



Road Traffic Management Corporation

**REQUEST FOR PROPOSAL TO RENDER
SERVICES TO THE RTMC TO RECOVER ON
A CONTINGENCY BASIS ADMINISTRATIVE
FEES, PENALTIES, AND OTHER RELATED
FEES DUE TO GOVERNMENT**

RTMC RFP NO: 01/2023/24

SECTION: 1

CONDITIONS AND UNDERTAKINGS BY BIDDER IN RESPECT OF THIS PROPOSAL

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1. **Proprietary Information**

Road Traffic Management Corporation (RTMC) considers this proposal and all related information, either written or verbal, which is provided to the bidder, to be proprietary to RTMC. It shall be kept confidential by the bidder and its officers, employees, agents and representatives. The bidder shall not disclose, publish, or advertise this specification or related information to any third party without the prior written consent of RTMC.

2. **Enquiries**

- 2.1 All communication and attempts to solicit information of any kind relative to this proposal should be channelled to the email below.

Name	RTMC
Email Address	Bidadmin@rtmc.co.za

- 2.2 All the documentation submitted in response to this proposal must be in English.
- 2.3 The RTMC may respond to any enquiry in its sole discretion and the bidder acknowledges that it will have no claim against the RTMC on the basis that its proposal was disadvantaged by lack of information, or inability to resolve ambiguities.

3. **Validity Period**

Responses to this proposal received from bidders will be valid for a period of **120 days** counted from the closing date of the proposal.

4. **Supplier Performance Management**

- 4.1 Supplier Performance Management is viewed by the RTMC as critical component in ensuring value for money acquisition and good supplier relations between the RTMC and all its suppliers.
- 4.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude a SBD 7.2 and Service Level Agreement (SLA) with the RTMC, which will form an integral part of the agreement. The SLA will serve as a tool to measure, monitor and assess the Bidder's performance level and ensure effective delivery of service, quality and value-add to RTMC business.
- 4.3 Should the successful bidder fail to sign the SBD 7.2 and the SLA when called upon to do so, the RTMC may without prejudice to any other rights it may have -

4.3.1 cancel the contract that may have been entered into between the successful bidder and the RTMC and the successful bidder shall pay to the RTMC any additional expenses incurred by the RTMC having either:

4.3.1.1 to accept any less favourable Bid or,

4.3.1.2 if new Bids have to be invited, the additional expenditure incurred by the invitation of fresh Bids and/ or by the subsequent acceptance of any less favourable Bidder.

5. Instructions on submission of Proposals

5.1 Bids should be submitted as follows:

5.1.1 Technical envelopes

- Two (2) copies for technical responses/functional evaluation (1 Original and 1 copy)
- PDF electronic copy in a memory stick of the technical responses/functional (to be enclosed in the envelope which contains the original document)

5.1.2 Financial envelopes:

- Pricing schedule should be submitted separately Two (2) copies (1 Original and 1 copy)
- PDF electronic copy in a memory stick of the pricing schedule (to be enclosed in the envelope which contains the original document)

5.2 All envelopes to be sealed and endorsed, **RTMC RFP 01/2023/24 Appointment of a service provider to render services to the RTMC to recover on a contingency basis administrative fees, penalties and other related fees due to government for a period of thirty-six (36) months.**

5.3 The sealed envelope must be placed in the bid box at the Main Reception area of the **RTMC Eco Origin Office Park, Block F, 349 Witch-Hazel Street, Highveld, Centurion Ext 79, 0157** by **no later than 11:00 am on 19 January 2024.**

5.4 **Non-Compulsory Briefing session: Online/Virtual**

5.4.1 The online/Virtual briefing session will be held on **04 December 2023 at 10:00am.**

5.4.2 Bidders are required to register for a briefing session by submitting necessary information to bidadmin@rtmc.co.za by not later than **30 November 2023 at 14:00pm** to be eligible to participate in the non-compulsory briefing and the bid process.

The following information is required to register for a briefing session:

- Company Name
- CSD Registration number
- Name and Surname of the Representative

5.4.3 Upon registration a link will be shared with the bidders to enable them to participate on the stated virtual meeting.

5.4.4 Bidders will be required to login using their company name, thirty (30) minutes before the starting time of the briefing session to allow for a virtual registration. Example, if the session starts at 10:00am bidders will be allowed to login at 09:30am and session will start promptly at 10:00am. No bidder/s will be allowed in the briefing session past the starting time.

