



11th Floor, The Marine Building,  
22 Dorothy Nyembe (Gardiner) Street, Durban, 4001  
Private Bag X54322, Durban, 4000  
Tel: 031 365 7800 Fax: 031 365 7858  
Website: <http://www.portsregulator.org>

## INVITATION TO BID (SBD 1)

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE PORTS REGULATOR OF SOUTH AFRICA (PRSA)</b>					
BID NUMBER:	PRSA/BID/2023/24/01	CLOSING DATE:	14 <sup>th</sup> DECEMBER 2023	CLOSING TIME:	12H00 (midday)
DESCRIPTION	APPOINTMENT OF LEGAL PRACTICES TO SERVE ON A PANEL OF ATTORNEYS FOR A PERIOD OF TWENTY-FOUR (24) MONTHS				
BRIEFING SESSION	NONE				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT THE BELOW MENTIONED STREET ADDRESS:</b>					
PORTS REGULATOR OF SOUTH AFRICA OFFICES, 11 <sup>TH</sup> FLOOR, THE MARINE BUILDING, 22 DOROTHY NYEMBE STREET, DURBAN, 4001.					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	SUPPLY CHAIN MANAGMENT		CONTACT PERSON	SUPPLY CHAIN MANAGMENT	
E-MAIL ADDRESS	<a href="mailto:tenders@portsregulator.org">tenders@portsregulator.org</a>		E-MAIL ADDRESS	<a href="mailto:tenders@portsregulator.org">tenders@portsregulator.org</a>	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
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 <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE</b>					



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**STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED), OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
**(Proof of authority must be submitted e.g. company resolution)**

DATE: .....

## 1. LEGISLATIVE FRAMEWORK OF THE BID

- 1.1 All bidders are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.
- 1.2 This bid is premised on all Acts and Regulations relevant to public Supply Chain Management in South Africa. These include, inter alia, Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000), the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003), Promotion to Access of Information Act, 2 of 2000, Protection of Personal Information Act, 4 of 2013, Preferential Procurement Regulations 2017, Treasury Regulations and Value Added Tax Act, 1991 (Act No. 89 of 1991).

## 2. GENERAL CONDITIONS OF CONTRACT

- 2.1 The General Conditions of Contract will be applicable to this bid and must be accepted, duly signed or initialed by the authorized representative of the bidder.
- 2.2 All SBD documents must be completed and submitted along with the bid.

## 3. SPECIAL CONDITIONS OF THE BID

- 3.1 The bidder must register on the National Treasury's Central Supplier Database in order to do business with an organ of state or for the PRSA to award a bid or contract. Registration on the CSD ([www.csd.gov.za](http://www.csd.gov.za)) provides a bidder with an opportunity to do business with all organs of state including provincial and municipal levels.
- 3.2 National Treasury **Contact Details: 012 406 9222** or email [csd.support@treasury.gov.za](mailto:csd.support@treasury.gov.za) "Bidders must submit the following requirements; PRSA will not award the contract to any bidder who do not comply with the following requirements and will at its discretion appoint"
- 3.3 A fully completed and signed Tender Document.
- 3.4 False declaration on SBD's documents and any other fields will render the document non-compliance.
- 3.5 PRSA reserves the right:
  - 3.5.1 Not to award or cancel this tender at any time and shall not be bound to accept the lowest or any Bid.
  - 3.5.2 To award contract or any part thereof to one or more bidders.
  - 3.5.3 To accept part of a tender rather than the whole tender.

- 3.5.4 To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- 3.5.5 To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.
- 3.5.6 To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- 3.5.7 To award a tender based on which bidder is offering the best value for money, even if such Tender is not the lowest priced tender.
- 3.5.8 Award to multiple bidders to spread the risk.
- 3.5.9 A Bidder must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) or have a local branch office in South Africa.
- 3.5.10 The Bidder must comply with all applicable legislation in the Republic of South Africa in the performance of its daily activities, including but not limited to labour legislation and bargaining council agreements, health and safety regulations and environmental laws.
- 3.5.11 PRSA will reject a Bidder's Tender without any further consideration where that Bidder makes culpable misrepresentation to PRSA in its Tender or at any stage during this RFP process.
- 3.5.12 The Board and employees of PRSA shall not do any business with PRSA
- 3.5.13 PRSA will, for the purpose of this bid, shortlist Bidders and request presentations or demonstrations from such short-listed Bidders. All costs relating to the preparation of such presentations/ demonstrations will be borne by the Bidders.
- 3.5.14 No faxed or e-mailed bids will be accepted

#### **4. COMMUNICATION WITH BIDDERS**

- 4.1 During evaluation of the bids, explanatory/clarity information may be requested in writing from bidders. Replies to such request must be submitted, within twenty -four (24) hours or as otherwise indicated. Failure to comply, may lead to your bid being disregarded.

#### **5. CONFIDENTIALITY**

- 5.1 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a bidder's tender(s) will be disclosed by any bidder or other person not officially involved with PRSA's examination and evaluation of a Tender.
- 5.2 No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This bid and any other documents supplied by PRSA remain proprietary to PRSA and must be promptly returned to PRSA upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

**5.3** Throughout this bid process and thereafter, bidder(s) must secure PRSA's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this bid relates; or (ii) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

**5.4 No confidential information relating to the process of evaluating or adjudicating tenders or appointing a bidder will be disclosed to a bidder or any other person not officially involved with such process**

## **6. INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT**

**6.1** Copyright of all documentation relating to this contract inter-alia, the specifications, SLA, contract, belongs to the PRSA. The successful bidder may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.

