (2) years' but less than two (2) years' experience	= 2		
	If the Service provider's Associate/s has more one (1) but less than two (2) years' experience	= 1		
	If the bidder's Associate/s has less than one (1) years of experience	= 0		
Total Points			100	100%
The <u>Stipulated Minimum Threshold (SMT)</u> to be met for Functionality Criteria.			70	70%

Note: Only proposals meeting / exceeding the Stipulated Minimum Threshold of 70% functionality criteria will be evaluated for 80/20 preference points, in terms of the preference system described in the PPPFA.

16.3 PREFERENCE POINTS SYSTEM

Awarding of Preference Points in terms of the Preferential Procurement Regulations of 2017. In respect to the awarding of preference points for Price and B-BBEE, a Bidders who submits the lowest acceptable bid will score 80 points for price. Bidders quoting higher prices will score lower points for price on a pro rata basis. A maximum of 20 points for B-BBEE will be awarded to a bidder for their status level of contributor.

Preference Point Criteria		
Description		Points Allocation
1.	Price (Fixed Tariff Rates)	80
2.	Broad-Based Black Economic Empowerment Status Level of Contribution	20
Total Points		100

SECTION D. SUBMISSION QUALITY CHECK

17. CHECKLIST OF DOCUMENTS TO BE SUBMITTED WITH BID

A checklist below, which is, not mutually exclusive has been provided in order to highlight some of the important documents, which must be included/ submitted with the Request for Proposal/ Tender RFP/T 06-2021/22

1	Covering letter
2	Tender Document fully completed and signed where applicable together with the National Treasury General Conditions of Contract initialled on each page
3	Bid submission responsive to requirements stated in the Terms of Reference and Evaluation Criteria
4	Acceptance of the Fixed Tarrif Rates Price for twelve (12) months.
5	Bank Details
6	Company Profile illustrating core business and years of experience legal services.
7	Company registration certificate with director/s name and shareholding %.
7	Valid B-BBEE Status Level Certificate / Sworn Affidavit.
8	Proof of registration on National Treasury's Central Supplier Database (CSD).
9	SBD 4 - Declaration of Interest duly completed.
10	SBD 6.1 - Preference Points Claim Form duly completed.
11	SBD 8 - Declaration of Bidder's Past Supply Chain Management Practices duly completed.
12	SBD 9 - Certificate of Independent Bid Determination duly completed.
13	Any disclosure with reference to completed SBD forms, by bidder (if applicable).
14	Be in good standing with the South African Revenue Services (SARS) and evidence thereof must be supplied. This may be a valid tax clearance certificate (TCC) or unique security personal identification number (PIN) from SARS.
15	Detailed CV's of the Director/partner, Senior Associate and Associate illustrating their experience as per the requirements of this request.
16	Company Experience supported by the reference letters related to this request in respect of General litigation, Administrative and Constitutional law; Labour law and employment relations; Alternative dispute resolution; Commercial, contract and corporate law and Public procurement law were successfully provided.
17	Be registered with a relevant Law Society and or Legal Practice Council (Submit a valid letter of good standing issued by the Law Society in question).
18	The bidder must submit signed confirmation letter on the company letterhead indicating that they accept Seda rates as outlined in the pricing Schedule. The Seda rates are attached to this invitation
19	Submission of a valid Fidelity Fund Certificate for all partners and or directors.

NOTE:

- Ensure that all document attachments are clearly marked and the tender proposal is submitted in a clear, logical and well-marked sequence together with an index of documents.
- Only one copy will be required.

SECTION E: ANNEXURES

ANNEXURE A:

- SEDA TARIFF OF FEES FOR ATTORNEYS

ANNEXURE B:

- NATIONAL TREASURY'S GENERAL CONDITIONS OF CONTRACT

ANNEXURE A

**SEDA TARIFF OF FEES FOR ATTORNEYS
TARIFF OF FEES FOR APPOINTMENT OF THE SERVICE PROVIDER FOR THE PROVISION OF LEGAL
SERVICES (PANEL OF ATTORNEYS) FOR A PERIOD OF TWELVE (12) months**

A - CONSULTATIONS, APPEARANCES, CONFERENCES AND INSPECTIONS		
ITEM	DESCRIPTION	MAXIMUM RATE (per quarter of an hour or part thereof, excluding VAT)
	Consultation with a client and witnesses to institute or to defend an action, for advice on evidence or advice on commission, for obtaining an opinion or an advocate's guidance in preparing pleadings, including exceptions, and to -	
1.	Draft a petition or affidavit, per quarter of an hour or part thereof:- a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
2.	Consultation to note, prosecute or defend an appeal:- a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
3.	Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules:- a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
4.	Attendance by a candidate attorney, where necessary, to assist at a contested proceeding.	R225.00
NOTE	Seda shall not be liable for the Candidate Attorney's fees, where the attorney was present at the consultation or in court, unless the matter was complicated and there was a need for candidate attorney's assistance, subject to the Senior Manager: Legal and Corporate Services' discretion to allow such fees.	
5.	Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings,	