5.5 The bidder's company name, closing date and the return address must also be endorsed on the envelope.

5.6 All proposals submitted must be signed by a person or persons duly authorised thereto.

5.7 If a courier service company is being used for delivery of the proposal document, the proposal description must be endorsed on the delivery note/courier packaging to ensure that documents are delivered into the bid box. The RTMC will not be held responsible for any delays where documents are not placed in the bid box before closing time.

5.8 Proposals received by email, facsimile or similar medium will not be considered.

5.9 Where a proposal is not placed in the bid box at the time of the proposal closing, such a proposal document will be regarded as a late submission. **Late proposals will not be considered.**

5.10 Amended proposals may be sent in an envelope marked "**Amendment to Proposal**" and should be placed in the bid box before the closing time.

5.11 Bidders should check the numbers of the pages to satisfy themselves that none are missing or duplicated. No liability will be accepted by RTMC in regard to anything arising from the fact that pages are missing or duplicated.

6. Undertakings by the Bidder

- 6.1 The bidder accepts that all costs incurred in preparation, presentation and any demonstration in relation to this proposal shall be for the account of the bidder.
- 6.2 The bidder hereby offer to render all or any of the services described in the attached documents to the RTMC on the terms and conditions and in accordance with the specifications stipulated in this proposal documents (and which shall be taken as part of, and incorporated into, this proposal at the prices inserted therein).
- 6.3 The bidder shall prepare for a possible presentation should RTMC require such and the bidder shall be notified thereof no later than 4 (four) days before the actual presentation date. Such presentation may include demonstration of products or services as called for by the RTMC in relation to this proposal.
- 6.4 The successful bidder hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this agreement as the principal(s) liable for the due fulfilment of this contract.
- 6.5 Bidders should note that should its proposal be accepted, and should the Bidder be unwilling or unable to commence the Services on the commencement date due to circumstances that are within its control, the RTMC shall be entitled, without prejudice to any other rights it may have –
- 6.5.1 to terminate the contract; or
- 6.5.2 claim specific performance from the successful bidder;
- and claim damages from the successful bidder.
- 6.6 The bidder furthermore confirm that he/she has satisfied himself/herself as to the correctness and validity of his/her proposal response that the price(s) and rate(s) quoted cover all the work/item(s) specified in the proposal response documents and that the price(s) and rate(s) cover all his/her obligations under a resulting contract and that he/she accept that any mistakes regarding price(s) and calculations will be at his/her risk

7. RTMC's Rights

- 7.1 The RTMC, subject to provisions of clause 7.2, reserves the right not to accept the lowest proposal or any proposal in part or in whole. RTMC normally awards the contract to the bidder

who proves to be fully capable of handling the contract and whose proposal is technically acceptable and/or financially advantageous to the RTMC.

- 7.2 RTMC to reserve right to appoint more than one bidder for the purposes of this bid.
- 7.3 The RTMC also reserves the right to award this proposal as a whole or in part without furnishing reasons.
- 7.4 The RTMC reserves the right to conduct a site visit at the premises of the offices or at any client sites if so required.
- 7.5 The RTMC reserves a right to amend any proposal conditions, validity period, specifications, or extend the closing date of proposal prior to the initially stated closing date. Bidders will be advised in writing of such amendments in good time.
- 7.6 The RTMC reserves the right to request all relevant information, agreements and other documents to verify information supplied in the proposal response. The bidder hereby gives consent to the RTMC to conduct background checks on the proposaling entity and any of its directors/trustees/shareholders/members.
- 7.7 The RTMC acknowledge and agree that all data and Personal Information provided by the bidder to the RTMC, or to which the RTMC may be exposed, shall constitute Personal Information.
- 7.8 The RTMC hereby undertakes–
 - 7.8.1 in favour of the bidder that it shall at all times strictly comply with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) and any other legislation related to the protection of Personal Information;
 - 7.8.2 to use its best efforts to keep Personal Information confidential and shall not disclose any Personal Information to any other person except as required by law, save to the extent set out in this bid; and
 - 7.8.3 not process Personal Information for any purpose other than to perform its obligations under this bid.

8. Supplier Development and Promotion of Emerging Black Owned Service Provider

- 8.1** The RTMC promotes enterprise development In this regard, successful bidders are encouraged to mentor SMME's and/or Youth owned businesses. The implications of such arrangement will be be subject to negotiations between the RTMC and the successful bidder.
- 8.2** It is the objective of the RTMC to promote transformation of the South African economy and as such, bidders are encouraged to partner with a black owned entity (being 50%+1 black owned and controlled). Such partnership may include the formation of a Joint Venture and/ or subcontracting agreement etc., where a portion of the work under this proposal would be undertaken by black owned entities.
- 8.3** To give effect to this requirement, bidders are required to submit a partnership/ subcontracting proposal detailing the portion of work to be outsourced, level of involvement of the black owned partner and where relevant, submit a consolidated B-BBEE scorecard in-line with the provisions of the PPPFA Regulations which will be considered as part of the B-BBEE scoring.

