

BID DOCUMENT

BID NUMBER:	FIC/RFB/LEGAL PANEL/04/2025/26
DATE OF ISSUE:	17 JUNE 2025
NON-COMPULSORY VIRTUAL BRIEFING SESSION:	26 JUNE 2025 at 13:00 to 14:00
CLOSING DATE FOR THE BID:	9 JULY 2025
CLOSING TIME FOR THE BID:	11:00
DESCRIPTION FOR THE BID:	ESTABLISHMENT OF PANEL OF PROSPECTIVE SERVICE PROVIDERS FOR THE PROVISION OF SPECIALISED LEGAL ADVICE AND SERVICES TO THE FINANCIAL INTELLIGENCE CENTRE FOR A PERIOD OF FIVE (5) YEARS
SUBMITTING BIDS:	One (1) original and an electronic copy of the RFB document must be handed in / delivered to: TENDER BOX FINANCIAL INTELLIGENCE CENTRE BYLSBRIDGE OFFICE PARK CNR JEAN AVENUE & OLIEVENHOUTBOSCH (13 CANDELA STREET, HIGHVELD EXT 73) HIGHVELD CENTURION

Bidders are required to request an ACCESS PIN CODE from Pelisa.Landule@fic.gov.za and present their identity documents and/or valid driver's license at the main gate in order to gain entry within the FIC offices.

CSD NUMBER

DOCUMENTS IN THIS BID DOCUMENT PACK

Contents

PART A: SBD 1 INVITATION TO BID	3
PART B: TERMS AND CONDITIONS FOR BIDDING	4
PART C: SPECIAL CONDITIONS OF CONTRACT	5
PART D: TERMS OF REFERENCE/MINIMUM SPECIFICATION FOR THE WORK	7
PART E: EVALUATION PROCESS	12
PART F: PRICING SCHEDULE AND TOR ANNEXURE B, C, D, E	25
PART G: STANDARD BIDDING DOCUMENTS (OVERLEAF)	30

PART A: SBD 1 INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FINANCIAL INTELLIGENCE CENTRE				
BID NUMBER:	FIC/RFB/LEGAL PANEL/04/2025/26	CLOSING DATE:	09 JULY 2025	CLOSING TIME: 11:00
DESCRIPTION	ESTABLISHMENT OF PANEL OF PROSPECTIVE SERVICE PROVIDERS FOR THE PROVISION OF SPECIALISED LEGAL ADVICE AND SERVICES TO THE FINANCIAL INTELLIGENCE CENTRE FOR A PERIOD OF FIVE (5) YEARS			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT				
RECEPTION, FINANCIAL INTELLIGENCE CENTRE				
BYLS BRIDGE OFFICE PARK, CNR JEAN AVENUE &OLIEVENHOUTBOSCH (13 CANDELA STREET, HIGVELD EXT 73 CENTURION)				
HIGHVELD EXT 73				
CENTURION				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Pelisa Landule	CONTACT PERSON	Pelisa Landule	
TELEPHONE NUMBER	012 641 6052	TELEPHONE NUMBER	012 641 6052	
FACSIMILE NUMBER	N/A	FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	Pelisa.Landule@fic.gov.za	E-MAIL ADDRESS	Tenders@fic.gov.za	
SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		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 THE QUESTIONNAIRE BELOW]	
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"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO	
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.				

PART B: TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED - (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD 7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."</p>

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE:

PART C: SPECIAL CONDITIONS OF CONTRACT

In this document words in the singular also mean in the plural and vice versa and words in the masculine also mean in the feminine and neuter.

The General Conditions of Contract (GCC) will form part of this BID documents and may not be amended.

Special Conditions of Contract (SCC) relevant to this BID, compiled separately for this BID (if applicable) will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions in the SCC shall prevail.

Copies of the GCC are available from the website

<https://www.treasury.gov.za/divisions/ocpo/sc/generalconditions/general%20conditions%20of%20contract.pdf>

SPECIAL CONDITIONS THAT THE BIDDER NEEDS TO TAKE NOTE OF:

1 FRAUD AND CORRUPTION

- 1.1 All service 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 NEGOTIATION

- 2.1 The Financial Intelligence Centre has the right to enter into negotiation with a prospective contractor regarding any terms and conditions, including price(s), of a proposed contract.
- 2.2 The Financial Intelligence Centre shall not be obliged to accept the lowest of any bid, offer or proposal in part or in whole.
- 2.3 All respondents 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 the Financial Intelligence Centre is the Supply Chain Manager or his/her written authorised delegate.