	applications, petitions, affidavits and testimony, and on any other matter which the legal advisor may consider necessary:- a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
6.	Any other conference which the legal advisor may consider necessary:- a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
7.	Any inspection in situ, or otherwise:- a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
8.	Attending to give or take disclosure:- a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
9.	Inclusive fee for necessary consultations and discussions with a client, witness, other party or advocate not otherwise provided for: – a) by Partner or Director b) by Senior Associate c) by Associate d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
10.	Appearance by an attorney in the High Court or the performance by an attorney of any of the other functions of an advocate, in terms of the Right of Appearance in Courts Act, 1995 (Act 62 of 1995), per quarter of an hour or part thereof.	R700.00
NOTE	The rates of remuneration in items 1 to 10 do not include time spent travelling or waiting and the legal advisor may, in respect of time necessarily so spent, allow such additional remuneration as he or she in his or her discretion considers fair and reasonable, but Seda shall not be liable for traveling expenses for less than 30 km radius away from the court or venue. The travelling fees per km shall be reimbursed in line with National Treasury guidelines which is currently R4,80 per kilometre.	
B - DRAFTING AND DRAWING		
11.	The drawing up of a formal statement in any litigation matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or	R216.00

	defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to the High Court Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, copies, delivery and filing thereof, per page of the original only .	
12.	The drawing up of other necessary documents, including- (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions; (b) instructions to advocate in respect of all classes of pleadings; (c) a petition, exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for, an inclusive tariff - drawing up, checking, typing, printing, copies, delivery and filing thereof, per page of the original only .	R216.00
13.	Letters, telegrams and facsimiles: Inclusive tariff for drawing up, checking, typing, printing, delivery, copies, postage, posting thereof, per page.	R 168.00
14.	Inclusive tariff for drawing up, checking, sending and printing of the email, per page.	R48.00
NOTE 1	Particulars of dispatched letters, telegrams and facsimiles need not be specified in a bill of costs. The number of letters written must be specified, as well as the total amount charged. The legal advisor may inspect the papers should the correctness of the item be disputed.	
NOTE 2	Whenever an attorney performs any of the work which should have been performed by an advocate, in terms of the Right of Appearance in Courts Act, 1995 (Act 62 of 1995), the tariff in paragraph 10 above shall apply.	
C - ATTENDANCE AND PERUSAL		
15.	Attending the receipt, entry, perusing, considering and filing of- (a) any summons, petition, affidavit, pleading, advocate's advice and drafts, report, important letter, notice or document; (b) any formal letter, record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified; (c) any plan or exhibit or other material document, which was necessary for the conduct of the action, per page.	R66.00
16.	Sorting, arranging and paginating papers for pleadings, advice on evidence or brief on trial or appeal:- a) by Partner or Director b) by Senior Associate c) by Associate	R625.00 R462.50

	d) by a candidate attorney	R387.50 R212.50
NOTE	Particulars of received papers need not be specified in the statement of account. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The legal advisor or any relevant person within Seda may inspect the papers received if the correctness of the item is disputed.	
D - MISCELLANEOUS		
17.	For making necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page.	R3.36
18.	Attending to arrange translation and thereafter to procure same:- (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
19.	Necessary telephone calls per quarter of an hour.	R102.00
20.	Sending facsimile letters and perusal of fax report, in addition to the fee allowed for the drawing thereof under item B. 13 above.	R3.42
21.	Testimony: Fair and reasonable charges and expenses which in the opinion of the legal advisor were duly incurred in the procurement of the evidence and the attendance of witnesses whose witness fees have been agreed upon prior to engaging such witness.	
E - STATEMENT OF ACCOUNT		
22.	In connection with the statement of account for services rendered by an attorney, the attorney shall not be entitled to charge a fee for drawing the statement of account.	
F- EXECUTION		
23.	Drafting, issue and execution of a Warrant/Writ of Execution and attendances in connection therewith, excluding sheriffs fees.	R660.00
24.	Reissue of Writ of Execution.	R360.00
FEES IN RESPECT OF COMMERCIAL INSTRUCTIONS (Complicated litigation matters and Legal Opinions)		
ATTORNEYS DAY FEES		
25.	Seda shall be liable for the day fee, in respect of attorneys, equivalent to 8 hours, unless the matter run beyond normal working hours.	Day fee
	TARIFFS OF HOURLY RATES FOR EACH PROFESSIONAL INCLUDING VAT	
25.1	Director /Partner - R2 500.00 per hour	R20 000.00
25.2	Senior Associate - R1 850.00 per hour	R14 800.00
25.3	Associate - R1 550.00 per hour	R12 400.00
25.4	Candidate Attorney - R850.00 per hour	R6 800.00
26.	Whenever the law firm paired the attorneys to render legal services in respect of a matter, Seda shall not be charged duplicate fees in respect	

	of each service rendered. For example, in case two attorneys from the law firm attended consultation, only senior attorney shall charge for consultation.	
27.	Where applicable counsel fees should be quoted separately and agreed upon.	

ANNEXURE B

- NATIONAL TREASURY'S GENERAL CONDITIONS OF CONTRACT