9. SPECIAL INSTRUCTIONS TO BIDDERS

- 9.1** Bidders shall provide full and accurate answers to the questions posed in this document.
- 9.2** Bidders **must** substantiate their response to all questions, including full details on how their proposal/solution will address specific functional/technical requirements. All documents as indicated must be supplied as part of the bid response.
- 9.3** RTMC reserves the right to determine the number of service providers.
- 9.4** The RTMC reserves the right to sign a Service Level Agreement (SLA) with the service provider to supplement services in an agreement in this regard.
- 9.5** RTMC reserves the right to include any additional related items on the contract that are currently not part of the bid document.
- 9.6** The RTMC will not be held responsible for any costs incurred in the preparation and submission of bid documents.
- 9.7** RTMC reserves the right to verify information provided by bidders and any misrepresentation will lead to disqualification of the bidder.

SECTION: 2

**SPECIFICATION DETAILS
AND FUNCTIONALITY
REQUIREMENTS**

SECTION 2: TECHNICAL REQUIREMENTS/ SPECIFICATION

1. PURPOSE

- 1.1 Potential service providers are hereby invited and expected to submit proposals to render services to the Road Traffic Management Corporation to recover on a contingency basis administrative fees, penalties and other related fees due to government for a period of thirty-six (36) months.

2. BACKGROUND

- 2.1 In the Republic, the registration and licensing of motor vehicles is regulated by the National Road Traffic Regulations, 2000 (*"the regulations"*). In terms of regulation 3 of the regulations, every motor vehicle in the Republic shall, whether or not it is operated on a public road, be registered by the title holder thereof, in accordance with the provisions of Part 1 of Chapter III, with the appropriate registering authority.
- 2.2 Regulation 18 of the regulations, like regulation 3 provides that every motor vehicle in the Republic shall, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle, in accordance with the provisions Part 1 of Chapter III, with the appropriate registering authority.
- 2.3 The procedure for registering and licensing motor vehicles is set out in regulation 8 and regulation 24 respectively. In terms of both regulation 8 and 24 a person who wishes to register or license a vehicle, is required to pay (if applicable) any penalties and arrear fees when registering and/or licensing said vehicle.
- 2.4 Proof of licensing and accordingly registration is evinced by the disc which often appears at the bottom left of a vehicle's windscreen (when inside the vehicle).
- 2.5 As of recent and following taking control of the NaTIS it became evident informed by the outcome of investigation conducted by the National Traffic Anti-Corruption Unit that registering authorities at large has fallen victim to various instances where private owners in collaboration with public officials have designed schemes to ensure the transfer of ownership of vehicles but in doing so, deliberately manipulate the NaTIS to not pay any prescribed fees,

so determine by the NRTA and regulations. This practice or “fee dumping” has spiraled out of control and it is estimated that the amount of fees being “dumbed” are in excess of eight hundred million rand.

3. Scope of Work and Deliverables

- 3.1 Legal Advisory Services
- 3.2 Debt recovery
- 3.3 Litigation

4. Liaison and Communication

- 4.1 The appointed service provider is expected to submit liaison and communication proposal.

SECTION: 3

EVALUATION CRITERIA

1. EVALUATION CRITERIA

The bid will be evaluated in the following stages:

(a) Stage 1 (A) – Standard Mandatory Requirements

Bidders are expected to submit and comply with all the required Standard Compliance Requirements. Failure to comply with these requirements will invalidate the bid. Below are Standard Mandatory requirements.

- Bidders are required to submit bid document as follows:
 - one original,
 - one hard copy
- PDF electronic copy in a clearly marked/ labelled memory stick. Documents submitted on electronic copy must be the same documents as the hard copy (original).
- In case of a Joint Venture (JV), Consortium, Teaming Agreement or similar relationship/agreement; bidders must submit standard bidding documents (SBD 1, SBD 4 and SBD 6.1) for each of the entities in an agreed business relationship and accompanied by an agreement.
- Bidder(s) must be registered with National Treasury Centralised Supplier Database (CSD) – CSD report or CSD MAAA Reference Number.

