

EXPRESSION OF INTEREST:

POTENTIAL BIDDERS ARE REQUIRED TO NOTIFY THE LAND BANK SUPPLY CHAIN DEPARTMENT OF THEIR INTENTION TO TENDER FOR THE ABOVE MENTIONED TENDER

NOTIFICATION OF INTENT TO BID FOR THIS TENDER WILL ALLOW THE SUPPLY CHAIN DEPARTMENT TO SHARE CRITICAL INFORMATION DURING THE DURATION OF THE TENDER

POTENTIAL BIDDERS ARE TO SUBMIT THE FOLLOWING DETAILS bnkosi@landbank.co.za

NAME OF COMPANY:

CONTACT PERSON(S):

PHONE:

E-MAIL ADDRESS:

REQUEST FOR PROPOSALS
PANEL OF ATTORNEYS FOR A PERIOD OF THREE
(3) YEARS

T13/08/23

The Land and Agricultural Development Bank
of South Africa
P O Box 375 Pretoria 0001
272 Lenchen Avenue, Lakefield Office Park, Building A,
First Floor,
Die Hoewes, Centurion
Telephone (012) 686 0500 Toll-free 0800 00
52 59
E-mail address: info@landbank.co.za Web address:
www.landbank.co.za
Registered credit provider: Reg number
NCRCP18

Directors: Ms R Nkosi (Chairperson), Mr AL Makenete (Deputy Chairperson), Mr TM Rikhotso (Chief Executive Officer), Ms ME Makgatho, Prof JF Kirsten, Ms TN Mashanda, Ms NP Motshegoa, Ms D Maithufi, Ms E Pillay, Dr MM Tom and Mr DW Van der Westhuizen

Ms KH Mukhari (Chief Financial Officer) and Mr Mashumi K Mzaidume (Company Secretary)

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PROCUREMENT REGULATIONS 2022**

1. **INVITATION TO TENDER**

Tender Number	T13/08/23
Title of this RFP	REQUEST FOR PROPOSALS FOR A PANEL OF ATTORNEYS FOR THREE (3) YEARS
Issue Date	31 August 2023
RFP Closing Time & Date	15 September 2023 @ 11:00
Delivery Address	Land Bank Head Office, Tender Box
	Lakefield Office Park
	Building A, First Floor
	272 Lenchen Avenue (Cnr of Lenchen Avenue and West Avenue)
	Die Hoewes, Centurion
Originals to be submitted	1 Original proposal
Copies to be submitted	1 soft copy (USB)
Tender Validity Period	120 business days from the closing date *Land Bank may at its' discretion extend the tender validity period to shortlisted bidders

2. OVERVIEW OF LAND BANK

Established in 1912 to promote agricultural and rural development, the Land Bank provides production, instalment sale finance, and medium-term or mortgage loans to emerging and commercial farmers. From time to time, the Bank also administers other government programmes, such as drought relief schemes and flood assistance. The Land Bank as established by statute and regulated by the Land Bank Act 15 of 2002 ("Land Bank Act") is wholly-owned by the South African government, and is in turn the sole shareholder of Land Bank Insurance SOC Ltd ("LBIC") and Land Bank Life Insurance Company SOC Ltd ("LBLIC"), which provide insurance products in the agricultural sector. The Bank's objectives flow from the Land Bank Act, and are aligned with government policies and the country's socio-economic needs.

The Bank's objectives flow from the Land Bank Act, No. 15 of 2002, and are aligned with government policies and the country's socio-economic needs. The Bank is expected to play a pivotal role in advancing agriculture and rural development. Its broad mandate, as expressed in the Land Bank Act, covers 11 objectives:

- Equitable ownership of agricultural land, in particular increasing the ownership of agricultural land by historically disadvantaged persons
- Agrarian reform, land redistribution or development programmes aimed at historically disadvantaged persons
- Land access for agricultural purposes
- Agricultural entrepreneurship
- Removal of the legacy of racial and gender discrimination in agriculture
- Enhancing productivity, profitability, investment and innovation
- Growth of the agricultural sector and better use of land
- Environmental sustainability of land and related natural resources
- Rural development and job creation
- Commercial agriculture
- Food security

Land Bank is committed to contributing to socio-economic transformation in South Africa and will therefore be contributing to the Preference System of all suppliers who are compliant to the Broad-Based Black Economic Empowerment Act no.53 of 2003 and the Preferential Procurement Policy Framework Act no.5 of 2011.

