

TERMS OF REFERENCE

FOR

THE APPOINTMENT OF SUITABLE AND EXPERIENCED PANEL OF FIVE (05) LEGAL SERVICE PROVIDERS TO RENDER LEGAL SERVICES TO THE QUALITY COUNCIL FOR TRADES AND OCCUPATIONS (QCTO) FOR A PERIOD OF THIRTY - SIX (36) MONTHS

INVITATION TO BID

THE APPOINTMENT OF SUITABLE AND EXPERIENCED PANEL OF FIVE (05) LEGAL SERVICE PROVIDERS TO RENDER LEGAL SERVICES TO THE QUALITY COUNCIL FOR TRADES AND OCCUPATIONS (QCTO) FOR A PERIOD OF THIRTY - SIX (36) MONTHS.

TENDER NO: QCTO 12/2025

Closing Date	Address for Submission
Date: 13 March 2026 Time: 11:00	Quality Council for Trade and Occupations Tender Box @ Reception 256 Glyn Street Hatfield Pretoria 0083

Late Submissions will not be considered

Bidder's Name		
Address		
Contact person		
Contact numbers	(w)	(cell)
Email address		

BRIEFING SESSION INFORMATION

Compulsory Briefing
Date: 27 February 2026
Time: 11:00am – 12:00pm

Link:

https://teams.microsoft.com/join/19%3ameeting_ZjcwMGJkNTMtZjVmNC00MjBILWJkZmEtZjNiNmJmM2FiZmM4%40thread.v2/0?context=%7b%22Tid%22%3a%221aaf8259-7fdc-4376-8b09-18fa797adeed%22%2c%22Oid%22%3a%2240b134a1-0502-41a2-bf46-0099c292351f%22%7d

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1. INTRODUCTION

The QCTO is a Schedule 3A Public Entity that was established in accordance with the Skills Development Act, No. 97 of 1998 (as amended), and the National Qualifications Framework Act, No. 67 of 2008 (as amended), and came into operation on 1 April 2010.

The main functions of the QCTO, among others, are to develop standards for occupational qualifications, including trades and skills programmes; accredit skills development providers and assessment centres; conduct assessments; ensure quality assurance; and issue certificates to qualifying learners.

Therefore, the QCTO is responsible for standards generation and maintenance, as well as the quality assurance of occupational full and part qualifications registered on the National Qualifications Framework (NQF) and the Occupational Qualifications Sub-Framework (OQSF) policy, including skills programmes.

The QCTO has approximately 120 staff members and is situated in Hatfield, Pretoria. More information can be obtained from <https://www.qcto.org.za>.

Prospective service providers who are interested in rendering services for legal services to the Quality Council for Trades and Occupations (QCTO) for a period of thirty - six (36) months, as specified herein and in accordance with the General Conditions of the offer, as well as the specifications, are requested to complete this bid document together with all the standard bidding documents in full.

2. BACKGROUND

The Quality Council for Trades and Occupations (QCTO) is a Quality Council established in 2010 in terms of the Skills Development Act, No. 97 of 1998 (as amended) and the National Qualifications Framework Act, No. 67 of 2008 (as amended). Its role is to oversee the design, implementation, assessment and certification of occupational qualifications, including trades, on the Occupational Qualifications Sub-Framework (OQSF). The QCTO also offers guidance to skills development providers who must be accredited by the QCTO to offer occupational qualifications.

In summary, the QCTO is responsible for:

Establishment and management of the Occupational Qualification Sub-Framework (OQSF);

- Occupational Qualifications and skills programmes development and maintenance;
- Accreditation of Skills Development Providers;
- Accreditation of Assessment Centres;
- Assessment;
- Certification;
- Research and Knowledge Development; and
- Stakeholder Management and Advocacy.

3. PURPOSE

The purpose of this bid is to appoint experienced and competent panel of legal service providers that can provide appropriate, timely and value adding legal services to QCTO. This document intends to provide the prospective Service Providers with adequate information to understand and respond to QCTO's requirements for the provision of legal services. It serves to ensure uniformity in responses and to provide a structured framework for the evaluation of proposals. The appointment will be for a period of thirty-six (36) months commencing on the date as prescribed in the Letter of Award and signed Service Level Agreement.

The QCTO is situated at 256 Glyn Street, Hatfield, in Pretoria and it consists of two buildings (Building A and B).