(b) Stage 1 (B) – Standard Compliance Requirements

Standard bidding documents must be duly completed and signed by authorised person(s).

(c) Stage 2 – Mandatory Requirement

Bidders who fail to meet the mandatory requirements will be disqualified from further evaluation.

(d) Stage 3 - Functionality Evaluation

This process comprises two steps:

- Step 1 will be on written responses/ proposals which consists of **60 points**.

NB: Bidders will be required to score a minimum of **40 points** in order to qualify for step 2.

- Step 2 will be on the proposal which consist of **40 points**.

NB: Bidders will be required to score a minimum of **25 points**.

Bidders will be required to score a minimum of **65 points** in order to qualify for a stage 4.

(e) Stage 4 - Price and Preference Points Evaluation

The 90/10 or 80/20 preference point system in terms of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) shall apply.

STAGE 1 – STANDARD COMPLIANCE REQUIREMENTS

STANDARD MANDATORY REQUIREMENTS	COMPLY (YES / NO)
ENVELOPE ONE (1)	
Total Number of copies submitted – Two (2) (1 original and 1 copy) PDF electronic copy in a memory stick	
Proof of CSD Registration. (CSD number or report) Registration on CSD (available on www.csd.gov.za)	
SBD 1: Invitation to bid and company information	
SBD 4: Declaration of interest	
ENVELOPE TWO (2): FINANCIAL IMPLICATIONS TO BE SUBMITTED SEPARATELY FROM ENVELOPE ONE (1)	
STANDARD COMPLIANCE REQUIREMENTS	
SBD 3.3: Pricing Schedule (Professional Services) Total Number of copies submitted – Two (2) (1 original and 1 copy), PDF electronic copy in a memory stick. All inclusive Contingency Fee Proposals must be calculated on percentages of the amount to be recovered.	
SBD 6.1: Preference points claim form (In case of a Joint Venture (JV), Consortium, Teaming Agreement or similar relationship/agreement; bidders must submit separate standard bidding documents (SBD 6.1) for each of the entities in an agreed business relationship and accompanied by an agreement).	

1.1 STAGE TWO – MANDATORY REQUIREMENTS

NOTE: A bidder who fails to meet the below Mandatory Requirements will be disqualified from further evaluation

Item	Description	Comply Yes/No
1.	<p>Practising member/s of the attorneys firm must be member/s in good standing with Legal Practice Council (“LPC”).</p> <p>Compliance Requirement:</p> <ul style="list-style-type: none">• Valid letter of good standing issued by LPC and• A confirmation letter issued by LPC stipulating the law firm as registered on the Roll with practice number and active Director/s.	
2.	<p>Fidelity Fund.</p> <p>Compliance Requirement:</p> <p>Valid Fidelity Fund certificate/s issued by Legal Practice Council (LPC) with the two pages outlining the Firm Names, File Number, Province, Role and Associated Period, as issued by the Fidelity Fund.</p>	

1.2 STAGE THREE - FUNCTIONALITY CRITERIA

NB: FUNCTIONAL EVALUATION WIL BE SPLIT INTO TWO (2) STEPS. i.e. - STEP 1 – WRITTEN RESPONSE AND STEP 2 – METHODOLOGY AND APPROACH ON THE PROPOSAL

STEP 1

Step 1 will be based on written proposals and shall be evaluated based on the following parameters for functionality:

CRITERIA	WEIGHTS
A. SIMILAR WORK/TRACK RECORD	30
<p>Bidders must demonstrate experience or track record on litigation in respect of the below mentioned deliverables:</p> <p>Litigation Services = 15 points</p> <ul style="list-style-type: none">- 1 letter = 05 points- 2 to 3 letters = 10 points- 4 and above = 15 points <p>Debt Recovery = 15 points</p> <ul style="list-style-type: none">- 1 letter = 05 points- 2 to 3 letters = 10 points- 4 and above = 15 points <p>Compliance requirement:</p> <p>The bidder must submit a clear and visible reference letter(s) in clients' letterhead indicating all the below-mentioned details, viz.</p> <ul style="list-style-type: none">• Name and address of the institution/entity where the services/ work is/was rendered,• Duration/Period,• Description of service or work that was carried out and• Contact details,• Reference letter(s) must be signed by the authorized person/s with dates	