3. **BACKGROUND AND SCOPE OF WORK**

SCOPE OF WORK – PANEL OF ATTORNEYS FOR A PERIOD OF THREE YEARS

The Land Bank requires the services of qualified attorneys to render legal advice and services in the fields as stated hereunder. A brief summary of the scope of work and knowledge required are set out hereunder:

The bidder must indicate, in the table below, with a **tick (·)**, the category or categories the bidders are bidding for:

Services	Tick (✓)
Legal Recoveries, Insolvencies & Business Rescue	
Corporate & Commercial Law	
Labour Law	
Insurance Law	
Banking & Finance Law	
Forensics	
Regulatory Law	
Corporate & Commercial Litigation	

The Land Bank would also like to promote broad based transformation and development of small and medium firms in the industry and as such, provided they meet the qualifying criteria as reflected hereunder, will appoint firms in the following categories. The bidder must indicate, in the table below, with a **tick (·)** the relevant category:

Firm Categories	Definition	PLEASE TICK (✓)
Category 1: Small Firms	Firm with an annual turnover of not more than R10 million	
Category 2: Medium Firms	Firm with an annual turnover greater than R10 million but below R50 million	
Category 3: Large Firms	Firm with an annual turnover greater than R50 million	

Note: The bidder must submit their latest Financial Statements as proof of their annual turnover as confirmed by an independent accountant. Small businesses withno financial history, must submit a sworn affidavit confirming their financial statusand / or projections.

It is for this purpose that the Land Bank will be using different evaluation criteria for the small and medium sized law firms and a different set of evaluation criteria applicable to large law firms as depicted hereunder.

3.1 LEGAL RECOVERIES & INSOLVENCY

3.1.1 LEGAL RECOVERIES/COMMERCIAL LITIGATION

Attorneys will attend to Legal Recoveries on behalf of the Land Bank. Attorneys are required to have an in-depth knowledge of litigation procedures, in the High Courts and Magistrates' Courts as well as the relevant legislations, rules and practice directives of courts and relevant case law applicable in litigation in general. Practical knowledge is required in all spheres of commercial law, banking and finance law including, but not limited to, knowledge and application of the Land Bank Act, Companies Act, National Credit Act, the PFMA and the Consumer Protection Act. A thorough knowledge of the nature and effect of security documents (eg. mortgage and notarial bonds, cessions, suretyships etc.) as well as the enforcement thereof is required. Attorneys must display strong negotiating skills and experience in arbitrations or mediations.

3.1.2 INSOLVENCY/BUSINESS RESCUE

Attorneys will be required to assist the Land Bank in providing legal opinions and/or initiating sequestration/liquidation and business rescue proceedings. A thorough knowledge of the nature and effect of sequestration/liquidation proceedings, schemes of compromises, business rescue proceedings, the nature and effect of processes on security documents and applicable case law is required.

3.2. CORPORATE & COMMERCIAL LAW/BANKING & FINANCE AND GENERAL LEGAL SERVICES

Practical knowledge is required of all spheres of corporate, commercial, finance and banking law, including, but not limited to, knowledge and application of the Land Bank Act, National Credit Act, Companies Act, Insolvency Act, Deeds Registries Act, and the Consumer Protection Act.

Drafting, negotiations and interpretation of commercial, credit and finance agreements including, but not limited to:

- Loan Agreements;
- Security Documents;
- Shareholders Agreements;
- Purchase and Sale Agreements;
- Lease Agreements;
- Service Level Agreements;
- Subscription agreements;
- Share acquisition/disposal agreements; and
- Share repurchase agreements.

Attorneys will be required to provide general legal advice relating to the day-to-day activities of the Land Bank as and when required.

3.3 LABOUR LAW

Expertise in labour related matters is required, more specifically, but not limited to the following:

- Ability to prosecute senior level employees in disciplinary hearings;
- Advice on procedural and substantive issues relating to disciplinary hearings conducted;
- Advice on disciplinary codes, policies and governing legislation;
- Representation at the CCMA, Labour Court and Labour Appeal Court;
- Advise and assist in process and compliance with Section 189 of the Labour Relations Act procedures; and
- Negotiation and settlement of labour disputes whether with individual employees or the bargaining unit represented by a union
- Handing and/or presiding over grievance and disciplinary and/or arbitration hearings;
- Workplace discipline and counselling; and
- Drafting of relevant labour related documentation, including but not limited to, employment contracts, disciplinary codes, grievance procedures and collective agreements;

3.4. INSURANCE LAW

Practical knowledge is required of all spheres of Insurance Law and attorneys will be attending to legal recoveries in respect of insurance related matters and providing legal advice and services in respect of insurance matters.

