



REQUEST FOR BIDS

RFB NUMBER : SHRA/RFB/ADMIN/03/202223
CLOSING DATE : Tuesday 31st January 2023
TIME : 11h00
DESCRIPTION : Appointment of law firms to serve on a panel of Legal Service Providers for a period of three (3) years

BRIEFING: Yes No

DOCUMENTS IN THIS BID DOCUMENT PACK

Bidders are to ensure that they have received all pages of this document, which consist of the following documents:

SECTION A

1. Background
2. RFB Submission Conditions and Instructions
3. Terms of Reference
4. Evaluation Process
5. Evaluation Criteria

SECTION B

1. Special Conditions of Bid and Contract
2. General Conditions of Contract (Annexure A)
3. Invitation to Quote (SBD 1)
4. Pricing Schedule (SBD 3.3)
5. Declaration of Interest (SBD 4)
6. Preference Points Claim form in terms of Preferential Procurement Regulations 2017 (SBD 6.1)
7. Submission Checklist

SECTION A

1. BACKGROUND

The Social Housing Regulatory Authority ("SHRA") was established in August 2010 by the Minister of Human Settlements in terms of the Social Housing Act, No. 16 of 2008. The SHRA is classified as a public entity in terms of Schedule 3A of the Public Finance Management Act.

1.1 MISSION

The SHRA will regulate and invest to deliver affordable rental homes and renew communities.

1.2 VISION:

Affordable rental homes in integrated urban environments through sustainable institutions.

1.3 FUNCTIONS

- Promote the development and awareness of social housing by providing an enabling environment for the growth and development of the social housing sector.
- Provide advice and support to the Department of Human Settlements in its development of policy for the social housing sector and facilitate national social housing programmes
- Provide best practice information and research on the status of the social housing sector
- Support provincial governments with the approval of project applications by social housing institutions
- Provide assistance, when requested, with the process of the designation of restructuring zones
- Enter into agreements with provincial governments and the National Housing Finance Corporation to ensure the co-ordinated exercise of powers

2. RFB SUBMISSION CONDITIONS AND INSTRUCTIONS

2.1 FRAUD AND CORRUPTION

2.1.1 All Providers 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.

2.2 COMPULSORY BRIEFING SESSION

2.2.1 There will be **NO compulsory briefing session** for this Request for Bids

2.3 CLARIFICATIONS/QUERIES

2.3.1 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 **Ms. Thinadzanga Nevari** at Nevarit@shra.org.za by **Wednesday 25th January 2023 at 16h00.** The **bid number** should be mentioned in all correspondence. **Telephonic requests for clarification will not be accepted.** If appropriate, the clarifying information will be made available to all bidders by e-mail only.

2.4 SUBMITTING BIDS

NB: ONE HARD COPY AND ITS SOFT COPY IN AN USB FORMAT

Faxed or e-mailed bids will not be accepted

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

- RFB number: SHRA/RFB/ADMIN/03/202223
- Closing date and time: Tuesday 31st January 2023 at 11h00
- The name and address of the bidder

Documents submitted on time by bidders shall not be returned.

2.5 LATE BIDS

2.5.1 Bids received late shall not be considered. A bid will be considered late if it arrived only one second after 11h00 or any time thereafter. 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 allowing enough time for any unforeseen events that may delay the delivery of the bid.

2.5.2 The official Telkom time (dial 1026) will be used to verify the exact closing time (11h00)

2.5.3 Bids sent to SHRA via normal post or any other mechanism shall be deemed to be received at the date and time of arrival at the SHRA premises (tender/bid box or reception). Bids received at the physical

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address after the closing date and time of the bid, shall therefore be deemed to be received late.

2.6 DIRECTIONS TO SHRA OFFICE FOR DELIVERY OF BIDS

2.6.1 Bidders should allow time to access the premises due to security arrangements that need to be observed.

2.7 FORMAT OF BIDS

2.7.1 Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their bid should be concise, written in plain English and simply presented.

2.7.2 Bidders are to set out their bid in the following format:

Part 1: Invitation to Bid

Bidders must complete and submit the Invitation to Bid document.

Part 2: Pricing Schedule

Bidders must complete and submit the pricing schedule document.

The appointed Service Provider will:

- Claim travel costs applicable to this contract as per the AA rates
- Book only economy class flight and preferably Group A hire cars, otherwise Group B are to be used for Service Providers outside of Gauteng.
- Book only hotels, or other equivalent accommodation up to a Rand value of R1 400 per night per person (including dinner, breakfast and parking).

The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable

Part 3: Declaration of Interest

Each party to the bid must complete and submit the Declaration of Interest.

Part 4: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2017

Bidders must complete and submit the Preference Points Claim Form.

A trust, consortium or joint venture:

- will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate OR a Letter from a registered Accounting Officer/ Auditor OR a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.
- will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Part 5: Broad Based Black Economic Empowerment Certificate

Bidders are to submit an Original/Certified copy of a valid BBEE Certificate.