3 REASONS FOR REJECTION

- 3.1 The Financial Intelligence Centre shall reject a proposal for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.
- 3.2 The Financial Intelligence Centre may disregard the BID of any bidder if that bidder, or any of its directors:
- 3.2.1 Have abused the SCM system of the Financial Intelligence Centre.
 - 3.2.2 Have committed proven fraud or any other improper conduct in relation to such a contract.
 - 3.2.3 Have failed to perform on any previous contract and the proof exists.
- 3.3 Such actions shall be communicated to the National Treasury.

4 PAYMENTS

The Financial Intelligence Centre (FIC) will pay the service provider the Fee as set out in the final contract. No additional amounts will be payable by the FIC to the Contractor.

- 4.1 The Contractor shall from time to time during the currency of the contract invoice The Financial Intelligence Centre for the services rendered. No payment will be made to the contractor unless an invoice complying with section 20 of the VAT Act No 89 of 1991 has been submitted to the FIC.
- 4.2 Payment shall be made into the bidder's bank account, normally 30 days after receipt of an acceptable, valid invoice. (Banking details must be submitted as soon as this BID is awarded).
- 4.3 The service provider shall be responsible for accounting to the appropriate authorities for its Income Tax, VAT or other amounts of money required to be paid in terms of applicable law.

5 PRESENTATION / DEMONSTRATION

- 5.1 The FIC reserves the right to request site visit/presentations/demonstrations from the short-listed bidder/s if needed.

PART D: TERMS OF REFERENCE/MINIMUM SPECIFICATION FOR THE WORK

TERMS OF REFERENCE AND SPECIFICATION

1. BACKGROUND TO THE FIC

- 1.1 The Financial Intelligence Centre (FIC) was established in 2002, through the promulgation of the Financial Intelligence Centre Act, 2001 (Act 38 of 2001) (FIC Act), with the purpose of inter alia identifying the proceeds of unlawful activities and combating money laundering and financing of terrorism.
- 1.2 The FIC is South Africa's national financial intelligence unit tasked to provide financial intelligence to relevant stakeholders including law enforcement agencies, intelligence agencies and the South African Revenue Service. Furthermore, the FIC Act introduces a regulatory framework which requires certain categories of business to register with the FIC, take steps regarding client identification, keep records, appoint a compliance officer, provide relevant training, have internal rules, and submit various types of intelligence reports to the FIC.
- 1.3 South Africa is a member of the international AML and CFT (anti-money laundering and counter financing of terrorism) standard-setting body, the Financial Action Task Force. At the regional level, South Africa is a member of the Eastern and Southern Africa Anti-Money Laundering Group. The FIC is a member of the Egmont Group of Financial Intelligence Units – an organisation of more than 170 financial intelligence units – which provides a platform for the secure exchange of expertise and financial intelligence to combat money laundering and terrorist financing.

2. OBJECTIVE OF THE REQUIREMENT

The purpose of establishing the panel is to create a database of legal service providers available to the FIC that can be contracted to provide specialised legal advice and services.

3. INVITATION

Bidders are invited to send proposals to FIC for consideration. In preparing a proposal, it is emphasised that a profile of the firm of attorneys together with demonstrated expertise in the particular fields of law be submitted.

4. SCOPE OF WORK

Bidders will be required to render services to the FIC on a wide range of legal issues pertaining to, inter alia the following fields of law. **The bidder must indicate, in the table below, with a tick (✓) the category/categories for which it is bidding and will be able to provide service. (The information that is ticked as relevant category/ies should correspond with the assignment/s functionality CRITERIA number one (1) as detailed in paragraph/section 12 below):**

SERVICES CATEGORIES	PLEASE TICK (✓)
Public Private Partnerships	
Multinational agreements e.g. MOUs;	
Constitutional Law	
Information Technology Law	
Black Economic Empowerment	
Corporate Governance	
Alternative Dispute Resolution	
Labour and Employment Law	
Company Law	
Public Sector legislation e.g. Public Finance Management Act (PFMA), Preferential Procurement Policy Framework Act (PPPFA);	
Debt collection	
Knowledge of the FIC Act in conjunction with POCA, PRECCA and POCDATARA	

NOTE: Failure to indicate the categories for which the bidder is bidding in the above table, will result in disqualification.

5. REPORTING RELATIONSHIP

The respective bidders will report to the Corporate Legal Services Unit of the FIC.