The size for building A is 3950.07 m² and for building B is 1528.92 m² and the total for the two buildings is (5,478 m²).

Building A has a ground floor, first floor, and basement.

Building B has a ground floor, the first floor and basement.

4. TENDER SUBMISSION AND COMPLIANCE

Prior to submission, the bidders must check that all pages are properly numbered, and all required documents are signed and initialled. QCTO will hold the duly authorised signatory liable on behalf of the bidder.

Bids received late shall not be considered. The tender (bid) box shall be closed at exactly 11:00 am of the closing date and bids arriving late will not be considered under any circumstances. Bids received late shall be returned unopened to the bidder. Bidders are therefore strongly advised to ensure that bids be despatched at such a time that will accommodate of any unforeseen events that may delay the delivery of the bid.

NB: Please create an index page for ease of reference. Paginate your bid submission by using numbered file dividers or a similar system. Each page should be initialled with black ink.

BID FORMAT

A detailed Bid in response to this Terms of Reference must be submitted. The Bid should contain all the information required to evaluate the bid against the requirements stipulated in these terms of reference. The following must be attached to the bid as annexures:

- **Annexure B:** Summary of experience (Must use attached template).
- **Annexure B1:** Pricing information. Price bids must include VAT and should be fully inclusive to deliver all outputs indicated in the terms of reference (Must use attached Excel template).
- The published terms of reference (this document, including Annexure A to this document).

Bidders must adhere to the below list for submission:

Table 4 (a)

I/We have attached to this document:	Tick if submitted		Office use
	Yes	No	
• Four hard copies of the technical bid document including the duly completed terms of references document (initialled by authorised signatories)	Yes	No	
• Annexure B: Summary of experience (Must use attached template).	Yes	No	
• Submission of one pricing completed SBD 3.3 , together with Annexure B1 (Must use attached Excel template). (Separately sealed in an envelope labelled PRICING).	Yes	No	
• One (1) USB Submission of the technical bid document including the duly completed terms of references document (initialled by authorised signatories)	Yes	No	
• Duly Completed Standard Bidding Documents (SBD 1 SBD 4, SBD 6,1)	Yes	No	
• Proof of CSD Registration (National Treasury) MAAA number on the SBD1 (invitation to bid) and attach CSD report. If there will be subcontracting, proof of CSD registration of the sub-contractor must be submitted	Yes	No	
• Tax Compliance Requirements	Yes	No	

4.1. Pricing

- 4.1.1. The bidder must submit details regarding the Bid price for the services on the pricing schedule provided in SBD 3.3, and Annexure B 1. The completed form/s must be submitted together with the **Annexure B1** in 1 envelope.
- 4.1.2. Bidders are required to indicate their rates (costs) inclusive of all applicable taxes.
- 4.1.3. The attached spreadsheet (**B1**) must be used to cost the Bid.
- 4.1.4. The price Bid must include VAT (if applicable) and should be fully inclusive to deliver all outputs indicated in the terms of reference.
- 4.1.5. Bidders must ensure that the Total Bid Price (Including VAT) must be the same on pricing schedule (SBD1) and on the Annexure B1: Costing/Price Schedule. Failure to comply with this requirement will lead to disqualification.
- 4.1.6. Bidders must ensure that they indicate the Bid Prices (Including VAT) for each year on the Annexure B1: Costing/Price Schedule.
- 4.1.7. QCTO will not provide upfront payments.

NB: Failure to provide the pricing bid and errors on calculations will invalidate the bid and result in immediate disqualification of the bid.

4.2. PARTNERSHIPS AND LEGAL ENTITIES

In the case of the bidder being in a partnership, close corporation or a company, a certificate reflecting the names, identity numbers and addresses of the partners, members or directors (as the case may be) must be submitted with the Bid.

4.3. CONSORTIUMS AND JOINT VENTURES

- 4.3.1. If the bidding unit emanates from a joint venture or collaborative partnership or consortium (including a newly formed company), the individual entities that make up the bidding unit should each provide all the mandatory requirements.
- 4.3.2. Should all the requirements in respect of the bidding unit or the individual entities not be met, the bidding unit will be disqualified.
- 4.3.3. It is recognised that bidders may wish to form consortia to provide the services.
- 4.3.4. In response to this invitation to bid, a consortium shall comply with the following requirements:
 - A copy of the agreement entered by the consortium members shall be submitted with the Bid. It shall be signed to be legally binding on all consortium members.
 - The Bid document shall be signed to be legally binding on all consortium members.
 - One of the members shall be nominated by the others as authorized to the lead member and this authorisation shall be included in the agreement entered between the consortium members.
 - The lead member shall be the only authorised party to make legal statements, communicate with QCTO and receive instructions for and on behalf of any or all the members of the consortium.