- A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid. or a letter from an Accounting Officer/ Auditor or a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.

Part 6: General Conditions of Contract

Bidders must initial each page of the General Conditions of Contract and submit with their bid document.

Part 7: Technical approach

Bidder must at least:

Describe, in detail, exactly how they propose to carry out the activities to achieve the outcomes identified in the terms of reference. Bidders are required to have the basic office equipment and the resource/s (which must include, laptop, 3G connection, landline, own office with the basic office equipment) will be located within the region where the work will be done. They should identify any possible problems that might hinder delivery and indicate how they will avoid, or overcome such problems.

Describe how the work will be managed. Provide an organisation chart clearly indicating:

- The lines of reporting and supervision within the bidder's team.
- The lines of reporting between the bidder and SHRA.

Identify the position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and name the people who will fill these positions.

Describe the tasks, duties or functions to be performed by staff in these positions.

Indicate the number of hours required to complete each task and the number of hours to be provided by each team member. The bidder must be able to work within strict time lines and have the capacity to do so.

Provide information on any additional value added services for consideration by SHRA, and which will form part of the overall proposed solution. Please note that the additional value ads must be priced separately in the space provided for in the pricing schedule.

Bidders are to present such information in a matrix. The following is provided merely as guidance. Bidders are free to elaborate as they see fit.

Outcome/output	Activity	Team member(s) involved (name and position)	Person days for each team member	Total person days

Provide a work plan of activities. In addition to providing details of the estimated number of workdays for each activity, bidders are to supply a detailed timetable that identifies when certain activities will be undertaken and over what period they will be spread. The timing of activities, the time needed to complete them, and the order in which they will be undertaken must be explained and justified.

Please note that part 9 should be no longer than 10 single-sided A4 pages in Arial 11 (font size).

Part 8: Team Details

The bidder must provide:

- A comprehensive curricula vita (relevant to this bid and limited to two pages). In particular, the CV must highlight the team member(s) experience and qualifications to carry out the work

Part 9: Experience in this field

It is essential the service provider displays:

- Experience as set out in the terms of reference
- The Bidder must provide at least three (3) reference letters on company letterheads of previous clients where the Bidder provided similar services.

Part 10: Bidders National Treasury Central Supplier Database (CSD) forms indicating the validity of the bidder's registration

2.8 PRESENTATIONS

2.8.1 SHRA reserves the right to invite Bidders for presentations before the award of this Bid. Only Bidders who have met the minimum functionality criteria will be invited to presentation.

2.9 NEGOTIATION

2.9.1 SHRA has the right to enter into negotiation with a prospective service provider regarding any terms and conditions, including price(s), of a proposed contract.

2.9.2 SHRA shall not be obliged to accept the lowest of any quotation, offer or bid.

2.9.3 SHRA issues this bid invitation in good faith; however, it reserves the right to:

- Cancel or delay the selection process at any time, without explanation,
- Not to select any of the respondents to this bid invitation, without explanation,
- Exclude certain services, without explanation.

2.9.4 All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties. The designated responsible person of SHRA is the Chief Executive Officer or his/her written authorised delegate.

2.10 REASONS FOR REJECTION

2.10.1 SHRA shall reject a bid for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.

2.10.2 SHRA may disregard the bid of any bidder if that bidder, or any of its directors:

2.10.2.1 have abused the Supply Chain Management systems of SHRA.

2.10.2.2 have committed proven fraud or any other improper conduct in relation to such systems.

2.10.2.3 have failed to perform on any previous contract and the proof exists.

2.10.3 Such actions shall be communicated to the National Treasury.

3. TERMS OF REFERENCE

3.1. INTRODUCTION AND BACKGROUND

The Social Housing Regulatory Authority (“SHRA”) was established by Parliament as prescribed by the Social Housing Act (16 of 2008). The SHRA is classified as a national public entity in terms of Schedule 3A of the Public Finance Management Act (1 of 1999) (“PFMA”).

The SHRA’s mandate is to invest in and regulate the social housing sector. The primary intention of the Social Housing Act is to deliver affordable rental housing to the low to medium income groups. The main aim of the Act is to achieve spatial, economic and social integration of the urban environments in South Africa.

3.2. PURPOSE

The purpose of this assignment is to appoint a panel of law firms to serve in the panel of legal service providers that will be rendering legal services on different issues with legal implications to the SHRA, as and when required.

3.3. SCOPE OF WORK

3.3.1 The service providers will be required to provide support legal services to the SHRA internal legal department across all legal matters affecting the business of the SHRA.