NB: Bidders are required to ensure that information provided is accurate and correct as the RTMC reserves the right to conduct reference checks.	
B. LEAD TEAM MEMBERS CAPACITY	30
<p>Bidders are required to submit detail curriculum vitae(s) of the Lead Personnel/Staff for the project in the following expertise -:</p> <ol style="list-style-type: none"> 1. Litigation Services = 15 Points <ul style="list-style-type: none"> - 3 – 5 years of experience = 10 points - 6 years and above = 15 points 2. Debt Recovery = 15 Points <ul style="list-style-type: none"> - 3 – 5 years of experience = 10 points - 6 years and above = 15 points <p>Compliance requirement:</p> <p>The bidder <u>must</u> submit a Detailed CV clearly indicating years of experience for his/her area of expertise to enable evaluation of the years of experience thereof and Certified Copies of Qualifications.</p>	
Total	60

NB – BIDDERS MUST SCORE A MINIMUM OF 40 POINTS.

STEP 2 - METHODOLOGY AND APPROACH ON THE PROPOSAL

A. BIDDER'S UNDERSTANDING OF THE BRIEF / ToR AND EXPECTATIONS OF RTMC IN TERMS OF ITS NEEDS	40
<p>In response to the RFP, the bidder must indicate the following:</p> <ol style="list-style-type: none"> 1. A clear understanding of the scope of work and how key deliverables will be achieved as indicated in Section 2. 10 Points 2. Demonstrate how the bidder would carry out, conduct and provide legal advisory services to the Road Traffic Management Corporation as well as debt recovery and subsequent litigation services in line with the scope of work. 10 Points 	

3. Explain or demonstrate application of contingency approach in relation to this bid.

20 Points

The proposal will be evaluated in accordance to the following criteria -

Bidder presented information reflecting an excellent understanding of the TOR and how the services and contingency fee proposal will be executed through innovative thinking principles and acquired experience.	5/5
Bidder presented information demonstrating a very good understanding of the TOR and how the services and contingency fee proposal will be executed through innovative thinking principles and acquired experience.	4/5
Bidder presented information that demonstrate a good understanding of the TOR and how the services and contingency fee proposal will be executed through innovative thinking principles and acquired experience.	3/5
Bidder presented an average understanding of the TOR and how the services and contingency fee proposal will be executed through innovative thinking principles and acquired experience.	2/5
Bidder presented a poor understanding of the TOR and how the services and contingency fee proposal will be executed through innovative thinking principles and acquired experience.	1/5

NB – BIDDERS MUST SCORE A MINIMUM OF 25 POINTS.

NB: BIDDERS ARE EXPECTED TO SCORE MINIMUM OF SIXTY-FIVE (65) POINTS IN ORDER TO QUALIFY FOR STAGE 4.

1.3 STAGE FOUR - PRICE AND B-BBEE (PREFERENCE POINTS EVALUATION)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)
Price	90	80
SMMEs (EME and QSE)	2	4
Black Owned Company	2	4
Women Owned Company	2	4
Youth Owned Company	2	4
Company owned by people living with disabilities *	2	4
Grand Total	100	100

* Medical Practitioners letter must be attached

SECTION: 4

**ANNEXURE AND
STANDARD BIDDING
DOCUMENTS**

**See the attached SBD forms
(All SBD forms must be
signed)**

BIDDING DOCUMENTS: GENERAL INFORMATION

1. The bidding forms are drawn up so that certain essential information is to be furnished in a specific manner. Any additional particulars shall be furnished in the enclosed questionnaire(s) or in a separate annexure.
2. The bidding forms should not be retyped or redrafted, but photocopies may be prepared and used. Additional offers may be made for any item, but only on a photocopy of the page in question. Additional offers made in any other manner may be disregarded.
3. Bidding forms not filled in using a computer and printer shall be completed in black ink.
4. Bidders shall check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability shall be accepted with regards to claims arising from the fact that pages are missing or duplicated.
5. The forms in respect of Preference Points Claim, if attached, shall be completed and submitted with the completed Bid.
6. Firm bid prices and delivery periods are preferred. Consequently, bidders shall clearly state whether prices and delivery periods will remain firm for the duration of the contract or not.
7. If non-firm prices are submitted, this fact should be clearly stated in the bidding documents.
8. Where items are specified in detail, the specifications from an integral part of the bidding document and bidders shall indicate in the space provided whether the items offered are to specification or not.
9. In respect of the paragraphs where the items offered are strictly to specification, bidders shall insert the words "as specified".

- 10.** In cases where the items are not to specification, the deviations from the specifications shall be indicated.
- 11.** The bid prices shall be given in the units shown.
- 12.** All prices shall be quoted in South African currency.