5. SCOPE AND DEFINITION OF WORK

The appointed panel of legal Service Providers will be required to provide general legal services and will be expected to render services for QCTO when called upon to do so on an *ad-hoc* basis.

5.1. EXPECTED OUTCOMES AND DELIVERABLES

5.1.1. The appointed panel of legal Service Providers will be expected to provide Legal Compliance and Regulatory support, including Legal advice and/or Legal opinions relating to but not limited to below listed legislative prescripts related to QCTO's mandate:

- a) Skills Development Act, No. 97 of 1998 (as amended);
- b) National Qualifications Framework Act, No. 67 of 2008 (as amended);
- c) Public Law (Constitutional and administrative law - inter alia the Constitution of the Republic of South Africa, 1996);
- d) The Promotion of Access to Information Act 2 of 2000;
- e) The Protection of Personal Information Act 4 of 2013 ;
- f) The Cybercrimes Act 19 of 2020;
- g) The Prevention of Organised Crime Act 121 of 1998;
- h) the Promotion of Administrative Justice Act 3 of 2000;
- i) Public Finance Management Act 1 of 1999, Treasury Regulations and Directives);
- j) Corporate and Commercial Law;
- k) Labour Relations Act 66 of 1995;
- l) Basic Conditions of the Employment Act 75 of 1997;
- m) Employment Equity Act 55 of 1998; and
- n) Higher Education Act 101 of 1997 as amended.
- o) POPIA Act (POPIA), Act 4 of 2013
- p) Continuing Education and Training Act 16 of 2006
- q) PPPFA Act (Act 5 of 2000)

5.1.2. The appointed panel of legal Service Providers will be expected to provide legal opinion on the interpretation of high risk and complex contracts that QCTO intends entering into, considering all respective legislation; drafting, vetting and review of Service Level Agreements and any other related contract matter(s).

5.1.3. The appointed panel of legal Service Providers will be expected to provide legal opinion and act for and represent the QCTO in respect of but not limited to the following:

- a) Litigation – Magistrates Court, High Court, CCMA, Labour Court, Labour Appeals Court, Quasi- Judicial processes etc.;
- b) Recover the costs of litigation where appropriate; and
- c) Defend or institute civil action against or by QCTO in any court/forum.

5.1.4. Bidders are expected to perform duties as per the below but not limited to;

Practice Area	Scope of work	Skills required
Corporate and Commercial Law	<ul style="list-style-type: none"> • Advise on projects and transactions of corporate and commercial law nature. • Draft, review and advise on a broad range of complex commercial contracts and/or Service Level Agreements. • Provide advice and/or opinions on corporate governance and compliance related matters. • Legal advice and or legal opinion relating to Corporate and Commercial Law 	<ul style="list-style-type: none"> • Exposure in working on transactions of corporate and commercial law nature. • Experience in drafting complex contracts and Service Level Agreements of commercial law nature. • Experience in providing advice in general corporate and commercial law.
Administrative Law & Public Law (including expertise in PFMA, the Constitution of South Africa and Public Procurement)	<ul style="list-style-type: none"> • Advise on projects of Administrative Law and Public Law. • Draft, review and advise on a broad range of complex Service Level Agreements. • Provide advice/ opinions on related matters. • Legal advice and or legal opinion relating to Administrative Law & Public Law 	<ul style="list-style-type: none"> • Experience in drafting complex Service Level Agreements • Experience in general litigation relating to administrative and public law. • Experience in providing advice in administrative and public Law
Employment and Labour Law	<ul style="list-style-type: none"> • Provide legal opinions and assist with labour and employment related matters. • Advising on labour and employment law related matters • Assist with conciliation, arbitration, and other dispute resolution for the benefit of the QCTO (for example, CCMA, Labour Court, Labour Appeals Court, and other quasi-judicial etc.). • Assist with reviewing of contracts, regulations, policies and guidelines as well as Standard Operating Procedures related to labour law and employment. • Other legal advice and opinion relating to employment and labour. 	<ul style="list-style-type: none"> • Experience in labour and employment law litigation. <i>(for example CCMA, Labour Court, and Labour Appeals Court etc.).</i> • Understanding of labour and employment law jurisprudence for purposes of providing legal opinions and representing the QCTO.