3.3.2 Assist and advise the SHRA on all aspects relevant to conduct civil commercial litigation, fraud and corruption; regulatory enforcement, including advice on evidence and other legal opinions in relation to the following but not limited to the following categories:

- Social Housing Act and its Regulations,
- the PFMA, the MFMA, Procurement;
- Companies Act and Regulations,
- Tax Compliance,
- Financing and debt structures;
- Shares and Equity;
- Governance,
- Competition Law;
- Regulatory Compliance and Enforcement;
- Employee Relations;
- Property Law (including Conveyancing and Notarial Services); Construction Law;
- Data Protection and Information technology;
- PAJA
- Alternative Dispute Resolution

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- 3.3.3 Assist the SHRA in the preparation for the institution and conducting of, and enforcement of all steps and processes relevant to civil litigation (whether by motion or action proceedings), from the perspective of a Plaintiff/Applicant or assist the SHRA in the preparation for the opposition and defence of, and enforcement of all steps and processes relevant to civil litigation (whether by motion or action proceedings), from the perspective of a Defendant/Respondent, whichever may be applicable to the SHRA.
- 3.3.4 Preparation of opinions and advice on corporate structures and financial modelling.
- 3.3.5 Preparing and settling papers for the Tribunals or Courts of law.
- 3.3.6 Ensure the briefing of appropriate Counsel to conduct litigation and appropriate continued interaction with such Counsel.
- 3.3.7 Facilitation of consultations with and preparation of witnesses and experts for hearings/trials or for the preparation of papers.
- 3.3.8 The sourcing and briefing of subject matter experts.
- 3.3.9 Ensure compliance with processes required by relevant civil procedure prescripts including but not limited to service of process and preparation and pagination of court/tribunal files etc.
- 3.3.10 Advice on reviews and appeals, and conducting such processes.
- 3.3.11 Advice on enforcement and execution of orders and judgment.
- 3.3.12 Settlement Negotiations.

3.4 CONTRACT DURATION

It is expected that the successful service providers should be able to commence the contract from date of appointment and partner with SHRA for a period of 3 years. Service providers will be appointed on a rotational basis through issuing of request for quotations subject to their availability and performance. If the service provider is found to have committed a misconduct, they will be removed from the panel.

NB: The successful service providers will be required to enter into Service Level Agreements (SLAs) with SHRA.

3.5 UTILIZATION OF SERVICES BY SHRA

SHRA may from time to time utilise the services of the aforesaid panellists to provide legal assistance to the SHRA, which assistance may include instituting or defending legal actions on behalf of or against the SHRA, drafting and/or advising on complex commercial agreements, interpretation and/or review of legislative framework and/or the provision to SHRA of complex legal opinions.

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3.6 APPOINTMENT TERMS

- i) SHRA does not guarantee that successful service providers will receive work during their appointment term. Service providers will be used as and when required and work allocated will be based on the expertise of the Service Provider in relation to each matter.
- ii) There is no monthly retainer on this appointment.
- iii) Payments will be made upon submission of an invoice following provision of satisfactory service by the service provider.
- iv) Delay in submitting the deliverables to SHRA may be considered as non-performance and may lead to future work not being allocated to the service provider. Lastly, the service provider may be excluded from the panel.
- v) Bidders are required to specify their various areas of specialisation and/or practice as indicated on the SBD3.3:

3.7 THE BIDDING FIRM TO DEMONSTRATE THE SKILLS AND EXPERIENCE

➤ **Suitability of the bidding firm to undertake the assignment.**

- The Bidding firm to demonstrate that it has been duly registered, incorporated and approved by the Legal Practice Council.
- The CV of the team leader to demonstrate a minimum of ten (10) years of managing/leading/supervising in assignments in the legal category/specialization of choice of the bidding firm.
- Post admission experience (7-15 years) of the Project Leaders /or Directors of the Firm.
- The CV of the team members to demonstrate a minimum of three (3) years' experience in the legal category/specialization of choice of the bidding firm.

➤ **The Bidders must have adequate capacity (both structural and human resources) to deliver as per the scope of work.**

➤ **All Bidders must be in possession of a valid fidelity fund certificate and certificates of good standing from the Legal Practice Council.**

3.8 SKILLS TRANSFERS AND TRANSFORMATION

It is to be noted that this is an establishment of a panel of law firms and at the time of allocating work, skills transfer will be expected where law firms will be required to include candidate attorneys, people with disabilities and women as part of their management and team members for the purposes of transformation skills transfer.

3.9 NEGOTIATIONS

SHRA has the right to enter into negotiations with the prospective bidder(s) regarding any terms and conditions and/or pricing.

3.10 PRICING

There will be no Price Evaluation for this tender as this only the establishment of a panel, but bidders are required to specify the hourly rates of each category of professionals employed by the Bidder (i.e. candidate attorneys, associates, partners). Please refer to the Pricing Schedule below.

