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## **TERMS OF REFERENCE:**

### **PROVISION OF ONLINE LEGAL LIBRARY SERVICES (ELECTRONIC PUBLICATIONS) TO THE FILM AND PUBLICATION BOARD (FPB)**

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#### **1. Introduction**

- 1.1. The Film and Publication Board (FPB) is a statutory body established in terms of the Films and Publications Act, 65 of 1996, (FP Act) whose main objective is to regulate, both on physical and online platforms, the creation, production, possession and distribution of films, games and certain publications in order to protect children from disturbing and harmful content and to provide content information to adults that will enable them to make informed reading, viewing and gaming choices for both themselves and children in their care.
- 1.2. One of the main functions of the Legal and Regulatory Affairs Unit is the provision of legal support to Business Units within the institution, which support includes but not limited to the provision of legal advice and opinions, representing the FPB in matters before the Commission for Conciliation, Mediation and Arbitration, assisting various Business Units with drafting of policies, frameworks and guidelines as well as information sharing on the impact of new legislation affecting business units as well as advising on amendments to legislation. In order to achieve this function, the Legal and Regulatory Affairs Unit is required to do thorough legal research so that accurate and well researched legal advice can be provided.

- 1.3. In ensuring provision of well research and accurate legal services to the institution, the FPB through the Legal and Regulatory Affairs Unit has procured an online legal library (electronic publications) tool. However, the contract signed between the FPB and Service Provider was for a period of three (3) years and shall become to an end in March 2022. It is therefore in that context that the Legal and Regulatory FPB has identified the need to have such services to ensure continuous adequate and accurate legal research.

## **2. Objectives**

- 2.1. The purpose of appointing a Service Provider to provide an Online Legal Library service (electronic publications) to the FPB for a period of three (3) years.

## **3. Invitation**

- 3.1. Service Providers are invited to send proposals to the FPB for consideration. In preparing a proposal, it is crucial that a Service Provider demonstrate expertise in the provision of Online Legal Library services (electronic publications).

## **4. Scope of Work**

- 4.1. The Service Provider will be required to render the provision of an Online Legal Library service to the FPB which shall include access to the following material:

- 4.1.1. Online Statutes (National and Provincial) Republic of South Africa (RSA) New;
  - 4.1.2. Online All South African Law Reports (SALR);
  - 4.1.3. Online Labour Law Reports;
  - 4.1.4. Online Constitutional Law Reports;
  - 4.1.5. Online Law of South Africa (LAWSA);
  - 4.1.6. Online Forms and Precedents;
  - 4.1.7. Online Practical Guidance (PG) Dispute Resolution;
  - 4.1.8. Online Amlers Precedents of Pleadings;
  - 4.1.9. Online Law of Evidence;
  - 4.1.10. Online Legal Dictionary Words/Phrases;
  - 4.1.11. Online A Practical Guide to Media Law; and
  - 4.1.12. Online Access to Information.
- 4.2. In the execution of tasks listed in clause 4.1 above, the Service Provider must provide for the following:
- 4.2.1. Current legislation;

- 4.2.2. Amendments to legislation;
- 4.2.3. Reported and unreported cases;
- 4.2.4. Journal articles, preferably written by well-known and reputable authors;
- 4.2.5. Legal dictionary; and;
- 4.2.6. Access for Three (3) users;
- 4.2.7. Provide twelve (12) trainings to the FPB on the use of the Service Provider's online content during contract;
- 4.2.8. Make available its technical personnel for a one-on-one telephonic assistance on the proper use of online content;
- 4.2.9. Take all reasonable steps to protect its network from virus attacks or hacking.

## **5. Training**

- 5.1. The Service Provider will be required to train the FPB users to be able to effectively use the online library services.

## **6. Reporting Relationship**

6.1. The Service Provider will engage with the Manager: Legal and Regulatory Affairs Unit of the FPB.

6.2. Intellectual property rights

6.2.1. All copyright and intellectual property rights that may result as consequences of the work to be performed will become the property of the FPB.

6.2.2. The Service Provider must hand over all documents and information in any format, including copies thereof, that it received from the FPB or that it had access to during the assignment immediately after completion of the assignments to the FPB.

6.3. Procurement policies and procedures

6.3.1. The general conditions of bid, contract and order will be applicable to this bid.

## **7. Evaluation Phases**

7.1. The evaluation of bids will be performed using 80/20 preferential points.

7.2. The received bid proposals will be evaluated in different phases in order to arrive to the final phase of bid award, and the phases will be as follows:

#### 7.2.1. Stage 1: Minimum Screening Requirements

- (a) In this phase All bids received will be verified for compliance and completeness of the submitted proposal per the below set of mandatory requirements. Bidders who fails to comply with the below requirements will be disqualified and bidders who comply with the below progress progresses to the next phase of technical evaluation.
  - (i) Bid forms must be properly received on the bid closing date and time specified on the invitation, fully completed, dated and signed in ink.
  - (ii) Bid forms must be properly fully completed, dated signed in ink and initial every page of the bid.
  - (iii) The bid document must be (1) bound (2) without tearing and (3) contain all pages.
  - (iv) Invitation to bid (SBD 1) must be fully completed.
  - (v) Submission of fully completed SBD 4 (Bidder Disclosure).

(vi) Submission of fully completed SBD 6.1 (Preference Claim Certificate), accompanied by the relevant proof of B-BBE contribution Level.

(b) N.B Any bidders who did not sign and submit any of the requested documents may be disqualified. All bidders who complied with the mandatory / minimum requirements progresses to the technical evaluation phase for further evaluation per the below set criteria.

7.2.2. Stage 2: THE PROPOSAL TO INCLUDE THE FOLLOWING:

(a) Submission of Company Profile: The Company profile to also indicate:-

(i) The controls in place to ensure that conflict of interest will be managed effectively and to the best interest of FPB.

(ii) How the bidder will assist FPB in achieving the objective to have adequate and accurate legal research and remain up to date with changes in legislations, regulations and guidelines.

| Functional criteria   | Weight | Applicable scores |           |  |   |   | Total Score |
|---|--------|-------------------|-----------|--|---|---|-------------|
|   |        | 1<br>Poor         | 2<br>Fair | 3<br>Average                             | 4<br>Good                               | 5<br>Excellent                          |             |
| Criterion   |        |                   |           |  |   |   |             |
| <p>Years of Experience in in the provision of online legal publications</p> <p>Profile of the Company must be attached</p>                              | 60     | N/A               | N/A       | 5 – 10 years' experience                 | 11 – 15 years' experience               | 16+ years' experience                   |             |
| <p>Three (3) reference letters in respect of the provision of online legal publication in the public sector(to be signed and dated on a letterhead)</p> | 40     | N/A               | N/A       | Three (3) Reference letters from clients | Four (4) Reference letters from clients | Five (5) reference letters from clients |             |



|                                |    |  |  |  |  |  |  |
|--------------------------------|----|--|--|--|--|--|--|
| Minimum<br>qualifying<br>score | 60 |  |  |  |  |  |  |
|--------------------------------|----|--|--|--|--|--|--|