

**HEAD OFFICE**  
Hosken's House  
45 Mooi Street  
Johannesburg  
2091  
Private Bag X105  
Melville, 2109  
Tel: (011) 372 3300

**EASTERN CAPE**  
Waverley Office Park  
3 - 33 Philip Frame Road  
Chiselhurst  
East London, 5200  
Tel: (043) 726 8314  
Fax: (043) 726 8302

**FREE STATE**  
Regus Bloemfontein  
Unipark Building  
Vodacom Lane, Nobel Str  
Brandwag  
Bloemfontein 9301  
Tel: (051) 430 5072  
Fax: (051) 430 5080

**GAUTENG**  
112 Main Street  
9th Floor  
Marshalltown  
Johannesburg CBD  
Tel: (011) 403 1301/2/3/6  
Fax: (086) 614 8781

**KWAZULU-NATAL**  
Kent House  
1 Neptune Road  
Westville  
Durban, 3629  
Tel: (031) 304 5930  
Fax: (031) 301 9313

**LIMPOPO**  
89B Biccard Street  
Polokwane  
0700  
Tel: (015) 295 9303  
Fax: (015) 295 9301

**MPUMALANGA**  
Streak Office Park  
6 Streak Street  
Block B, 1st Floor  
Nelspruit, 1201  
Tel: (087) 352 7108  
Fax: (013) 752 2917

**NORTHERN CAPE**  
Montrio Corporate Park  
Monument Heights  
10 Oliver Road  
Kimberly  
Tel: (053) 832 0051/2  
Fax: (053) 832 0047

**NORTH WEST**  
Sparkling Office Park  
78 Retief Cnr Peter  
Mokaba Street  
Potchefstroom, 2531  
Tel: (018) 294 5280  
Fax: (018) 294 5719

**WESTERN CAPE**  
Sunbel Building  
2 Old Paarl Road  
Office 205, 2nd Floor  
Belville, 7530  
Tel: (021) 946 4022  
Fax: (021) 946 4043



Education, Training and Development Practices Sector Education and Training Authority

**BID NO: SCMU: 02- 2025/26**

## **REQUEST FOR BIDS**

### **TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF LEGAL PRACTITIONERS (LAW FIRMS, ATTORNEYS AND FIDELITY FUND ADVOCATES)**

#### **1. INTRODUCTION**

The Education Training and Development Practices Sector Education and Training Authority (ETDP SETA) is a public entity established in terms of Section 9(1) of the Skills Development Act, No 97 of 1998 to advance skills levels in accordance with the National Skills Development Strategy III. The Mandate of the ETDP SETA is to promote and facilitate the development and improvement of the skills profile of the sector's workforce in order to benefit employers, workers and employees in the Education Training and Development Sector.

The ETDP SETA will host **Non-Compulsory** virtual briefing session for **BID NO: SCMU: 02 - 2025/26 – Appointment of a panel of legal practitioners (Law firms, Attorneys and fidelity fund advocates) on 16 May 2025 at 11h00 – 13h00**. Access details will be available on [www.etdpseta.org.za](http://www.etdpseta.org.za) as from **14 May 2025**. Kindly note that interested service providers may submit their questions until **19 May 2025 at 16h30**. **No further questions will be accepted after this date**. We thank you for your cooperation.

#### **2. PURPOSE & OBJECTIVES**

##### **2.1. PURPOSE OF THE PROJECT**

ETDP SETA is currently seeking to establish a panel of diverse legal service providers to provide legal services as and when required in order to supplement its internal legal service unit with providers that will be available to handle legal matters and issues that cannot be handled internally due to many considerations around operational matters of the organization.

The objective of this bid is to appoint a panel of Service Providers to provide a range of variety of legal services and solutions on an "as and when required" basis throughout the duration of the project.