Practice Area	Scope of work	Skills required
Constitutional and Administrative law	<ul style="list-style-type: none"> • Provide legal opinions in respect of constitutional and administrative law matters. • Advise on legal interpretation and legal implications of existing and/or proposed agreements to be entered into and decisions taken by QCTO. • Legal advice and or legal opinion relating to Constitutional and Administrative law. 	<ul style="list-style-type: none"> • Experience in providing legal opinions on constitutional and administrative law. • Experience in administrative law and constitutional law practice
Public and Private Partnerships (PPP) and related matters	<ul style="list-style-type: none"> • Advise on restructuring PPP projects. • Draft or review project documentation, including but not limited to PPP agreements, legal opinions, due diligence and expert reports. • Advise on legislative and regulatory matters related to PPPs. • Legal advice and or legal opinion relating to Public and Private Partnerships (PPP) and related matters 	<ul style="list-style-type: none"> • Knowledge of South African (SA) PPP market and regulatory environment • Expertise in PPP risk analysis, allocation and mitigation • Expertise in drafting, analysis and review of PPP documentation and structuring of Broad-Based Black Economic Empowerment (BBBEE) in PPPs • Experience in conducting PPP due diligence exercises
Litigation, civil law, criminal law and dispute resolution	<ul style="list-style-type: none"> • Act on behalf of the QCTO on litigation matters. • Develop and review appropriate litigation strategy in each matter. • Ensure effective and efficient litigation process is followed. • Draft bill of costs in respect of legal costs awarded in favour of QCTO. • Provide regular update reports throughout the litigation process. • Legal advice and or legal opinion relating to Litigation, civil law, criminal law and dispute resolution 	<ul style="list-style-type: none"> • Knowledge of litigation and court processes as well as procedures relating to Magistrate Court, Equality Court, High Court, Labour Court, Labour Appeals Court, Supreme Court of Appeal and Constitutional Court.
Regulatory Law (for example; Skills Development Act, No. 97 of 1998 (as amended) and the National Qualifications Framework Act, No. 67 of 2008 (as amended))	<ul style="list-style-type: none"> • Assist with regulatory and compliance matters. • Legal advice and or legal opinion relating to Regulatory Law 	<ul style="list-style-type: none"> • Full understanding of legal and regulatory framework governing the Post School and Education Training Sector and QCTO legislative mandate.

Practice Area	Scope of work	Skills required
Intellectual Property (IP) Law and Competition Law	<ul style="list-style-type: none"> Advise on projects and transactions of corporate and commercial law nature. Draft, review and advise on a broad range of complex commercial contracts to ensure compliance with Competition Commission and Financial Sector Conduct Authority (FSCA) regulations. Provide legal advice and/or opinions on IP law and Competition law related matters. Other legal advice Legal advice and or legal opinion relating to Intellectual Property 	<ul style="list-style-type: none"> Full understanding of IP law and Competition law as well as the FSCA regulations. Full understanding of trademark registration process and trademark use by third parties.
Good corporate Governance and council /board management.	<ul style="list-style-type: none"> Provide legal advice and/or opinions on corporate governance related matters. Draft, review and advise on a broad range of complex council and governance contracts. 	<ul style="list-style-type: none"> Full understanding of corporate governance matters in public entities. Full understanding of prescripts of PFMA. Understanding of good corporate governance practices.
Forensic Investigations	<ul style="list-style-type: none"> Ability and capacity to conduct forensic investigations Ability to conduct lifestyle audits 	<ul style="list-style-type: none"> Full understanding of forensic investigation processes
Cyber Law	<ul style="list-style-type: none"> Advise on Cyber Security Laws, Policies, Practices and Application 	<ul style="list-style-type: none"> Full understanding of Cyber Law in terms of application
Tax Law, Audit Law and other applicable legislation impacting the QCTO as a schedule 3A Public Entity	<ul style="list-style-type: none"> Advise on projects of Tax Law and Audit Law. Draft, review and advise on a broad range of complex Service Level Agreements. Provide advice/ opinions on related matters. Legal advice and or legal opinion relating to Tax Law, Audit Law and other applicable legislation impacting the QCTO as a schedule 3A Public Entity 	<ul style="list-style-type: none"> Experience in drafting complex Service Level Agreements Experience in general litigation relating to Tax Law and Audit Law. Experience in providing advice in Tax Law and Audit Law.