6. CONDITIONS OF TENDER

- 6.1 A contract will be signed with each member appointed to the panel.
- 6.2 A letter of appointment will be issued for each assignment awarded.
- 6.3 Registration of the legal firm as an accountable institution with the FIC will be a pre requisite to qualify to be selected to the panel.
- 6.4 Any enforcement action for non-compliance with the FIC Act pending or finalised, may have a bearing on whether or not the firm will be considered for services:
 - 6.4.1 If an administrative sanction is issued/ approved against an institution for non-compliance with the FIC Act such an attorneys mandate will be cancelled with immediate effect (The decision will depend on the seriousness and extensiveness of the non-compliance).
- 6.5 The attorneys conduct in enforcement matters against them will be considered in the decision on the termination of the mandate.
- 6.6 Selection to the panel does not guarantee any work.
- 6.7 The engagement of attorneys will be on an assignment basis.
- 6.8 In the event that there is more than one firm of attorneys on the panel that have the necessary skills that are required:
 - 6.8.1 The FIC may, at its sole discretion award an assignment or any part thereof to more than one panel member.
 - 6.8.2 The FIC may at its sole discretion vary an instruction to include additional work or to exclude work areas.
 - 6.8.3 The bidders may not cede or assign any part of its agreement with the FIC nor subcontract any part of the work assigned to them without the prior written authorisation of the FIC.
- 6.9 Failure to comply with any condition of this request for a proposal will render the respective tender proposal null and void.

- 6.10 The bidders must declare any interest it has in each assignment as well as any possible conflict of interest with the FIC in the pursuance of the proposed assignment.
- 6.11 In the event that any conflict of interest is discovered during the assignment, the FIC reserves the right to summarily cancel the agreement and demand that all information, documents and property of the FIC be returned forthwith.
- 6.12 The contract shall be for a period of five (5) years on an “as and when required basis”.
- 6.13 Notwithstanding the expiry of the contract period set out in 6.11 above, the appointed firm/s, who was/were already on brief in respect of certain matter/s, will be required to see those matters to finality. Therefore, the contract expiry date in such circumstances will be the date on which such matters are finalised.

7. PROPOSAL REQUIREMENTS

- 7.1 Should a firm of attorneys have expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in the specified areas of law.
- 7.2 The hourly rate of each attorney must be included in the proposal.

8. INTELLECTUAL PROPERTY RIGHTS

- 8.1 All copyright and intellectual property rights that may result as a consequence of the work to be performed will become the property of the FIC.
- 8.2 Bidders must hand over all documents and information in any format, including copies thereof, that it received from the FIC or that it had access to during the assignment immediately after completion of the assignment to the FIC.
- 8.3 Bidders shall deliver to the FIC, on completion of an assignment, any security devices, passwords or protective mechanisms to the soft versions of documents that were written, and the FIC will have the right to amend and change these without obligation whatsoever to the firms of attorneys.

9. VALIDITY PERIOD OF BID

- 9.1 Validity period from date of closure is 90 days.
- 9.2 Bidders must hold their tenders valid for acceptance by the FIC at any time within the requested validity period after the closing date of the tender.
- 9.3 Bidders may be requested to extend their validity period for a specified additional period. In such instances, bidders will not be allowed to change any aspect of their tender, unless they are able to demonstrate that the proposed change(s) is as a direct and unavoidable consequence of FIC’s extension of the validity period.

10. TECHNICAL QUESTIONS

Any technical questions regarding the above specifications and configurations can be forwarded to the Supply Chain Management business unit (pelisa.landule@fic.gov.za)

11. NON-COMPULSORY VIRTUAL BRIEFING SESSION

A non-compulsory virtual briefing session will be held under the following details:

Date:	26 June 2025
Time:	13h00 - 14h00
Venue / Platform:	Microsoft Teams
Link to meeting:	https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDRiODQ0MTEtNWMwNS00Y2YzLTg5YzAtYjBiODMxNzAxZWNm%40thread.v2/0?context=%7b%22Tid%22%3a%221c5235b3-a463-4a01-96a7-dc2634b2aa74%22%2c%22Oid%22%3a%226f95c497-d3a3-417b-aa9e-5e848a54f59c%22%7d

PART E: EVALUATION PROCESS

12. EVALUATION PROCESS

12.1 Compliance with minimum requirements and response requirements

12.1.1 All bids duly lodged will be examined to determine compliance with Bid requirements and conditions. Bids with obvious deviations from the requirements/ conditions will be eliminated from further evaluation.