3.5. REGULATORY LAW AND COMPLIANCE

Practical knowledge is required of all spheres of regulatory risk and compliance, including, but not limited to, the Land Bank Act, PFMA, PAJA, POPIA, FAIS and the Deeds Registries Act.

3.6. FORENSICS

Practical knowledge is required of all spheres of Forensics. In order to assist the Land Bank in mitigating economic crime risks, attorneys are required to assist the Land Bank by providing with, inter alia, the following services:

- Compliance advice;
- Due diligence assessments;
- Fact finding investigations;
- Risk assessments and remediation support;
- Identifying fraud and/or non-compliance patterns and control review; and
- Management and monitoring of economic crime risks and providing anti-corruption compliance support

SPECIAL CONDITIONS

1. With the exception of new appointments, service delivery levels and quality of the work will be a measure of appointment and retention in the panel;
2. Law firms must demonstrate their experience on each of the areas of law they wish to be considered for and it will be considered as a basis of appointment;
3. Attorney Fees shall be charged in accordance with the Land Bank Service Level Agreement and the fee rates specified therein. The Service Level Agreement will be drafted after the RFP is received and considered;
4. Large law firms may be required to twin with small and/or medium law sized firms where the Land Bank so requires;
5. There will be no guarantee that attorneys will receive instructions if they are appointed onto the Land Bank panel. Land Bank will however apply a rotation system to ensure that firms are given an opportunity to provide services to Land Bank; and
6. The duration of the panel will be for a period of three years.

COMPANY PROFILE

Your company profile must address the following areas / headings in the following order:

1 HISTORY

Provide a brief history of the firm and an outline of the firm's geographic structure (excluding alliances or affiliation you may have with other law firms).

2 CLIENT BASE

Provide a list of clients for whom legal services were rendered on a regular basis in the past 3 years. The most recently served clients must be mentioned first and specify the nature of all work done.

3 FIELD OF EXPERTISE

Each proposal must include the specialist fields of law of the firm, with specific reference to the fields as set out above. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in specified areas of law. Clearly indicate for which of the specialist fields, as set out above, your firm is bidding for and provide a list of matters the firm has been involved with in respect of each area of law. The matters listed may not be less than 5 (five).

4 YOUR TEAM

Resumes of your core service team that will be attending to the Land Bank work with specific reference to their educational/ professional background and their relevant experience.

5 OWNERSHIP

Indication of your firm's ownership in relation to black ownership and black female ownership in terms of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).

6 FEES

Land Bank remunerates attorneys for services rendered by way of a set tariff structure and fees shall be changed in accordance with the Land Bank Service Level Agreement mentioned herein.

Please confirm your acceptance of participation in such an arrangement, conversely raise any concerns you may have

EVALUATION CRITERIA AND WEIGHTINGS

Mandatory Functional/ Technical Requirements

1. Mandatory Functional Criteria

All bid responses that do not meet the Mandatory Functional Requirements will be disqualified and will not be considered for further evaluation on the Non-Mandatory Functional Requirements:

1a) Registration with the Legal Practice Council

The firm must be registered with the Legal Practice Council and proof of registration must be provided. Furthermore, a valid letter of good standing must be submitted prior to work being allocated.

1b) Professional Indemnity (Fidelity Fund Certificate)

The Firm of Attorneys must provide proof of the Fidelity Fund Insurance Cover and in addition the individual director/ partner/ attorney/s to attend to Land Bank's matters must provide a certified copy of a valid Fidelity Fund Certificate to be provided. In addition, each law firm will need to provide proof of its professional indemnity cover reflecting the maximum amount of such cover.

2. Non Mandatory Criteria/Technical Criteria

With regards to the Other Functional Requirements, the following criteria and the associated weightings will be applicable:

Note: The following criteria are applicable to each Service Category.