Bidders are required to clearly indicate in their technical proposal the Practice Area(s) in respect of which the bid is submitted. Bidders are allowed to bid for multiple practice areas.

6. COMPANY REQUIREMENTS

6.1. The following must be submitted:

- 6.1.1. Valid Letter of good standing (COIDA) / Valid COIDA certificate;
- 6.1.2. Proof of registration with the Legal Practice Council (LPC);
- 6.1.3. Letter of good standing from the LPC;
- 6.1.4. Proof of qualification of the lead Legal Practitioner (Attorney) and of the proposed team members for the service;
- 6.1.5. Company Profile – including short history of the Firm including opening date;
- 6.1.6. Certified copies of Identity Documents (IDs) and or valid passport for Non-South African citizen of company directors;
- 6.1.7. Proof of company registration and a copy of CM certificates;
- 6.1.8. The Premises from which the firm conducts its business;
- 6.1.9. Contact Details;
- 6.1.10. List of support staff employed by the firm;
- 6.1.11. Policy that manage possible conflict of interest in place to ensure that conflict of interest will be managed effectively and to the best interest of QCTO; and
- 6.1.12. Any value-added services that the bidder may be in a position to offer QCTO.

7. CONFIDENTIALITY

The Panel of Legal service providers will be required to sign a confidentiality, indemnity and/or Non-Disclosure Agreement. The successful service providers undertake that at any time during the term of its appointment and after any termination or cancellation thereof it will not to directly or indirectly disclose, nor directly or indirectly use, whether for their own benefit or that of any other person any confidential information of QCTO including that of or any information relating to their clients, customers, suppliers, donors, sponsors or agents.

8. DELIVERABLES AND TIME FRAMES

The service provider must ensure that the services are provided for thirty-six (36) months from the start date of the contract. QCTO shall review the bidder's performance annually and reserves the right to terminate the contract due to non-performance.

DELIVERABLES	TIMEFRAME
Inception Meeting Signing of the SLA	April 2026

9. EXPERIENCE / SKILLS / PAST PERFORMANCE / TEAM REQUIRED

The attached spreadsheet Annexure **B** must be used to summarise qualifications, skills and experience.

9.1. Company Experience

The service providers must have a minimum of Five (05) years of operational experience and exposure in the Education and Training Sector. To support this, service providers are required to submit reference letter/s (on the letterhead of the company and signed by management of that company) as proof that they have successfully rendered the services, or that they have been providing similar services for at least Five (05) years. The reference letter/s should include contactable details for verification purposes. The attached template (**Annexure B**) must be used to summarise the experience.

9.2. Qualifications and Experience for Team Required

The following table illustrates the minimum qualification and experience required for:

Table 9.2(a)

Roles*	Qualifications/ professional Registration	Experience
Advocate or admitted attorney	<ul style="list-style-type: none"> • LLB Degree; • Admission certificate; and • Right of appearance in the High Court <p>Attach Proof of qualification and professional registration</p>	<ul style="list-style-type: none"> • Minimum 6 years' legal experience (post admission) • Excellent drafting and prosecution skills.
Lead Partner	<ul style="list-style-type: none"> • LLB Degree; • Admission certificate; and • Right of appearance in the High Court <p>Attach Proof of qualification and professional registration</p>	<ul style="list-style-type: none"> • Minimum of 6 years post admission experience in in Civil Litigation • Attach CV(s) of Partner(s) and/or Director(s) or Sole Proprietor

QCTO reserves the right to verify all qualifications through the South African Qualifications Authority and to verify experience indicated on CVs with third parties. **CVs must be on the provided compulsory CV template.**

9.3. It is compulsory for Bidders to indicate the relevant practice area/s for which resources are proposed for:

NO	Practice Area	Tick √
1	Corporate and Commercial Law	
2	Administrative Law & Public Law (including expertise in PFMA, Public Procurement	
3	Employment and Labour Law	
4	Constitutional and Administrative law	
5	Public Private Partnerships and related matters	
6	Litigation, civil law, criminal law and dispute resolution	
7	Regulatory Law (for example; Skills Development Act, No. 97 of 1998 (as amended) and the National Qualifications Framework Act, No. 67 of 2008 (as amended)	
8	Intellectual Property (IP) Law and competition Law	
9	Provide advice/ opinions on governance related matters	
10	Forensic Investigations	
11	Cyber Law	
12	Tax Law, Audit Law and other applicable legislation impacting the QCTO as a schedule 3A Public Entity	

10. EVALUATION

QCTO may request additional information, clarification, or verification regarding any information contained in a bid. Information will be requested in writing, and the bidder must provide the requested information within forty-eight (48) hours after the request has been made; otherwise, the bidder will be disqualified.