Disbursements should be in line with the National Treasury Cost Containment Measures Instruction notes No.7 of 2022/2023 related to Travel and Subsistence which will be reimbursed to the appointed service provider based on the pre-approval by the SHRA and a disbursement invoice must always be submitted separately. Proof of payments for all disbursements must be attached to the disbursement invoice claimed

Bidders are to note that SHRA will allow an annual increase of {CPI + 1%} on the hourly and daily rates for the outer years.

3.11 ACCOUNTABILITY AND REPORTING

The Service Providers will report to the Legal Manager administratively for the duration of the contract and be accountable to the Corporate Services Manager.

3.12 DISCLAIMER

The SHRA has not appointed external consultants to liaise with service providers on any matter and all matters regarding this bid will be channeled in writing via supply chain. It is also to be noted that SHRA will not at any given time solicit money from service providers.

3.13 SUBMISSION REQUIREMENTS AND FORMAT OF THE PROPOSAL

The format of the proposal the bidder submits is required to consist of and demonstrate the following: (please clearly label the various sections with dividers in your file submission)

Section 1

Understanding of the required scope of work and operating environment.

Methodology and approach which include workplan, deliverables, timeframes and matrix depicting who in the proposed team will be undertaking the respective activities.

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Section 2

Profile of the bidder

Team composition, roles and responsibilities

Experience of the bidder's team and outputs matrix

Experience evidence in firm's profile and team brief CVs

At least 3 signed and contactable reference letters with contactable references confirming service provider successful completion of similar projects.

Section 3

Costing of this bid will be assessed on an hourly rate per category. Bidders are thus expected to provide:

Daily rate of each director, team member per category

- Disbursement per disbursement category i.e. travel, photocopies, telephone calls etc.

3.14 INTELLECTUAL PROPERTY

The service provider will be contracting with SHRA. All products and data of this appointment, in whatever format raw or analyzed, will be regarded as confidential information for utilization by SHRA and will not be used or distributed for purposes other than processing in accordance with this RFP.

4. PROPOSED SELECTION CRITERIA

Compliance with minimum requirements

- i) The SHRA may reject/disqualify any submitted bid/proposal for the reasons set out in this RFP, as read with the Terms of Reference ("ToR") and other bid documents, the SCM prescripts and/or as otherwise deemed necessary for a lawful reason.
- ii) Without limiting the generality of the aforesaid and for purposes of example only:
- iii) Should it be discovered by the SHRA that the bidder did not act in good faith and/or has declared incorrect, false, misleading and/or incomplete information (in any respect) to the SHRA in the bid/proposal documents, the SHRA reserves the right to reject/disqualify the bid/proposal, and reserves the right to take further action against the offending bidder (e.g. criminal charges, referrals for disciplinary or administrative sanctions, civil proceedings and/or application for restriction/black-listing from participation in public sector procurement, which will also be reported to National Treasury etc.).
- iv) Should it be discovered that the official bid invitation/bidding forms/documents were re-typed or changed, or that any changes or amendments to any of the bid documents or Bid Conditions were made in respect of any of the bids/proposals received or that the bidder had brought-in any counter conditions, then the bid/proposal will be rejected/disqualified.

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- v) If the bidder's bid/proposal is not compliant with the SHRA's scope of work or ToR, the SHRA reserves the right to reject/disqualify the bid/proposal and the bidder from further evaluation or consideration.
- vi) Bid rigging, fronting, cover bidding and/or collusive behaviour by the bidder will result in rejection/disqualification.
- vii) A bidder is not permitted to submit a bid/proposal from more than one registered firms or business with a common owner, partner, director, member, trustee, trust beneficiary and/or shareholder.
- viii) Except for the appointment and briefing of counsel or subject matter experts required for any legal matter, and for correspondent attorneys used for court paper service address purposes and who were formally declared as potential sub-contractors as part of the bidder's proposal, a bidder is not permitted to submit a bid/proposal in the name of one firm or business, in circumstances where any part of the contract or the work under the contract or the income received under the contract will be assigned, ceded, delegated and/or sub-contracted to any other firm, business and/or person/entity.
- ix) If the bidder is not registered with the Central Supplier Database ("CSD"), as maintained by National Treasury, or has also not applied for such registration, and provided proof of such Application for Registration on the CSD to the SHRA, as part of the bid documents submitted by the bidder to the SHRA, then that bidder's bid/proposal may be rejected/disqualified.
- x) Bids/proposals submitted late or submitted to the incorrect address will be rejected/disqualified.
- xi) Non-submission, incomplete submission and/or otherwise defective submission of any of the administrative compliance requirement documents will lead to rejection/disqualification of the bidder.
- xii) Any communication with SHRA officials, employees and/or members, except with the relevant Supply Chain Management official for anything pertaining to this bid/proposal, will result in the bidder's bid/proposal being rejected/disqualified.
- xiii) Bidders who fail to achieve the minimum predefined functionality threshold set for functionality as prescribed in this invitation, the ToR and/or the other bid documents, after evaluation of the PROPOSAL Sections of the bids/proposals, will be disqualified from further evaluation.