12.2 Pre-selection

12.2.1 Supply Chain Management business unit will do pre-selection on the following requirements:

NO.	ITEM	MANDATORY (YES / NO)	DESCRIPTION / COMMENTS
1.	Central Supplier Database	Yes	Bidders must be registered on the Central Supplier Database (CSD) that can be accessed via National Treasury Website – www.csd.gov.za prior to submitting a bid. Bidders must submit a valid CSD registration report or indicate their CSD supplier number as proof.
2.	Valid B-BBEE Certificate or Sworn Affidavit	No	Current/valid copy of a B-BBEE Certificate issued by SANAS Accredited BEE Verification Agencies OR A sworn affidavit as prescribed by the B-BBEE codes of good practice. Failure of a bidder to provide a valid B-BBEE certificate/sworn affidavit will forfeit points for specific goals.
3.	Standard Bidding Document (SBD) 1 form - invitation to Bid.	Yes	Failure to complete, sign and submit SBD 1 form will result in disqualification.
4.	Standard Bidding Document (SBD) 4 form - Bidders Disclosure.	Yes	Failure to complete, sign and submit SBD 4 form will result in disqualification.
5.	Standard Bidding Document (SBD) 6.1 - Preference Points Claim Form.	No	Failure to complete, sign and submit SBD 6.1 form will result in points being forfeited for specific goals.
6.	Proof of confirmation of registration as an accountable institution with the FIC. (Confirmation as per email message received from the FIC).	Yes	Failure to submit proof of registration as an accountable institution with the FIC will result in disqualification.

NO.	ITEM	MANDATORY (YES / NO)	DESCRIPTION / COMMENTS
7.	Valid Fidelity Fund certificate	Yes	Only legal practices established in accordance with the provisions of the Legal Practice Act (No. 28 of 2014) will be considered for this tender. Proof in the form of a valid Fidelity Fund certificate for the partners/directors of the firm must be provided.
8.	Pricing Proposal	Yes	Completed pricing proposal in accordance with the provided format in Annexure A
9.	Annexures	Yes	Completed Annexures (B,C,D and E) as per format provided. A bidder that fails to complete the relevant information as per the Annexures will be disqualified
10.	Non-Compulsory virtual briefing session	No	Bidders are invited to attend a non-compulsory virtual briefing session that is scheduled to clarify the tender requirements as per the bid document.

Note:

- a) A bidder who fails to comply with **mandatory** requirements No. **1, 3, 4, 6, 7, 8 and 9** will be disqualified from the evaluation process.
- b) A bidder who fails to comply with requirement No. 2 and 5 will forfeit preference points for specific goals or BBBEE points.

13. FUNCTIONALITY AND PREFERENCE POINTS SYSTEM (PRICE AND SPECIFIC GOALS)

13.1 All remaining bids which have complied with the pre-selection criteria will be evaluated as follows:

13.1.1 Functionality will be done in terms of the evaluation criteria as set out below, whereby respondents who do not achieve the minimum score will be eliminated.

13.1.2 The minimum threshold to qualify for the next phase is 75%. Bidders who fail to meet the minimum threshold will be disqualified and will not be evaluated further for price and specific goals in terms of B-BBEE status level of contribution.

13.1.3 The table below explains the rating guideline for the evaluation of functionality criteria.

NO.	CRITERIA	WEIGHT
1.	<p>Demonstrated previous experience and quality of work in providing services on assignments that are similar in nature on the basis of:</p> <p>Number of assignments in the public sector. Provide reference letters with contactable references where work was done within the last five (5) years as at closing of the bid.</p> <p>The reference letter/s must contain the following information for which the bidder intends services :</p> <ul style="list-style-type: none">• Company name;• Company letterhead;• Contactable telephone numbers/alternative contact details;• Contract period (start and end dates);• Services performed relevant to FIC requirements indicating client satisfaction; and• Dated and duly signed	35