Criteria for Small and Medium Sized Firms

ELEMENT	WEIGHT
<p>Demonstrable Relevant Experience of the Bidder/ Bidder's team</p> <p>Resumes of your core service team that will be attending to the Land Bank work with specific reference to their educational/ professional background and their relevant experience</p>	30%
<p>Company Profile</p> <p>Highlight relevant services rendered Provide a brief history of the firm and an outline of the firm's geographic structure (excluding alliances or affiliation you may have with other law firms);</p> <p>Each proposal must include the specialist fields of law of the firm, with specific reference to the fields as set out above. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in specified areas of law. Clearly indicate for which of the 4 specialist fields (as set out above) your firm is bidding for</p>	25%
<p>Relevant References</p> <p>Provide a list of clients (not less than 5) for whom legal services were rendered on a regular basis in the past 3 years. The most recently served clients must be mentioned first and specify the nature of all work done.</p>	25%
<p>The firm must indicate its approach and methodology with regard to legal matters</p>	20%
TOTAL	100%

Note: Minimum technical threshold 60% required to move onto next phase of evaluation

Criteria for Large Firms

ELEMENT	WEIGHT
Demonstrable Relevant Experience of the Bidder Resumes of your core service team that will be attending to the Land Bank work with specific reference to their educational/ professional background and their relevant experience	30%
Relevant References Provide a list of clients for whom legal services were rendered on a regular basis in the past 3 years. The most recently served clients must be mentioned first and specify the nature of all work done.	20%
The firm must indicate its approach and methodology with regard to legal matters	15%
Company Profile Highlight relevant services rendered Provide a brief history of the firm and an outline of the firm’s geographic structure (excluding alliances or affiliation you may have with other law firms); Each proposal must include the specialist fields of law of the firm, with specific reference to the fields as set out above. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in specified areas of law. Clearly indicate for which of the 4 specialist fields (as set out above) your firm is bidding for	20%
Skills Transfer Plan to Land Bank employees’ and small to medium sized law firms	15%
TOTAL	100%

Note: Minimum technical threshold 70% required to move onto next phase of evaluation

RATING METHOD APPLICABLE TO BOTH TECHNICAL CRITERIA:

<u>Points</u>	<u>Interpretation</u>
0	Non Responsive
1	Poor
2	Average
3	Good
4	Very good
5	Excellent

4. CONFIDENTIALITY

The bidder will be required to sign a confidentiality agreement to ensure that the Bank data and information is managed confidentially.

5. MISCELLANEOUS

The Bank reserves the right, in its sole and absolute discretion to amend these terms of reference as required from time to time.

6. PREFERENCE AND FINANCIAL EVALUATION

Phase 2: PRICE AND B-BBEE

This phase is the final stage in the evaluation process and only successful bidders that have met the minimum requirements in the functionality phase will be considered. In this phase only price and B-BBEE will be considered. To qualify for B-BBEE points a valid B-BBEE certificate needs to be submitted with this bid.

If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80/90 points for price and will score 0 points for Specific goals (out of 10/20):

B-BBEE Status level of Contributor (Specific Goals)	Number of Points (max. 20)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant Contributor	0

Land Bank will evaluate all tenders in terms of Preferential Procurement Policy Framework Act No 2000 of 2022 (PPPFA). The scoring methodology will apply. A copy of the PPPFA regulations can be downloaded from www.treasury.gov.za

The 80/20 preference point system will be utilised for this tender

Bidders are required to complete Annexure I SBD 6.1 in full to ensure all BBBEE and sub-contracting information are submitted at the time of the bid closing.

A valid B-BBEE Certificate must be provided in this submission.

7. COSTING

Bidders must submit a detailed and signed Pricing Schedule.

All pricing shown must EXCLUDE VAT, with the VAT components being shown separately on all costed/priced items/services.

All pricing assumptions, excluded costs and estimated costs must be clearly documented.

Land Bank will not entertain any price adjustments for it assumes that the pricing document as supplied is complete and covers all costs associated with these services.

Bidders are required to provide a comprehensive price schedule taking into account all resources and outputs to be achieved. Please note that on the electronic submission, the price schedule will need to be a soft copy excel sheet. (Annexure N)

8. OBJECTIVE CRITERIA & RISK ANALYSIS

a. In addition to the financial offer and preference evaluation, the Tenderers having the highest ranking / number of points, will additionally be reviewed against the following points listed as "Other Objective Criteria" in terms of the PPPFA Regulations of 2017, in order to ascertain suitability for award.

