



SDT 02/2023

**APPOINTMENT OF THE THREE (3) PANEL OF ATTORNEYS FOR STATE DIAMOND
TRADER A PERIOD OF TWELVE (12) MONTHS**

1. Introduction to State Diamond Trader

The State Diamond Trader is a state-owned entity established in terms of section 14 of the Diamonds Act, 56 of 1986 as amended ("the act"). It is classified as a Schedule 3B entity of the Public Finance Management Act. The vision of the state diamond trader is to be the catalyst for the transformation and growth of the local diamond beneficiation industry. Aligned with this vision, the entity has as one of its strategic objectives is to ensure the acquisition of and equitable access to rough diamonds, with a focus on historically disadvantaged groups.

The State Diamond Trader invites certain qualified bidders to submit tenders and proposals in accordance with the rules set out in this RFP for the provision of the:

- panel of attorneys for a period of one year

A submission of a tender by you in response to this Invitation will be deemed as your acceptance of the State Diamond Trader terms and conditions of this tender.

2. Structure of the RFP

No	Description of the document content	Document Name
1.	Documents outlining the RFP background, conditions and instructions.	Main RFP
2.	Document outlines the business requirements, technical competency requirements and any other information related to the tender requirement.	Technical specification
3.	Documents required (Standard Bidding Documents) as per National Treasury for all competitive bidding process and must be returned with bid submission.	SBD Documents
4.	The proposed agreement under which SDT wishes to contract the services.	Draft service level agreement
5.	Response templates. Templates that are required to form part of the Bidder's Tender response.	Pricing Schedule

3. Key Timelines & Activities

The table below highlights all the important dates and times for this bid from the time of bid publication until closing date for submission.

No	Activity	Date & Time
1	Bid Publication on National Treasury's eTender website, SDT website and other applicable media	10 November 2023 at 11h00
2	Compulsory/ Non-compulsory Bidders briefing session	No briefing session will be conducted. Bidders are to send any queries to archellisr@statediamondtrader.gov.za
3	Bidders to submit written questions	10 November 2023 until 4 December 2023 close of business (16h00).
4	SDT to respond to written questions posed by bidders	11 th November until 1 December 2023 close of business (16h00).
5	Tenders due ("Closing Date and time")	4 December 2023 at 11h00

4. Instructions to Bidders

4.1 General Instructions

This document constitutes a Request for Proposal (RFP) which details State Diamond Trader's requirements for service provider for the panel of attorneys for a period of one year. All bidders must comply with the requirements and instructions as set out in the RFP.

Bidders must ensure that information and documentation supplied can be easily understood and thus, evaluated in a fair and consistent manner. All pricing information must be fully disclosed with all charges clearly defined.

5. Scope of work

5.1 Legal Consultation and Advice:

- a. Provide legal advice on various matters, including contracts, compliance, intellectual property, employment, **tax advisory**, litigation, etc.
- b. Review legal documents and provide recommendations or revisions.
- c. Advise on legal risks and potential implications of business decisions.
- d. Contract Drafting and Review:

5.2 Draft and review contracts, agreements, and legal documents.

- e. Ensure compliance with relevant laws, regulations, and organisational policies.
- f. Representation and legal proceedings

5.3 Represent the organisation in legal proceedings, including negotiations, mediations, arbitrations, and court hearings.

5.4 Legal Research and Analysis:

- g. Conduct legal research on specific topics or issues.
- h. Analyse relevant laws, regulations, and precedents.
- i. Provide legal opinions and recommendations based on research findings.

5.5 Compliance

- j. Assess and advise on compliance requirements related to relevant laws, regulations, and industry standard
- k. Develop and implement compliance programs and policies.
- l. Conduct legal training sessions or workshops for organisational staff.

5.6 Legal Due Diligence:

- m. Conduct legal due diligence on business transactions.

Technical evaluation criteria

The minimum qualifying technical score is set at 70 points:

Minimum Requirement

- a) Only legal practices established by the provisions of the Legal Practice Act, 2014 (Act No.28 of 2014 as amended) will be considered for this proposal.
- b) Bidders must possess a fidelity certificate issued in terms of the Attorneys Act.