4.2 Additional bid information

- This bid/proposal is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations - 2017. This bid/proposal is subject to the General Conditions of Contract ("GCC"), as prescribed by National Treasury, as read with the Special Conditions for managing contractual obligations ("SCC"), as stipulated in this invitation, the ToR, the other bid documents, and as ultimately set out in or incorporated into the written Contract(s) to be concluded between the successful bidder(s) and the SHRA.

- The SHRA deems that the bidder has read, understood and accepted all the terms and conditions, as set out in this invitation, the ToR, the other bid documents, the GCC and the SCC.

4.3 Conditions for selection/short listing

All submissions will be evaluated as follows:

4.3.1.1 Phase 1 – Requirements items

VERY IMPORTANT NOTICE

- Bidders must submit the bid/proposal in a hard copy format (paper document) to the SHRA. The hard copy of these original sets of bid documents serves as the legal bid/proposal contract document and the master record between the bidder and the SHRA, which will be incorporated into the written Contract(s) to be concluded between the successful bidder(s) and the SHRA.
- Proposal must be submitted by the closing date and time. **Proposals submitted after the closing date and time will be disqualified from further evaluation.**
- **Letter of good standing with the Legal Practice Council:** Submission of the letter(s) of good standing for all Directors and all practicing team members is a mandatory requirement. **Proposals submitted without a Legal Practice Council letter(s) of good standing will be disqualified from evaluation.**
- **Fidelity Fund Certificate:** Submission of the Fidelity Fund registration certificate for all Directors is a mandatory requirement. **Proposals submitted without all Directors Fidelity Fund certificate will be disqualified from evaluation.**
- Be registered on the National Treasury Central Supplier Database (CSD) by the closing date and time of this request for bids. Bidders are to provide SHRA with a copy of their CSD registration report downloaded from the National Treasury CSD Website.
- **Valid Tax Compliance Certificate**

4.3.1.2 Phase 2 – Functionality evaluation

Bidders who meet the mandatory items requirements above will be evaluated on functionality requirements as per the table below on a scale of 1 to 5.

5. EVALUATION PROCESS

5.1 COMPLIANCE WITH MINIMUM REQUIREMENTS

5.1.1 All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further adjudication.

5.2 PRE-QUALIFICATION CRITERIA FOR PREFERENTIAL PROCUREMENT

5.2.1 As per the preferential Procurement Regulations (PPR) 2017, the SHRA is applying Pre-Qualification Criteria this bid in an effort to advance certain designated groups.

5.3 FUNCTIONALITY, PRICE AND PREFERENCE POINTS

5.3.1 All remaining bids will be evaluated as follows:

5.3.2 The functionality calculation will be done based on the defined criteria and weighting thereof. Functionality will be scored out of a 100. If it is deemed necessary, presentations may be held with Bidders who have met the minimum functionality criteria. If presentations are held, the functionality score will be adjusted whereby 80 percent will be awarded to during the bid evaluation and 20 percent will be for presentation score. **If a bidder fails to score a minimum of 70% out of 100% for functionality, the bid will be disregarded from further consideration.**

5.3.3 The second part will then be done on the 80/20 split whereby (80) points will be awarded for price and 20 points will be awarded for B-BBEE Status Level Contribution.

5.4 ELIMINATION OF BIDS ON GROUNDS OF FUNCTIONALITY

5.4.1 Bids that score less than 70% of the 100% available for functionality will be eliminated from further consideration. Points will therefore not be awarded for their cost bids or for B-BBEE Status Level of Contribution

5.4.2 The percentage scored for functionality should be calculated as follows:

5.4.3 Each panel member shall award values for each individual criterion on a score sheet. The value scored for each criterion shall be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for the various criteria. These marks should be added to obtain the total score. The following formula should then be used to convert the total score to a percentage for functionality:

$$P_s = \frac{S_o}{M_s} X A_p$$

where

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Ps = percentage scored for functionality by bid/bid under consideration

So = total score of bid/bid under consideration

Ms = maximum possible score

Ap = percentage allocated for functionality

The percentages of each panel member shall be added together and divided by the number of panel members to establish the average percentage obtained by each individual bidder for functionality.

After calculation of the percentage for functionality, the prices of all bids that obtained the minimum score for functionality should be taken into consideration.

5.5 PRESENTATIONS

5.5.1 SHRA may decide to have compulsory presentations made by Bidders who met the minimum functionality criteria once the functionality score has been calculated.

5.5.2 Presentations shall only affect the marks awarded for functionality. If SHRA wishes to use presentations as an additional selection criterion between bidders, the evaluation criteria to be affected shall be determined in advance and due allowance made in the mark scheme.