	<p>Letter/s will be evaluated as per the number of relevant assignments / services listed in the letter or letters. (Letter/s should address relevant assignments linked to the category/ies selected)</p> <p>NB: Failure to provide the reference letters with <u>all the above-mentioned requirements</u> will result in the bidder scoring zero points.</p>	
2.	In addition to the requirements and time periods as per criteria one (1) above demonstrate knowledge and experience in the following areas :	
2.1	<p>Experience in public sector legislation(This may be incorporated in reference letter/s mentioning assignments as indicated above OR as a separate document to be completed in Annexure B) (download here).</p>	20
2.2	<p>Experience in Anti Money Laundering (AML)/Combating Financing Terrorism (CFT) (Provide a list of clients and the nature of instruction). To be completed in Annexure C (download here)</p>	5
2.3	<p>Number of complex opinions. To be completed in Annexure D (download here) with the following guidance:</p> <ul style="list-style-type: none"> • What was the nature of the legal question?; • Why was it considered complex?; • What level of expertise was required to answer the legal question?; and • How did it contribute to jurisprudence? (If applicable) 	10
2.4	<p>Number of complex litigations. To be completed in Annexure E (download here) with the following guidance:</p> <ul style="list-style-type: none"> • What was the nature of the legal matter?; • Why was it considered complex?; 	10

	<ul style="list-style-type: none"> • What level of expertise was required to address the legal matter?; and • How did it contribute to jurisprudence? (If applicable) 	
3.	<p>Legally qualified staff also indicating years of experience. (Curriculum Vitae's [CV's] to be attached)</p>	20

13.1.4 Table below explains the rating guideline for the evaluation of the functionality criteria:

CRITERIA	POINT = 0	POINTS = 1	POINTS = 2	POINTS = 3	POINTS = 4	POINTS = 5
<p>1) Number of assignments in the public sector. Provide reference letter/s with contactable references where work was done within the last five (5) years as at closing of the bid.</p> <p>The reference letter/s must contain the following information for which the bidder intends services</p> <ul style="list-style-type: none"> • Company name; • Company letterhead; • Contactable telephone; numbers/alternative contact details; • Services performed relevant to FIC requirements 	No proof of assignment provided in the public sector	Provided two (2) proof of assignments in the public sector. (The assignment information as per the letter/s will be evaluated).	Provided three (3) proof of assignments in the public sector (The assignment information as per the letter/s will be evaluated).	Provided four (4) proof of assignments in the public sector (The assignment information as per the letter/s will be evaluated).	Provided five(5) proof of assignments in the public sector (The assignment information as per the letter/s will be evaluated).	Provided six (6) or more proof of assignments in the public sector (The assignment information as per the letter/s will be evaluated).

CRITERIA	POINT = 0	POINTS = 1	POINTS = 2	POINTS = 3	POINTS = 4	POINTS = 5
<p>indicating client satisfaction;</p> <ul style="list-style-type: none"> • Contract period (start and end dates); and • Dated and duly signed <p>Letters will be evaluated as per the number of relevant assignments / services listed in the letter or letters. (Letter/s should address relevant assignments linked to the category/ies selected)</p> <p>NB: Failure to provide the reference letters with <u>all</u> the above-mentioned requirements will result in the bidder scoring zero points.</p>						
<p>2) Experience in public sector legislation (In evaluating this, the information incorporated in reference letter/s mentioning assignments can be considered, as well as the</p>	<p>No information provided</p>	<p>1-2 legislations indicated</p>	<p>3-4 legislations indicated</p>	<p>5-6 legislations indicated</p>	<p>7-8 legislations indicated</p>	<p>9 or more legislations indicated</p>

CRITERIA	POINT = 0	POINTS = 1	POINTS = 2	POINTS = 3	POINTS = 4	POINTS = 5
information as per the mandatory required Annexure B) (download here) .						
3) Experience in Anti Money Laundering (AML)/Combating Financing Terrorism (CFT) (Provide a list of clients and the nature of instruction)). To be completed as per the mandatory required Annexure C (download here) .	No information provided	1 assignment/instruction	2 assignments/instructions	3 assignments/instructions	4 assignments/instructions	5 or more assignments/instructions
4) Number of complex opinions To be completed in as per the mandatory required Annexure D (download here) with the following guidance: What was the nature of the legal question?; Why was it considered complex?;	No information provided	2 complex opinions	3 complex opinions	4 complex opinions	5 complex opinions	6 or more complex opinions (of which some contributed to jurisprudence)

CRITERIA	POINT = 0	POINTS = 1	POINTS = 2	POINTS = 3	POINTS = 4	POINTS = 5
What level of expertise was required to answer the legal question?; and How did it contribute to jurisprudence? (If applicable)						
5) Number of complex litigations To be completed Annexure E (download here) with the following guidance: What was the nature of the legal matter?; Why was it considered complex?; What level of expertise was required to address the legal matter?; and How did it contribute to jurisprudence? (If applicable)	No information provided or no relevant experience demonstrated	2 complex litigations	3 complex litigations	4 complex litigations	5 complex litigations	6 or more complex litigations (of which some contributed to jurisprudence)
6) Legally qualified staff also indicating years of experience (Curriculum Vitae's [CV's] to be attached).	CV's not attached/ CV's attached without relevant experience	Provided CV's of 2 legally qualified staff with at least 2 years relevant experience	Provided CV's of 3 legally qualified staff with at least 3 years relevant experience	Provided CV's of 4 legally qualified staff with at least 4 years relevant experience	Provided CV's of 5 legally qualified staff with at least 5 years relevant experience	Provided CV's of 6 legally qualified staff with at least 6 years relevant experience