QCTO may conduct due diligence on any bidder, which may include interviewing customer references or other activities to verify a bidder's other information and capabilities (Including visiting the bidder's previous premises and/or sites to verify certain stated information or assumptions). In these instances, the bidders will be obliged to provide QCTO with all necessary access, assistance, and/or information that QCTO may reasonably request and to respond within the given time frame set by QCTO.

The 80/20 principle will be applied in terms of the Preferential Procurement Policy Framework Act.

10.1. STAGE 1: MANDATORY REQUIREMENTS

During this stage, the bid will be reviewed to determine compliance with all mandatory requirements and such documents must be signed by a duly authorized representative. Failure to meet or submit any or all the above mandatory requirements will lead to the bidder being disqualified.

Table 10.1 (a)

NO	I/We have attached to this document:	Tick if submitted		Office use
		Yes	No	
1	Certificate of enrolment issued by LPC	Yes	No	
2	Letter of Good Standing (COIDA) issued by the Department of Labour	Yes	No	
3	Proof of registration with the Legal Practice Council	Yes	No	
4	Proof of company registration and a copy of CM certificates	Yes	No	
5	Certified (ID) identity documents of those with equity/shares	Yes	No	
5	CSD Registration (National Treasury)	Yes	No	
6	The practice number issued by the relevant law society	Yes	No	
7	Valid certified copy of the Attorneys Fidelity Fund Certificate for each member who is a sole practitioner, partner or director of the firm of attorneys and who will attend to QCTO matters.	Yes	No	
8	Certified valid letter of good standing with the Legal Practice Council, for each attorney who forms part of the team that will attend to QCTO matters, not older than 6 (six) months	Yes	No	
9	Firms Indemnity Certificate issued for present year.	Yes	No	

Note: Failure to meet all the above mandatory requirements will result into disqualification

10.2. STAGE 2: FUNCTIONALITY

Only bidders that qualified during the Mandatory Evaluation will be evaluated on functionality. At this stage, the evaluation process will be based on the bidder's responses in respect of their Bids against Terms of Reference and quality.

Table 9.2(a): Qualifying Bid will be evaluated on the following:

No	Evaluation Criteria	Guideline	Scoring	Points
1	Company Experience	<p>Demonstrate adequate experience through the number, types of similar projects/assignments undertaken. The service provider must have a minimum of Five (05) years of operational experience as per paragraph 9.1.</p> <p>Bidders are expected to attach reference letters on projects completed including project completion certificates based on cases dealt with and attach relevant case reports / award.</p> <p>Reference letters must contain the following information:</p> <ul style="list-style-type: none"> • Signed and on an entity letterhead. • Clearly indicate the type of service Provided (Maximum of 5 area of expertise) and the summary of the evidence of concluded and ongoing cases including focus areas that were involved. • Reference letters to be dated and signed • Relevant contact person's name, surname and position • Relevant contactable contact number/s <p>QCTO reserves the right to contact these organisations, without prior notice to the bidder</p>	<p>Five completed and ongoing cases = 25 points</p> <p>Four completed and ongoing cases = 20 points</p> <p>Three completed and ongoing cases = 15 points</p> <p>Two completed and ongoing cases = 10 points</p> <p>One completed and ongoing cases = 5 points</p> <p>No completed and ongoing cases = 0 points</p>	25
2	Admission and Right of Appearance	<p>Admission and Right of Appearance Certificate (from The Registrar of the High Court of SA)</p> <p>Admission and Right of Appearance Certificate</p>	<p>The Lead Attorney must have Right of Appearance in the High Court of South Africa Note the points allocation:</p> <p>Admission Certificate provided by Lead Attorney(s) = 5 points</p> <p>Right of Appearance Certificate provided by Lead Attorney(s) = 5 points</p> <p>No proof or valid certificate provided by Lead Attorney(s) = 0 points</p>	10