- i. If having passed Qualifying Criteria, the tenderer will again be checked in terms of having a Compliant Tax Status at time of recommendation to confirm that the status has not changed, based on an active and Tax Complaint Pin issued by the South African Revenue Services
- ii. Fully compliant and registered with the National Treasury Central Supplier Database
- iii. No misrepresentation in the tender information submitted
- iv. Any non-performance on Land Bank projects
- v. The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and
- vi. The tenderer has declared that there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract
- vii. Convicted by a court of law for fraud and corruption
- viii. Removed from a contract between them and any organ of state on account of failure to perform on or comply with the contract
- ix. Unduly high or unduly low Tendered rates in the Tender offer. In this regard, a financial risk analysis will be performed to verify that the costs are reasonable and balanced. Tenders may be disqualified if tendered rates are found to be distorted

x. In terms of unduly high Tendered fees in the Tender offer, refer to the PPR2017.

b. Land Bank may perform a due diligence exercise on the preferred tenderer to determine its risk-profile. The outcome of the due diligence exercise may be considered as an objective criterion. A due diligence exercise may include, but is not limited to, the following factors;

I. Financial Analysis of Tenderers Financial Statements

Financial health of the bidder may be assessed if deemed necessary, to ensure that the service provider will be able to operate as per required deliverables (Ratios: Accounts Receivable & Payable Turnover, Liquidity & Solvency). In the case of an unincorporated JV or a SPV, each partner of the entity must submit their financial statements and it will be consolidated to determine their capability to execute the applicable contract.

II. Judgements and criminal convictions

Land Bank may consider previous civil judgements against the preferred tenderer as part of its risk assessment. Land Bank may also consider whether the preferred tenderer or any of its directors have been-convicted of a serious offence.

III. Pending litigation

Land Bank may consider any pending litigation in a court of law or administrative tribunal as part of its risk assessment.

IV. Performance

Land Bank may consider the Service Provider having a history of poor performance on any task orders/purchase orders or contracts, including poor performance in respect of compliance with policies or procedures regarding safety, health, quality control or environment, or having committed a serious and gross breach of contract.

V. Reputational-harm

If Land Bank is likely to suffer substantial reputational harm as a result of doing business with the preferred service provider, it may take this into account as part of its risk assessment.

The above set out other objective criteria may be clarified during the evaluation and correction of any non-compliance may be negotiated with the highest scoring tenderer, if possible. However, should the tenderer not comply with these requirements by the close of negotiations, Land Bank reserves have the right to award to the next ranked tenderer.

9. TERMS OF CONTRACT

Before the tender will be awarded, the successful tenderer will be required to enter into a service level agreement (SLA) with the Land Bank. The SLA will form the contractual basis for the delivery of the service as well as how performance will be measured and will include the General Conditions of Contract.

10. GENERAL MANDATORY CONDITIONS

Responses must be concise outlining a detailed cost structure. All tenderers responding to this request for Proposals must provide the following statutory compliance documentation in order to be considered:

- Completed Vendor Accreditation Form
- Proof of registration to the Central Supplier Database (CSD)
- Cancelled cheque and/or stamped letter from the Bank
- All Supplier information and declaration of Interest forms must be properly completed, signed and stamped by a Commissioner of Oaths
- Any false declaration of information will result in the exclusion of the proposal from consideration
- Bidders to submit a tax compliance status (TCS) pin issued by SARS along with a valid tax clearance certificate
- A BEE certificate from a SANAS accredited rating agency or Affidavit substantiating the bidders B-BBEE rating
- Certified copy of Identity Documents of Shareholders/Directors
- In the case of Consortium or Joint Venture, bidders are required to provide copies of signed agreements stipulating the work split
- The Land Bank may invite bidders for an oral interview prior to the approval of a bid. Land Bank will not be liable for the costs incurred by the tenderer in connection with such interview.