5.5.3 If the date of the presentation meeting is not indicated in the bid document, at least three days' notice will be given to bidders required to attend a presentation.

5.5.4 Presentations will be made to the full Evaluation Committee.

5.5.5 Points determined by the presentation will be awarded to each bidder by each member of the Evaluation Committee and then an average calculated.

5.6 AWARDING OF PREFERENCES POINTS

5.6.1 Points for B-BBEE Status Level of Contribution will be awarded according to the table indicated in the preference points claim form(s).

5.7 COMBINING PRICE AND PREFERENCE POINTS

5.7.1 The B-BBEE Status Level of Contribution marks for each bid will now be added to the price points for that bid

5.7.2 The Evaluation Committee may recommend that the contract be awarded to the bidder obtaining the highest aggregate mark as determined by 4.5.1 or to a lower scoring bid based on firm, verifiable and justifiable grounds.

5.8 ADJUDICATION OF BID

- 5.8.1 The Adjudication Committee will consider the recommendations and make the final award. The successful bidder will usually be the service provider scoring the highest number of points or it may be a lower scoring bid based on firm, verifiable and justifiable grounds or no award at all.

PHASE 2 – TECHNICAL FUNCTIONALITY EVALUATION BY SHRA BEC ON SUBMITTED PROPOSALS:

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	TOTAL SCORE
Suitability of the bidding firm to undertake the assignment.	Rating	Evaluation criteria		
The Bidding firm to demonstrate experience by submitting a minimum of three (3) signed and relevant contactable reference letters on the category/specialization of their choice from clients. – for work done not exceeding 2 years Contactable References: <i>These will be contacted by directly by the SHRA</i> NB: the legal category/specialization of choice will be used to assess the relevance of the reference letters.	1	Bidding firm did not submit any relevant reference letters.	10%	
	2	Bidding firm did not submit or submitted less than three (3) signed and relevant reference letters.		
	3	Bidding firm submitted a minimum of three (3) signed and relevant reference letters.		
	4	Bidding firm submitted four (4) signed and relevant reference letters.		
	5	Bidding firm submitted more than five (5) or more signed and relevant reference letters.		
The CV of the team leader to demonstrate a minimum of ten (10) years of managing/leading/supervising	1	Team leader to demonstrate less than five (5) years of managing/leading/supervising in assignments in the legal category/specialization of choice of the bidding firm	35%	
	2	Team leader to demonstrate between five (5) to nine (9) years of managing/leading/supervising in assignments in the legal category/specialization of choice of the bidding firm		
	3	Team leader to demonstrate a minimum of 10 years of managing/leading/supervising in assignments in the legal category/specialization of choice of the bidding firm		
	4	Team leader to demonstrate between 11 and 15 years of managing/leading/supervising in assignments in the legal category/specialization of choice of the bidding firm		
	5	Team leader to demonstrate over 16 years of managing/leading/supervising in assignments in the legal category/specialization of choice of the bidding firm		
Post admission experience (7-15	1	Post admission experience (0-3 years) of the Project Leaders /or Directors of the Firm	35%	

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ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	TOTAL SCORE
years) of the Project Leaders /or Directors of the Firm	2	Post admission experience (4-6 years) of the Project Leaders /or Directors of the Firm		
	3	Post admission experience (7-15 years) of the Project Leaders /or Directors of the Firm		
	4	Post admission experience (16-18 years) of the Project Leaders /or Directors of the Firm		
	5	Post admission experience (over 19 years) of the Project Leaders /or Directors of the Firm		
The CV of the team members to demonstrate a minimum of three (3) years' experience in the legal category/specialization of choice of the bidding firm	1	The CV of the team members to demonstrate no years of experience in the legal category/specialization of choice of the bidding firm	20%	
	2	The CV of the team members to demonstrate two (2) years' experience in the legal category/specialization of choice of the bidding firm		
	3	The CV of the team members to demonstrate a minimum of three (3) years' experience in the legal category/specialization of choice of the bidding firm		
	4	The CV of the team members to demonstrate a minimum of four (4) years' experience in the legal category/specialization of choice of the bidding firm		
	5	The CV of the team members to demonstrate five (5) or more years' experience in the legal category/specialization of choice of the bidding firm		
TOTAL POINTS			100%	

A bidder must achieve a minimum of 70% to be appointed in this panel

NB.: For the basis of price evaluation, the consolidated hourly rates per category will be utilised.

3.2 OBJECTIVE CRITERIA FOR RECOMMENDATION:

The Bid Evaluation Committee will implement the following objective criteria for final recommendation to the Bid Adjudication Committee:

- The table will demonstrate the criteria to be used for allocation of points for functionality as outlined above. Bids scoring less than 70% on functionality will be eliminated from further consideration.
- SHRA will not award this contract to a bidder who failed to perform on a previous contract. SHRA may conduct due diligence on previous clients where work was undertaken to confirm work done. Bidders whose previous work cannot be confirmed, will not be awarded the contract.
- SHRA reserves the right not to award this tender to the lowest bidder.