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### **3. SCOPE OF WORK**

**3.1. The services required from the Legal Practitioners (*Law firms, Attorneys and Fidelity Fund Advocates*) are *inter alia* but not limited to the following:**

- 3.1.1. Vetting and reviewal of contractual documents.
- 3.1.2. Provision of legal opinions on various legal topics.
- 3.1.3. Drafting of letters of demand
- 3.1.4. Debt recovery and collection processes
- 3.1.5. Drafting of Pleadings, Summons and Particulars or Statements of Claims served to the organisation (motion and action, including urgent applications) in initiation of legal action.
- 3.1.6. Conducting necessary research in order execute instructions relating to legal matters.
- 3.1.7. Perusal of Pleadings, Summons and Particulars or Statements of Claim served to the organisation when litigated against.
- 3.1.8. Serving and filing legal documents (motion and action, including urgent applications) involved in litigious matters.
- 3.1.9. Attending to consultations (telephonic and face to face)
- 3.1.10. Attending to Offices of Deputy Sheriffs, Respondents, Courts to serve and file relevant documents.
- 3.1.11. Representation in various Courts of Law.
- 3.1.12. Representation at arbitration and in related tribunals
- 3.1.13. Drafting, Serving and Filing of appeals, petitions and notices of leave to appeal (where necessary).
- 3.1.14. Briefing of counsel and attendance of consultations and or court with Counsel, and witnesses, including taking instructions and scheduling consultations with ETDP SETA officials and meetings with opponent Attorneys through its Legal and Compliance Business Unit.
- 3.1.15. Preparation and Taxation of Bills

### **4. COSTING MODEL (PRICING SCHEDULE)**

#### **COSTS FOR PROVISION OF VARIOUS DIVERSE LEGAL SERVICES**

**This costing model must not be modified at all, and the bidder is expected to submit a separate costing model for each year and clearly indicate the year quoted.**

COSTING REQUIREMENTS			
PROVINCE: HEAD OFFICE – GAUTENG			
NAME OF BIDDING ORGANISATION:			
DESCRIPTION OF SERVICES TO BE RENDERED: (Year 1, Year 2, Year 3, Year 4 and Year 5)			
ITEM DESCRIPTION	AVERAGE RATE PER HOUR*	RATE PER DAY	FLAT RATE OR COLLAPSED FEE
Level or Seniority of Attorney:			
Provision of legal opinions (Per folio)			
Representation in High and Labour Court.			
Vetting of contractual documents and Service Level agreements			
Perusal, drafting, responding to legal documents/affidavits/pleadings and serving of documents			
Representation at arbitration and in related tribunals			
Preparation and Taxation of Bills			
Telephone Consultation			
Face to Face Consultation			
Postage and Receivables			
Subsistence and Travel Tariffs (Per kilometre)			
<b>SUB- TOTAL</b>			
Travel-related costs ( <i>Accommodation, Air Travel, Car Hire &amp; Other related allowances</i> )			
<b>SUB-TOTAL</b>			
Admin Expenses (Disbursements and other incidental expenses)			
<b>TOTAL COSTS</b>			
<b>Escalation</b>			
<b>ALL COSTS MUST BE INCLUSIVE OF VAT</b>	*		

*NB: A day is reckoned with a total of eight hours (8) of active work and appearances and consultations are measured from an average minimum rate of 15 minutes upwards per transaction and drafting is measured in*

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*terms of the ability to draft no less than one hundred (100) words per fifteen (15) minutes. Collapsed fee rate measures a reasonable amount that would be levied if the matter did not last the whole day or eight hours as anticipated due to the collapsing of the roll. The above table can be duplicated and modified when costing services for subsequent years.*

**NAME OF BIDDER:** \_\_\_\_\_

**POSITION/ ROLE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

***All pricing shall be in South African Rand (ZAR).***

***\* EVALUATION WILL BE BASED ON THE TOTAL AVERAGE RATE PER HOUR***

## **5. DURATION OF THE PROJECT**

The successful service provider will be required to enter a formal contract with the ETDP SETA by signing a Service Level Agreement (SLA). The contract will become effective on the date of last signature and will be initiated through a commencement meeting between the two parties.

The duration of the contract is for a period not exceeding **five (5) years or sixty months (60) months** effective from **the date of last signatory on the Service Level Agreement (SLA) up to 31<sup>st</sup> March 2030**, provided that the period outside the Medium-Term Expenditure Framework (MTEF) or Medium-Term Development Plan (MTDP) shall be subject to further budget approval.

## **6. EVALUATION CRITERIA**

THE ETDP SETA applies the provisions of the Preferential Procurement Policy Framework Act, ACT NO 5 OF 2000 and Preferential Procurement Regulations, 2022. The evaluation will be guided by ETDP SETA procurement policy.