CRITERIA	POINT = 0	POINTS = 1	POINTS = 2	POINTS = 3	POINTS = 4	POINTS = 5

13.1.5 Bidders who achieve a minimum functionality threshold of 75% will qualify for inclusion in the Panel. Qualified bidders will be categorised according to the specific categories they applied for and ranked based on the outcome of the 80/20 preference point system evaluation as outlined below.

13.1.6 Bidders who failed to achieve the minimum threshold on functionality will be disqualified.

14. Price and Specific Goal (B-BBEE Status Level of Contribution) Evaluation

The 80/20 preference point system will be used for the evaluation of qualified proposals. Points shall be awarded for price and specific goal as follows:

Price: 80 Points

B-BBEE Status Level of Contribution: 20 Points

- a. The percentage scored for price shall be calculated as follows:
- b. 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 quotation under consideration

P_t = Rand value of quotation under consideration

P_{\min} = Rand value of lowest acceptable quotation

Awarding of points for broad-based black economic empowerment (B-BBEE) status level of contribution:

- a) Preference points for B-BBEE status level of contribution will be awarded according to the table indicated in the preference points claim form- SBD 6.1.

15. ADJUDICATION

The relevant award structure will consider the recommendations and make the final award. The successful respondent will usually be the service provider scoring the highest number of points or it may be a lower scoring provider on justifiable grounds or no award at all.

PART F: PRICING SCHEDULE

ANNEXURE A

FINANCIAL PROPOSAL/PRICING SCHEDULE

PROFESSIONAL FEES

The persons available to provide the service must be identified and indicate their fees that will be charged for five (5) years of engagement for each of the categories stipulated in paragraph / section 4, in rand per hour subject to CPI being included in the subsequent years.

Description	Unit cost Year 1 Incl. VAT	Unit cost Year 2 Incl. VAT	Unit cost Year 3 Incl.VAT	Unit cost Year 4 Incl.VAT	Unit cost Year 5 Incl.VAT	Total Unit Cost Incl. VAT
Hourly fee for a Senior Partner						
Hourly fee for a Partner						
Hourly fee for a Senior Associate						
Hourly fee for a Associate						
Hourly fee for a Candidate Attorney						

Set rates for disbursements						
Travelling costs by vehicle per km						
Emails: Specify charges for outgoing emails and incoming emails (if applicable)						
Telephone calls per minute						
Printing/ photocopies per page						
Specify any other costs (not mentioned above)						
<u>TOTAL UNIT RATES FOR 5 YEARS</u> <u>(ALL APPLICABLE TAXES INCLUDED)</u>						<u>R</u>

PART G: STANDARD BIDDING DOCUMENTS (OVERLEAF)

1. Standard Bidding Document (SBD) 4 Form: Bidder's Disclosure
2. Standard Bidding Document (SBD) 6.1 Form: Preference Points Claim Form

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 State institution

2.2 Do you, or any person connected with the bidder, have a relationship

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.

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 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

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.

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.

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 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point system is applicable to invitations to this tender:

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

1.2 To be completed by the organ of state

a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

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

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The FIC requires of a tenderer to substantiate any claim in regards to preferences, by submitting their current/valid B-BBEE certificate or a sworn affidavit as prescribed by the B-BBEE codes of good practice.

2. DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**Rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**The Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80/20 points is allocated for price on the following basis:

80/20

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations 2022, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below that shall be supported by proof / documentation as stated in the conditions of this tender:

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
The B-BBEE Certificate is used as a measurement instrument for FIC's specific goals:	20 Maximum	
B-BBEE Status level of contributor: 1	20	
B-BBEE Status level of contributor: 2	18	
B-BBEE Status level of contributor: 3	14	
B-BBEE Status level of contributor: 4	7	
B-BBEE Status level of contributor: 5	4	
B-BBEE Status level of contributor: 6	2	
B-BBEE Status level 7 – 8 and non-compliant contributors	0	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company/firm.....

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