4.2 Functionality Evaluation

All proposals will be evaluated on the criteria provided in the table below. The proposals of all service providers will be rated on a scale of 1 to 5.

- 1: Unacceptable, does not meet set criteria
- 2: Weak, less than acceptable. Insufficient for performance requirements
- 3: Satisfactory should be adequate for stated element
- 4: Very good, above average compliance to the requirement
- 5: Exceptional mastery of the requirement should ensure extremely effective performance.

Evaluation Criterion on Price and B-BBEE	
Relative competitiveness of proposed price	80
B-BBEE Status Level of Contribution	20
TOTAL FOR PRICE AND PREFERENCE	100

SECTION B

1. SPECIAL CONDITIONS OF CONTRACT

1.1. GENERAL

1.1.1. Proper bids for the services specified must be submitted.

1.2. ADDITIONAL INFORMATION REQUIREMENTS

1.2.1. During evaluation of the bids, additional information may be requested in writing from Bidders. Replies to such request must be submitted in writing, within five (5) working days or as otherwise indicated. Failure to comply may lead to your bid being disregarded.

1.3. CONFIDENTIALITY

1.3.1. The bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.

1.3.2. All bidders are bound by a confidentiality agreement preventing the unauthorised disclosure of any information regarding the SHRA or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of the accounting authority or the delegate.

1.4. INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT

1.4.1. Copyright of all documentation relating to this contract belongs to the SHRA. 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.

1.4.2. All the intellectual property (IP) rights arising from the execution of this Agreement shall vest in SHRA and the Service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.

1.4.3. In the event that the service provider would like to use information or data generated by the service, the prior written permission must be obtained from SHRA.

1.4.4. SHRA shall own all materials produced by the Service provider during the course of this contract, or as part of the service including without limitation, deliverables, computer programmes (source code and object code), programming aids and tools, documentation, reports,

data, designs, concepts and other information whether capable of being copyrighted or not (“IP”).

1.4.5. The Service provider assigns all IP rights in respect of all materials referred to in clause 1.4.4 to SHRA. No other document needs to be executed to give effect to this cession, assignment or transfer.

1.4.6. The Service provider hereby irrevocably cedes, assigns and transfers to SHRA, as SHRA directs, all rights, title and interest in and to all IP (which includes, but is not limited to methodologies and products) connected with or applicable to the Services.

1.4.7. The Service provider acknowledges and agrees that:

1.4.7.1. Each provision of clause 1.3 is separate, severally and separately enforceable from any other provisions of this agreement.

1.4.7.2. 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; and

1.4.7.3. This clause 1.3 shall survive termination of this agreement.

1.5. NON-COMPLIANCE WITH DELIVERY TERMS

1.5.1. As soon as it becomes known to the Service provider that he will not be able to deliver the goods/services within the delivery period and/or against the bid price and/or as specified, the SHRA must be given immediate written notice to this effect. The SHRA serves the right to implement remedies as provided for in the GCC.

1.6. WARRANTIES

1.6.1 The Service provider warrants that it is able to conclude this Agreement to the satisfaction of the SHRA.

1.6.2 Although the Service provider will be entitled to provide services to persons other than SHRA, the Service provider shall not without the prior written consent of SHRA, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the Service provider to provide the Services.

1.7. PARTIES NOT AFFECTED BY WAIVER OR BREACHES

1.7.1 The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof.

1.7.2 No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.

1.8.RETENTION

1.8.1. On termination of this agreement, the Service provider shall on demand hand over all documentation, information, software, etc., relating to the provision of services as per this bid without the right of retention, to the SHRA.

1.8.2. No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of the requirement that the agreement to amend or vary shall be in writing, shall

2. GENERAL CONDITIONS OF CONTRACT

2.1 The General Conditions of Contract must be accepted. The general conditions applicable to government entity bids, contracts and order are attached herein as **Annexure A** as they will apply to this bidding process.

2.2 Bidders are required to initial each page of the General Conditions of Contract as an indication of acceptance.

INVITATION TO SUBMIT BIDS

YOU ARE HEREBY INVITED TO PROPOSE FOR REQUIREMENTS OF THE SHRA

RFB NUMBER: SHRA/RFB/ADMIN/03/202223 **DATE:** 31st January 2023 **CLOSING TIME:**11h00

DESCRIPTION: Appointment of law firms to serve on a panel of Legal Service Providers for a period of three (3) years.

VALIDITY PERIOD: Offer to be valid for 90 days from the closing date of the bid

The successful bidder will be required to fill in and sign a written Contract Form.

BID DOCUMENT MUST BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

Ms Thinadzanga Nevari
Supply Chain Management
SHRA
Sunnyside Office Park
Sentinel House
3rd Floor
32 Princess of Wales Terrace
Parktown
Faxed or e-mailed bids will not be accepted.