- c) The Lead Attorney must possess a letter of good standing with the relevant Law Society.

6. Evaluation Criteria

The technical evaluation will be conducted in two phases:

Phase 1: Proposals will be assessed based on the technical criteria outlined below. The minimum qualifying technical score is set at 70 points.

Technical Criteria:

1. Experience of team:

Track Record:

- Contactable Reference Letters: The bidder must provide reference letters from previous engagements where they have successfully concluded similar facilitation projects. These letters should highlight the bidder's ability to deliver.

2. Capacity and Capability, of the Bidder:

• Capacity:

- The bidder must provide details of their organisational capacity to undertake the scope of work.

• Resources:

- Outline the resources available within the bidder's organisation, such as personnel, expertise, and facilities, that will contribute to the successful execution of the scope of work.

• Team Members:

- Specify the qualifications and experience of the key team members who will be involved in the execution in the scope of work.

• Infrastructure:

- Describe any relevant infrastructure or technological capabilities that will be utilized during the execution of the scope of work. (Attached lease agreement or water and lights bill)

• Capability:

- The bidder must demonstrate their capability in conducting legal services:

7. Contract Duration

The appointed service provider shall provide legal services for a period of twelve (12) months.

8. Evaluation Process

After the closing date of the bid invitation, all received bid proposals will be evaluated for compliance and selection. The following evaluation method will be used to evaluate bids.

8.1 Gate 0 - Administration Evaluation

State Diamond Trader will be issuing the following documentation that must be fully completed and signed by the bidder in regard to the General Conditions of Contract...

Bidders must submit the following administrative standard bidding documents (SBDs) fully completed and signed.

- SBD 1 Invitation to Bid
- SBD 4 - Declaration of Interest
- SBD 6.1 - Preferential Point Claim Form – **Non-submission and claim will result into a zero score on B-BBEE points.**
- General Conditions of a Contract

a. Gate 1 – Mandatory Evaluation

Failure to meet the requirements stated on the table below will result into disqualification of your bid from further consideration.

No.	Mandatory Requirement	Document to be submitted as proof of evidence
1.	Only duly registered law firms are required.	Proof of registration as a Law firm.
2.	The lead Attorney must possess a fidelity certificate issued in terms of the Attorneys Act	Fidelity Certificate to be submitted
3.	The Lead Attorney must possess a letter of good standing with the relevant Law Society.	Letter of Good standing to be submitted

b. GATE 2 – Functionality Evaluation

Only bidders that have met mandatory requirements in gate 1 will be evaluated in gate 2 for functionality. In the technical analysis criteria, bidders will need to attain a minimum 70 of out of 100 points to proceed to the next stage, i.e., price and specific goals on evaluation.

Technical Criteria	Applicable Points	Points
Experience of the Lead Attorney A minimum of five years of post-admission experience	0 point = less than 5 years 7 points = 5 years 10 points = 6 years 13 points= 7 years 16 points =8 years 25 points = 9 years and above	25
Experience of the Associate Attorney	0 point = less than 1 year 4 points = 1 years 6 points = 2 years 8 points= 3years 10 points =4 years 15 points = 5 years and above	15
Qualification Lead Attorney	0 point = No qualification 10 points= LLB 12 points = Post grad certificate 15 points= LLM 20 points =PhD	20
Qualification Associate Attorney	0 point = No qualification 4 points= LLB 06 points = Post grad certificate 08 points= LLM 10 points =PhD	10
The Firm's experience in conducting legal service. Evidence: Contactable Reference letters where the same or similar work was undertaken in the name address of the firm, or the individuals assigned	0 point = no response 10 points = 1 letter 15 points = 2 letters 20points = 3 letters 25 points = 4 letters 30 points = 5 letters	30
Total		100
Technical Threshold		70

9. Content of the Proposal to be Submitted.

To ensure a comprehensive evaluation of the proposals, bidders are required to submit the following information:

a) Company Profile:

- Bidders must provide a company profile that highlights their background, expertise, and experience relevant to assignment. This should include an overview of the bidder's organisation, its mission, key accomplishments, and any notable industry recognition.

c) Proposed Team and CVs:

- Bidders must provide information on the proposed team members. This should include their qualifications, relevant experience, and expertise. CVs of the team members should be submitted, along with **certified** copies of their qualifications.

d) Reference Letters:

- Bidders must provide signed contactable reference letters from previous engagements where they have successfully concluded similar services. These letters should highlight the bidder's track record and their ability to deliver.

d) Price Schedule:

The sum of the average cost per hour will be used to determine the cost price. Fees in respect of all work to be done including consultations, correspondence, time spent on research, preparation, perusal and review of the literature and all documentation which could be relevant to the matter and on telephone calls and travelling should be included in the hourly rate below for each:

Description	Rate per hour (VAT inclusive)
1.Candidate Attorney	
2.Associate Attorney	
3.Lead Attorney	

a. Gate 3 – Price and Specific Goals Evaluation

- In the third stage of the evaluation, Tenders that passed the prescribed technical threshold will be evaluated in terms of the 80/20 preference points system under section 2 of the Preferential Procurement Policy Framework Act, 2000, read with the Preferential Procurement Regulations, 2017.
- Provide fixed price quotation for twelve months (12).
- Cost must be VAT inclusive and quoted in South African Rand.

Criterion	Points
Price	80
SPECIFIC GOALS	20
Total	100

Points will be awarded to a bidder for attaining the based on specific goals on the table below:

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender		Number of points allocated (80/20 system) (To be completed by the organ of state)		Number of points claimed (80/20 system) (To be completed by the tenderer)
Women owned (From 51%)		8		
Youth owned (51%)		5		
Black owned (51%)		4		

People living with disabilities (51%)		3		
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10. Bid Validity

Bid must be valid for a minimum period of 90 days from the closing date of the tender.

11. NB Submission of Proposals

- Documents must be registered in the tender register provided at reception (security office) of State Diamond Trader office.
- Bidders that send courier services to deliver on their behalf must instruct the courier services to complete the register and ensure they indicate from which company the document comes from and from which courier company.
- If your document is not registered on the tender register the bidder will be automatically disqualified.

Bid documents will only be considered if received on or before the Closing Date and Time, regardless of the method used to send or deliver such documents to State Diamond Trader. Bids can be hand delivered to the second floor or posted using the addresses below.

No Emailed bids will be accepted.

Late bids will not be accepted.

Physical and Postal Address:

Jewellery Manufacturing Precinct, Superblock Building, 2ND Floor.

OR Tambo International Airport Special Economic Zone (ORTIA SEZ PRECINCT 1)

Bonaero Drive, ACSA Precinct

Bonaero Park

1619

12. Special Conditions

12.1 The Bidder must be fully tax compliant. As an organ of state, State Diamond Trader cannot conduct business with a company whose tax matters are not in order as declared by SARS.

12.2 The entity reserves the right to withdraw or amend these terms of reference by notice in writing to all parties who have received the terms of reference prior to the closing date.

12.3 The cost of preparing bids will not be reimbursed.

12.4 Documents submitted on time by bidders shall not be returned and shall remain the property of the entity.

- 12.5 Bidders must be registered on the National Treasury Central Supplier Database (CSD) as per National Treasury Circular No.3 of 2015/6- Central Supplier Database.
- 12.6 State Diamond Trader will disqualify a bidder/s who engages in the following:
- 12.7 Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this RFP;
- 12.8 Seeks any assistance, other than assistance officially provided by a government entity, from any employee, advisor or other representative of a government entity in order to obtain any unlawful advantage in relation to procurement or services to be provided to a government entity;
- 12.9 Makes or offers any gift, gratuity, anything of value other inducement, whether lawful or unlawful, to any of SDT official or other representatives.
- 12.10 Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to the procurement or service to be provided to the entity;
- 12.11 Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or result from the award of any tender, contract, right or entitlement which is in any way related to services to be rendered to the entity; whose Tender contains a negligent misrepresentation which is materially incorrect or misleading.
- 12.12 who materially fails to comply with any conditions or requirements of this RFP.

13. Enquires

SCM Enquires: Supply Chain Management Officer

Email: archellisr@statediamondtrader.gov.za

Contact Number: 010 003 0310