***Note: Folder A (USB) must have documents for Stage 1***

### **6.1. STAGE 1 [Folder A (USB)]**

***Bidders will be evaluated on the submission of the requested mandatory documents. Fully completed and signed forms with witnesses' signature must be submitted and all applicable boxes be ticked.***

#### 6.1.1. MANDATORY DOCUMENTS TO BE SUBMITTED IN ORDER TO BE ELIGIBLE FOR EVALUATION

- i. Proof or Confirmation letter for registration with the Companies and Intellectual Property Commission ("CIPC").
- ii. Proof of law firm or individual (in case of an Advocate) being registered with the Legal Practice Council ("LPC")
- iii. Company Profile for the law firm and its Legal Practitioners or Individual Profile (in case of a Fidelity Fund Advocate Bidder)
- iv. Joint venture Agreement or any formal agreement (If Advocate is an inhouse Counsel)
- v. Letter of Good Standing from the Legal Practice Council
- vi. Proof of Trust Account (Not Current Account)
- vii. Complete Fidelity Fund Certificate (As issued by the LPC) for each Legal Practitioner operating a trust account. i.e. first page bearing the name of the Legal Practitioner and second page bearing the name of the associated law firm
- viii. Letter of Good Standing from the compensation fund for the law firm ("COIDA Letter") clearly stating the nature of business or services the entity is involved in i.e. Legal Services or Professional Services.

**NB: Failure to fully complete and submit any of the above-requested mandatory documents in whole will lead to disqualification.**

#### 6.2. STAGE 2 [Folder A (USB)]

- a. The minimum qualifying score for functionality will be **80 points** and bids that fail to achieve the minimum qualifying score will be eliminated.
- b. Only bids that achieved the minimum qualifying score/ percentage for functionality will be evaluated further in accordance with the 80/20 preference point systems prescribed in Preferential Procurement Regulations 5 and 6.

**The evaluation criteria for functionality will be as below:**

NO.	CRITERIA	WEIGHT
1.	<p><b>Proof and experience of similar services and references to be provided.</b> The maximum of three contactable references = <b>30</b></p> <p><b>1.1. Contactable references</b> provide signed proof on referee's company letterhead <b>(15)</b></p> <ul style="list-style-type: none"> <li>• 3 Contactable references = 15</li> <li>• 2 Contactable references = 10</li> <li>• 1 Contactable reference = 5</li> </ul> <p><b>1.2. Experience</b> in the business of providing similar services (commercial and civil cases) <b>(15)</b></p> <ul style="list-style-type: none"> <li>○ 10 years plus = 15</li> <li>○ 5 - 9 years = 10</li> <li>○ 3 - 4 years = 5</li> </ul>	<b>30</b>

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	<p>Each reference must clearly indicate:</p> <ul style="list-style-type: none"> <li>the name of the bidder and the project</li> <li>objectives of the project (nature of the project)</li> <li>duration of the project</li> <li>recommendation and confirmation of completed project(s) and</li> <li>must be signed the referee</li> </ul> <p><b>NB: If any of this information is omitted/missing will lead to the reference letter(s) not allocated points.</b></p>	
2.	<p><b>Success rate</b> of commercial and civil cases handled in the last 2 years, list of 5 legal matters to be submitted with 100% success rate= <b>20</b></p> <ul style="list-style-type: none"> <li>5 Legal matters submitted = 20</li> <li>3 or 4 Legal matters submitted = 15</li> <li>2 Legal matters submitted = 10</li> <li>1 Legal matter submitted = 5</li> <li>0 Legal matter submitted = 0</li> </ul> <p><b>NB: Case Numbers of Citations must be provided, where judgments are available, they can also be attached to the Bid, especially if they are unreported.</b></p>	<b>20</b>
3.	<p><b>Qualifications and experience</b> of team members and CV; (Attach Qualifications and CVs of the Project Team Members)</p> <p><b>3.1. QUALIFICATION: 35</b></p> <p><b>Admitted Attorneys = 35</b></p> <ul style="list-style-type: none"> <li>Postgraduate Qualification (LLM or LLD) = 35</li> <li>Bachelor's Degree= 25</li> </ul> <p><b>Experience of Engagement Manager or Project Manager or Lead Attorney(s): 15</b></p> <ul style="list-style-type: none"> <li>5 years plus = 15</li> <li>3 – 4 years = 10</li> <li>1 – 2 years = 5</li> </ul> <p><b>*Note:</b> The project team submitted for this bid will remain the same team for the duration of the term. Should there be any changes, the ETDP SETA shall be informed of any new project team members and of whether the new team members have the same qualifications and experience or better qualifications than the old project team members.</p>	<b>50</b>
<b>TOTAL</b>		<b>100</b>