**6.2** The intellectual property pertaining to any enhancements to the proposed solution will belong to PRSA.

**6.3** Service provider shall not use or sell PRSA's developed intellectual property without the prior consent of the PRSA.

**6.4** If the service provider would like to use information or data generated by the service, the prior written permission must be obtained from PRSA.

**6.5** The Service provider acknowledges and agrees that:

6.5.1 Each provision of clause above is separate, severally and separately enforceable from any other provisions of this agreement and

6.5.2 The invalidity or non-enforceability of any one or more provision hereof, shall not prejudice or effect the enforceability and validity of the remaining provisions of this agreement.

**6.6** This clause shall survive termination of the contract.

## **7. SUBMISSION OF PROPOSALS**

**7.1** All bidders must submit **3 copies –**

7.1.1 **1 x original**

7.1.2 **2 x identical copy to the original**

7.1.3 **Memory stick (1) copy of the bid**, should be handed in/delivered for attention to:  
**Ports Regulator of South Africa (PRSA), Supply Chain Management**

**11TH FLOOR, THE MARINE BUILDING, 22 DOROTHY NYEMBE STREET, DURBAN, 4001.**

**NB: Bidders are to indicate on the cover of each document whether it is the original or a copy.**

**7.2** Bids should be submitted in a sealed envelope, marked with:

7.2.1 **Bid number – PRSA/BID/2023/24/01**

7.2.2 **Bid Description – APPOINTMENT OF LEGAL PRACTICES TO SERVE ON A PANEL OF ATTORNEYS FOR A PERIOD OF TWENTY-FOUR (24) MONTHS**

7.2.3 **Closing date and time: 14<sup>th</sup> December 2023 @ 12h00 (midday)**

7.2.4 **The name and address of the bidder**

- 7.3 Bid documents will only be considered if received by the PRSA before the closing date and time, regardless of the method used to send or deliver such documents to the PRSA.
- 7.4 Bids can be delivered between **07h30 to 16h00, Mondays to Fridays**, prior to the closing date and between **07h30 to 12h00 (midday)** on the closing date.
- 7.5 All bids must be submitted on the official forms (not to be re-typed).

## 8. LATE BIDS

- 8.1 A bid will not be considered if **it arrives a second after 12h00 (midday) or any time thereafter**. Bids arriving late will not be considered under any circumstances.
- 8.2 Bids received late will be left unopened in our premises and bidders will arrange to collect them. Bids submitted late will be recorded as such without being opened.
- 8.3 **Bidders are therefore strongly advised to ensure that bids be despatched allowing enough time for any unforeseen events that may delay the delivery of the bid.**

## 9. CLARIFICATIONS & COMMUNICATION

- 9.1 Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (e-mail) from [tenders@portsregulator.org](mailto:tenders@portsregulator.org) on or before Thursday, 07<sup>th</sup> December 2023 @ 16:00.
- 9.2 The **bid number** should be mentioned in all correspondence. All communication between the Bidder(s) and PRSA must be done in writing. **Telephonic requests for clarification will not be accepted**. If appropriate, the clarifying information will be made available to all bidders **by e-mail only, will be uploaded on the PRSA website and ETender Portal**
- 9.3 Any communication to an official or a person acting in an advisory capacity for PRSA, other than the official who's name and contact details is specified in the RFP document, in respect of the bid between the closing date and the award of the bid by the Bidder(s) is discouraged.
- 9.4 Whilst all due care has been taken in connection with the preparation of this bid, PRSA makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current or complete. PRSA, and its employees and advisors will not be liable with respect to any information communicated which may not be accurate, current or complete.
- 9.5 If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by PRSA (other than minor clerical matters), the Bidder(s) must promptly notify PRSA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford PRSA an opportunity to consider what corrective action is necessary (if any).
- 9.6 Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by PRSA will, if possible, be corrected and provided to all Bidders.

## 10. RESPONSE FORMAT

Bidders must submit their response (bids) in accordance with the response format specified below:

<b>BID SUBMISSION CHECKLIST</b>	<b>Tick if submitted</b>
<p><b>Envelope / File 1 (Original)</b></p> <p><b>Part 1</b></p> <ul style="list-style-type: none"> <li>• Completed &amp; signed SBD forms</li> <li>• Initialed General Conditions of Contract (GCC)</li> </ul> <p><b>Part 2</b></p> <ul style="list-style-type: none"> <li>• Bid Document together with supporting documents</li> </ul> <p>1 hard copy (1 original)</p>	
<p><b>Envelope / File 2 (Copy Identical to original)</b></p> <p><b>Part 1</b></p> <ul style="list-style-type: none"> <li>• Completed &amp; signed SBD forms</li> <li>• Initialed General Conditions of Contract (GCC)</li> </ul> <p><b>Part 2</b></p> <ul style="list-style-type: none"> <li>• Bid Document together with supporting documents</li> </ul> <p>1 X (Copy Identical to original)</p>	
<p><b>USB</b></p> <p><b>Part 1</b></p> <ul style="list-style-type: none"> <li>• Completed &amp; signed SBD forms</li> <li>• Initialed General Conditions of Contract (GCC)</li> </ul> <p><b>Part 2</b></p> <ul style="list-style-type: none"> <li>• Bid Document together with supporting documents</li> </ul> <p><b>Soft copy X 1 (USB)</b></p>	

## 11. DUE DILIGENCE

11.1. PRSA reserves the right to conduct due diligence on the information submitted by the bidders prior to final award or at any time during the contract period. Misrepresentation is a criminal offence.

## 12. FORMAL CONTRACT

12.1. This Competitive Bid and all the appended documentation and the proposal in response thereto this bid together with the forms the basis for a formal contract to be negotiated and finalised between PRSA and the successful bidder/s in whole or in part.