No	Evaluation Criteria	Guideline	Scoring	Points
3	Enrolment with the Legal Practice Council (LPC) and registration with Legal Practitioners Fidelity Fund	Letter of Good Standing Valid fidelity fund certificate	Legal Practice Council Letter of Good Standing provided by Legal Practitioner(s) = 05 points Legal Practitioners Fidelity Fund Certificate provided by the Law Firm = 5 points No proof or valid letter and certificate provided by Legal Practitioner(s) and Law Firm = 0 points	10
4	Area of Expertise	Summary of evidence of successful cases including focus areas that were involved Expertise of cases including focus areas that were involved: 1. Corporate and Commercial Law 2. Administrative Law & Public Law (including expertise in PFMA, Public Procurement 3. Employment and Labour Law 4. Constitutional and Administrative law 5. Public Private Partnerships and related matters 6. Litigation, civil law, criminal law and dispute resolution 7. Regulatory Law (for example; Skills Development Act, No. 97 of 1998 (as amended) and the National Qualifications Framework Act, No. 67 of 2008 (as amended) 8. Intellectual Property (IP) Law and competition Law 9. Provide advice/ opinions on governance related matters 10. Forensic Investigations 11. Cyber Law 12. Tax Law, Audit Law and other applicable legislation impacting the QCTO as a schedule 3A Public Entity	Expertise of cases including focus areas as per page 14 table 9.3 9 to 12 case = 30 points 5 to 8 cases = 20 points 1 to 4 cases = 10 points	30
5	Lead Partner	CV of the Director (on Compulsory CV format) At least one Partner(s) and/or one Director(s) or Sole Proprietor must have At least of 3 years post admission experience in the relevant practise area. Please furnish us with a CV(s) of Partner(s) and/or Director(s) or Sole Proprietor at least the following:	<ul style="list-style-type: none"> 05 years and more of post admission experience in Civil Litigation = 25 points 4 – 5 years of post-admission experience in Civil Litigation = 15 points 	25

No	Evaluation Criteria	Guideline	Scoring	Points
		<ul style="list-style-type: none"> • Personal information; • Qualification and date of admission; • Work experience; and • Contactable references 	<ul style="list-style-type: none"> • 3 years post admission experience in Civil Litigation = 10 points 	
	Total			100

Each criterion shall be assessed and scored on the evaluation sheet using the above points.

Threshold: Bidders who score less than **70** out of **100** points will not be considered for Price and Specific Goals and will be disqualified for this project

10.3. STAGE 3: PRICE AND SPECIFIC GOALS

Only bids that achieved the minimum qualifying score/percentage for functionality will be considered further in terms of the 80/20 preference point system.

The formulae to be utilised in calculating points scored for the preference point system will be included in the tender document.

Step 1 will be the calculation of points for price where the lowest bid will score 80 points for price, while bids with higher prices will score lower points for price on a pro-rata basis. The following formula will be utilised to calculate the points for price in respect of Bid with a Rand value below R50 000 000 (all applicable taxes included):

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

Where:

P_s = Points scored for comparative price of Bid or offer under consideration.

P_t = Comparative price of Bid or offer under consideration; and

P_{min} = Comparative price of lowest acceptable Bid or offer.

Step 2 will be the calculation of points for the Specific goals contribution where **20** points will be awarded to a Bidder as per the table below:

Specific goals	Definitions	Number of Points
Women ownership with at least 50%. >50% = 5 points <50% = 0 point	5 points can be claimed by bidders who have owners/directors who are Black women with at least 50% of ownership	5
Youth ownership with at least 50%. >50% = 5 points <50% = 0 point	5 points can be claimed by bidders who have owners/directors who are Black persons from the age of 16 to 35 with at least 50% of ownership	5
Black ownership with at least 50%. >50% = 10 points <50% = 0 point	10 points can be claimed by bidders who have owners/directors who are Black with at least 50% of ownership	10

Note: Failure to provide certification or affidavit substantiating the attainment of any of the Specific goals criteria will result in the Bidder being awarded zero (0) points for the Specific goal.

In the case that B-BBEE certificates are used to substantiate the points, the bidder must submit the full verification report, which shows the percentage of black ownership, Women, Youth and address for locality (see SBD 6.1 page 4 for verification documents).