Bidders must provide documents to justify awarding the above points, and such include details of different contactable references to validate the information submitted.

**Points will be awarded on a sliding scale**

Please take note of the value and scoring point system of your bid.

### 6.3. STAGE 3 [Folder B (USB)]

#### PRICING SCHEDULE DOCUMENTS

- Costing Model (**Price must be final, include VAT and signed**)
- Submit a "Unique security personal identification number (PIN) issued by SARS" **which the SETA will use to verify the bidder's tax matters prior to the award**

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- c. Invitation to Bid - **SBD1**
- d. Declaration of Interest – **SBD 4 (New)**
- e. Preferential Points Claim Form in terms of the Preferential Procurement Regulations, 2022 -**SBD 6.1 (If claiming preferential points) - this will be used to verify points to be allocated for specific goals**
- f. B-BBEE certificate or affidavit *(If claiming preferential points) – this will be used to verify points to be allocated for specific goals.*

**80/20** preference point system shall be applicable as follows:

✓ Price	<b>80</b>
✓ Allocation of specific goals	<b>20</b>

**Note:**

*The evaluation shall consider the top Six (6) bidders with the highest total points (based on pricing and specific goals)*

## **7. BID CONDITIONS**

The ETDP SETA Supply Chain Management Policy will apply:

1. ETDP SETA does not bind itself to appoint a bidder with the highest points.
2. ETDP SETA reserves the right to negotiate the bidder's price.
3. ETDP SETA reserve the right to cancel the bid and not award the bid to any of the bidders.
4. Bids which are late, incomplete, unsigned **will NOT** be accepted.
5. Bidders must submit a valid certified B-BBEE Certificate from SANAS Accredited Verification Agency or issued by Companies and Intellectual Property Commission (**CIPC**) or a signed Sworn Affidavit for allocation of points for specific goals.
6. Specific goals shall not be allocated where supportive documents as stated in the bid documents are not provided as stated in the bid document.
7. Bids submitted are to hold good for a period of **120 days**.
8. Companies who bid as a joint venture must submit a **consolidated B-BBEE Verification certificate prepared for this bid only**, from **SANAS Accredited Verification Agency** to be eligible for empowerment points. Companies who form part of this joint venture **MUST** provide an accreditation certificate with relevant authority as stated in Mandatory documents.
9. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor, affidavit or a B-BBEE Certificate, together with the bid, will be interpreted to mean that points for specific goals for B-BBEE status level of contribution are not claimed.
10. Deregistered and blacklisted companies including directors/owners/individuals linked to the company will not be considered. Due diligence will be conducted with successful bidders to validate submitted information.
11. All suppliers must be registered on the Central Supplier Database. No bid shall be awarded to any supplier that is not registered on the Central Supplier Database.
12. Companies that are in the process of de-registration in the CIPC will not be considered.

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13. The ETDP SETA remains the sole owner and custodian of all content, material, or any other form of development. No information of or on behalf of the ETDP SETA may be shared, during the duration or after the closing period of the project. It remains the responsibility of the appointed service provider to hand over all material to the ETDP SETA. Should a service provider wish to have the ETDP SETA as a referral, permission for this must be sought.