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

Bids can be delivered between 08h30 and 16h30, Mondays to Friday, prior to the closing date and between 08h30 and 11h00 on the closing date.

All bids must be submitted on the official forms (not to be re-typed).

This RFB is subject to the following:

- General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.
- the Preferential Procurement Policy Framework Act, 2000
- the Preferential Policy Regulations, 2017
- Bids submitted that do not comply with the following will be disqualified**
 - A late Bid (a bid arriving one second after 11h00 or any time thereafter)

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	SHRA/RFB/ADMIN/03/202223	CLOSING DATE:	31 st January 2023	CLOSING TIME:	11h00
DESCRIPTION	Appointment of law firms to serve on a panel of Legal Service Providers for a period of three (3) years.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SHRA, Sunnyside Office Park, Sentinel House, 3 rd Floor, 32 Princess of Wales Terrace, Parktown					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Ms Thinadzanga Nevari		CONTACT PERSON	Ms Thinadzanga Nevari	
TELEPHONE NUMBER			TELEPHONE NUMBER		
E-MAIL ADDRESS	nevarit@shra.org.za		E-MAIL ADDRESS	nevarit@shra.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
NAME OF REPRESENTATIVE					
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:		OR	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	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
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 THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
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"/> NO			<input type="checkbox"/> YES		
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? NO			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: BID NO.: CLOSING TIME: CLOSING DATE:

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

**(ALL APPLICABLE TAXES INCLUDED)

1. The accompanying information must be used for the formulation of proposals.
2. **Bidders to indicate proposed hourly and daily rates for tiers below. Cost per tier should be inclusive of all applicable taxes.**

	TIER 1 Candidate Attorney		TIER 2 Junior Associate / Professional Assistant		TIER 3 Senior Associate		TIER 4 Director/Partner	
	Hourly Rate	Daily Rate	Hourly Rate	Daily Rate	Hourly Rate	Daily Rate	Hourly Rate	Daily Rate
Per category/specialization of choice.								
TOTAL RATES								

NB.: For price evaluation, total hourly rates for all tiers will be considered during the RFQ stage.

Bidders are to note that SHRA will allow for an annual increase of CPI +1% on the hourly and daily rates for the outer years. This will be considered during the contracting stage.

Please state the team leader details below for the purpose of evaluation.

Team leader name/surname	
---------------------------------	--

Please indicate the legal category/specialization that the Firm would like to bid

(Refer to the categories listed under 2.3.2)

No.	Legal category/specialization	Select Category/s

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of institution	State

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

other related enterprise whether or not they are bidding for this contract?
YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned,
(name)..... in submitting the
accompanying bid, do hereby make the following statements that I certify to be true
and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

a) The value of this RFB is estimated **not to exceed R50 000 000.00** (all applicable taxes included) and hence it is issued as a closed Request. **Therefore, the 80/20 reference point system shall be applicable.**

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

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SBD 6.1

- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

80/20

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. **BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: = (maximum of 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. **SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

SBD 6.1

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. OUTCOMES AGAINST PREFERENTIAL PROCUREMENT CRITERIA

B-BBEE status level of contributor	
Percentage owned by black people	
Percentage owned by black people who are youth	
Percentage owned by black people who are women	
Percentage owned by black people with disabilities	
Percentage owned by black people who are military veteran	
Percentage owned by black people living in rural or underdeveloped areas	
Percentage owned by black people living in townships	

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business:.....

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>

BIDDERS ARE ENCOURAGED TO USE THE FOLLOWING CHECKLIST WHEN SUBMITTING THEIR BIDS:

NO.	DETAILS	TICK BY BIDDER
1.	Part 1: Completed and signed the invitation to bid document (SBD 1)	
2.	Part 2: Completed the pricing schedule (SBD 3.3)	
3.	Part 3: Completed and signed the declaration of interest document (SBD 4). <i>(In case of a consortium/ joint venture, or where sub-Service providers are utilised, each party to the bid <u>must</u> complete and sign the declaration of interest document)</i>	
4.	Part 4: Completed and signed the Preference Points Claim form in terms of the Preferential Procurement Regulations 2017 (SBD 6.1)	
5.	Part 5: Submitted an original/ certified copy of a valid BBEE Certificate. <i>(In case of a trust, consortium or joint venture, bidders will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity <u>submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.</u></i>	
6.	Part 6: Submitted the General Conditions of Contract (initialled each page)	
7.	Part 7: Submitted the Technical approach	
8.	Part 8: Submitted the Details of the team and included their CV	
9.	Part 9: Submitted Experience in the field document and 3 reference letters	
10.	Part 10: Bidders National Treasury Central Supplier Database (CSD) forms indicating the validity of the bidder's registration	