11. CALCULATING THE FINAL SCORE

The points scored for the price (step 1) will be added to the points scored for the Specific goals (step 2) to obtain the tenderer's total points scored out of 100.

AREAS OF EVALUATION	POINTS
Price	80
Specific Goals	20
Total	100

12. SPECIAL CONDITIONS APPLICABLE TO THIS BID

- QCTO will furnish the Service Provider with all relevant and available data and information, which is necessary to perform the services under the agreement.
- QCTO will become the owner of all information, documents, programmes, advice and reports generated and compiled by the Service Provider in the execution of the services.
- The copyright of all documents and reports compiled by the Service Provider will vest in QCTO and may not be reproduced or distributed or made available in any other way without the written consent of QCTO.
- All information, documents, programmes and reports must be regarded as confidential and may not be made available to any unauthorized person or institution without the written consent of QCTO.
- Appointment is subject to both parties agreeing with the Service Level Agreement; both parties must sign the agreement.
- The Service Provider is entitled to general knowledge acquired in the execution of this agreement and may use it, if it shall not be to the detriment of the QCTO.
- The successful bidder shall provide the service required based on the set timelines agreed with QCTO.
- Conditions stipulated in the general conditions of the contract will be applicable should any of the parties fail to deliver (read together with the Service Level Agreement signed by both parties).
- On termination of the agreement, for whatever reason (s), all documents, programmes, reports, must be handed to QCTO, The Service Provider relinquishes the right of retention thereof.
- The Service Provider will be liable for any loss/damage of assets during the contract period.
- The bidder's officials must make themselves available for court proceedings and/or QCTO internal disciplinary and arbitration proceedings as required.
- Financial penalties will be issued as determined in the Service Level Agreement.
- The successful Service Provider should be able to work with other Service Providers.

13. GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract (GCC) must be accepted. QCTO reserves the right to implement remedies as provided for in the GCC.

The GCC can be downloaded from the Treasury Website. Please refer to the link below:

<http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract.pdf>

14. SERVICE LEVEL AGREEMENT

The successful bidders will be expected to enter into a Service Level Agreement (SLA) with the QCTO.

The contract shall be for a maximum duration of 36 months subject to an annual appraisal and confirmation of compliance with the bid requirements.

The SLA will include, amongst others, the following:

- i Period of agreement;
- ii Pricing Conditions;
- iii Changes to the proposed team;
- iv Method of communication and reporting;
- v Non-performance;
- vi Financial penalties and termination of the contract;
- vii Procedures relating to payments;
- viii Procedures relating to management reports;
- ix Terms of deliverables
- x Reviews;
- xi Uncompleted work;
- xii Confidentiality; and
- xiii Disputes.

The QCTO has a standard template for Service Level Agreements into which both parties (QCTO and the successful bidder) will provide inputs. This SLA shall be the sole document governing the business relationship between the QCTO and the successful bidder. No additional agreements may supersede or govern the SLA

15. ACCEPTANCE OF BID

QCTO does not bind itself to accept either the lowest or any other tender and reserves the right to accept the tender that it deems to be in the best interest of the organization. QCTO reserves the right to accept the offer in full or in par

16. TENDER VALIDITY PERIOD

The validity period for this bid is **180 days**.

17. ENQUIRIES

Any technical enquiries regarding the terms of reference shall be directed in writing to:

Mr. N Jan Mathebe

Email: Mathebe.N@qcto.org.za

Contact persons for SCM and administrative related issues:

Mr. Lekhotla Motlounq

Email: tenders@qcto.org.za

Compulsory CV template for Uniformity

Bidders must clearly indicate the practice area in the CV template.

Bidders must replicate this CV template for each practice area.

Proposed role	
Area of Practice	
First name and Surname	
Date of birth	
Nationality	
Professional Membership	
Present position	
Years with the bidders organization or Company	

Education

Institution	Duration (Date from - Date to)	Qualification Obtained (e.g., Degree(s) or Diploma(s) <i>(Start from the most recent, Copies of each qualification to be included in the CV pack)</i>

Professional Experience (Relevant to the Area of Practice)

Date (From – To)	
Organisation	
Location	
Position	
Description of duties (listed)	

Date (From – To)	
Organisation	
Location	
Position	
Description of duties (listed)	

Date (From – To)	
Organisation	
Location	
Position	
Description of duties (listed)	

References (relevant to the Practise area)

Name	Organisation	Contact details