## 8. DISCLAIMER

### **Protection of Personal Information Act 4 of 2013 (POPIA) and Promotion of Access to Information Act 2 of 2000 (PAIA) Disclaimer**

1. By submitting your proposal, you grant the necessary consent as you acknowledge that:
  - ETDP SETA treats data it gathers and personal information it collects, holds and/or processes as private.
2. Therefore:
 

*Your right to privacy and security is very important to us. The ETDP SETA as a responsible party treats personal information of data subjects as private and confidential. To that end, we collect personal information for the purposes set out in this document or otherwise the specific purpose(s) communicated to you.*
3. We may also use your information for a number of different purposes, for example to fulfil our legal and regulatory obligations of the SETA.
4. For more detailed information on how and why we may use your information, including the rights in relation to your personal data, and our legal grounds for collection, processing and using it, please view the ETDP SETA Protection of Personal Information Policy and Promotion of Access to Information Manual on our website: [www.etdpseta.org.za](http://www.etdpseta.org.za) "ETDP SETA PAIA Manual and POPIA Manual"

## 9. BID DOCUMENTS/ PROPOSAL PACKS

Bid documents for participation **must** be downloaded from the ETDP SETA website: [www.etdpseta.org.za](http://www.etdpseta.org.za), Main Menu > Supply Chain Management > Open Tenders as from **12h00 on 05 May 2025**.

Bidders must submit technical and financial proposals in **one (1) USB** clearly marked "**Folder A-Technical Proposal**" and "**Folder B- Financial Proposal**".

**Folder B - (Financial Proposal)** Costing Model (*Price must be final, include VAT and signed*), Submit a "Unique security personal identification number (PIN) issued by SARS" **which the SETA will use to verify the bidder's tax matters prior to the award**, Invitation to Bid - **SBD1**, Declaration of Interest – **SBD 4 (New)**, Preferential Points Claim Form in terms of the Preferential Procurement Regulations, 2022 -**SBD 6.1 (If claiming preferential points) - this will be used to verify points to be allocated for specific goals** and B-BBEE certificate or sworn affidavit (*If claiming preferential points*) – **this will be used to verify points to be allocated for specific goals**.

**The financial proposal will only be opened when the tender is responsive in Stage 2 or at the discretion of the ETDP SETA.**

All Bids/Proposals (**completed in [one (1) USB]**) must be courier or hand delivered to:

**The ETDP SETA – Head Office  
Hoskens House  
45 Mooi Street  
Johannesburg  
2091**

Submissions can be delivered into the tender box between **08h00 and 16h30 Monday to Friday BEFORE** the closing date and time of **11h00 on 30 May 2025.**

***No late submission will be accepted!***

#### **10. CLOSING DATE**

All Proposals should reach the ETDP SETA Offices on or before **11h00 on 30 May 2025.**

#### **11. CONTACT PERSON**

**NO telephonic or any other form of communication relating to this bid will be permitted with any other ETDPSETA member of staff either by Bidders (as collective bidding team or individual of the bidding team), representative of Bidders, associates of Bidders, shareholders of Bidders, other than with the named individual stated below. ANY MEANS OF ATTEMPTING TO INFLUENCE THE ADJUDICATION PROCESS OR OUTCOMES OF THE ADJUDICATION PROCESS WILL RESULT IN IMMEDIATE DISQUALIFICATION OF THE ENTIRE BID. All enquiries regarding this bid must be in writing only and be directed to:**

**Supply Chain Manager: Email: [Tenderers@etdpseta.org.za](mailto:Tenderers@etdpseta.org.za)**

**Note: Struck off Legal Practitioners or Legal Practitioners not Registered on the Roll of the LPC, as well as Blacklisted companies appearing on the National Treasury database and prohibited from conducting business with public entities, will be disqualified.**

## ANNEXURE A

Bidders are required to provide references for Engagement Manager(s), Project Manager(s) or Lead Attorney(s). Failure to provide references will lead to no points being allocated.

### 1. Relevant experience for the Engagement Manager or Project Manager or Legal Attorney(s)

**Engagement Manager/ Project Manager or Lead Attorney:**

**Name and Surname(s)** \_\_\_\_\_

Project/Company Name	Position/Role	Responsibilities	Start date	End date	Reference (Name & Surname)	Reference (Position)	Reference (Contact details)

**Attorneys on the Company Records:**

**Name and Surname(s)** \_\_\_\_\_

Company Name	Position/Role	Responsibilities	Start date	End date	Reference (Name & Surname)	Reference (Position)	Reference (Contact details)

**NB: The above tables may be duplicated, recreated or modified to suite as many as the number of people involved the bidder may require.**