11. SUBMISSION REQUIREMENTS

Any service provider requiring clarification on any matter whatsoever, including questions relating to the specifications required of the service provider to perform this project or the tender and evaluation process must do so via e-mail and address such request to bnkosi@landbank.co.za

Proposals may be deposited in or couriered to the tender box at the reception area Land Bank Head Office, Tender Box, Lakefield Office Park, Building A, First Floor, 272 Lenchen Avenue (Cnr of Lenchen Avenue and West Avenue), Die Hoewes, Centurion on or before **15 September 2023 @ 11:00**

12. FICA AND COMPLIANCE CHECKS

Land Bank, in its capacity as an accountable institution, has a duty to verify the identity of all its clients in compliance with the Financial Intelligence Centre Act No 38 of 2001 (FICA).

The Land Bank shall thus conduct a comprehensive PEP screening on the successful bidder and therefore requests all bidders to submit the Know Your Customer (KYC) documents as listed in Annexure D of this RFP document.

The Land Bank reserves the right to not award any bidder in line with any potential negative findings.

13. TERMS OF CONTRACT

Before the tender will be awarded and before the commencement of any work, the successful tenderer will enter into a Service Level Agreement with the Land Bank which will form the contractual basis for the delivery of the services as well as how performance will be measured and will include the General Conditions of the Contract.

The Service Provider will not proceed with any work, tasks or requests without being in possession of a duly signed Service Level Agreement or any other form of agreement, letter of intent, communicated to the Service Provider from the Land Bank Procurement Department.

Should the Service Provider commence with any work without a signed Service Level Agreement, the Service Provider will be doing so solely at their own risk and Land Bank will not be liable or be under any obligations whatsoever.

14. PROTECTION OF PERSONAL INFORMATION

In submitting any information or documentation requested above or any other information that may be requested pursuant to this RFP, you are consenting to the processing by Land Bank or its stakeholders of your personal information and all other personal information contained therein, as contemplated in the Protection of Personal Information Act, No.4 of 2013 and Regulations promulgated thereunder ("POPI Act"). You also consent that any information, either written or verbal, may be made available to third parties strictly for the purpose of oversight to this tenders' appointment. Further, you declare that you have obtained all consents required by the POPI Act or any other law applicable. Thus, you hereby indemnify Land Bank against any civil or criminal action, administrative fine or other penalty or loss that may arise because of the processing of any personal information that you submit.

SUGGESTED COMPILATION OF BIDS

PLEASE ENSURE THAT THE SEPARATE ANNEXURES/ FILES ARE NAMED ACCORDINGLY ON YOUR USB AND HARD COPY SUBMISSION

Name of Firm	
CSD Registration Number	
Contact Person	
Contact Number	
Physical Address	
E-mail Address	
Administrative	
Annexure A: Vendor Accreditation Form	
Annexure B: Declaration of Interest Form	
Annexure C: Covenant of Integrity Declaration	
Annexure D: Land Bank FICA requirements	
Annexure E: Terms and Conditions	
Annexure F: Service Provider Agreement *This is included for informative purposes and does not need to be completed. *Successful bidder(s) will enter into the service provider agreement attached in this RFP, with the addition of their proposed financial submission, services, time lines, etc.	
Annexure G: Bribery & Corruption Declaration	
Annexure H: SBD 1 Tax Compliance	
Annexure I : SBD 6.1 Preference Points Claim Form In Terms Of The Preferential Procurement Regulations 2011	
Annexure J: Valid BBBEE Certificate or Affidavit	
Annexure K: Tax compliance status (TCS) pin issued by SARS along with a valid tax clearance certificate	
Annexure L: Cancelled cheque and/or stamped letter from the bank confirming banking details	
Annexure M: National Treasury's CSD Proof of registration	
Annexure N: Financial Proposal (In Microsoft Excel)	
Qualifying Criteria (Please refer to section 3 for guidance on compiling this section of the RFP)	
Annexure O: Registration with the Legal Practice Council The firm must be registered with the Legal Practice Council and proof of registration must be provided. Furthermore, a valid of letter of good standing must be submitted prior to work being allocated.	
Annexure P: Professional Indemnity (Fidelity Fund Certificate) The Firm of Attorneys must provide proof of the Fidelity Fund Insurance Cover and in addition the individual director/ partner/ attorney/s to attend to Land Bank's matters must provide a certified copy of a valid Fidelity Fund Certificate to be provided. In addition, each law firm will	



need to provide proof of its professional indemnity cover reflecting the maximum amount of such cover.	
Technical Criteria for small and medium sized firms (Please refer to section 3 for guidance on compiling this section of the RFP)	
Annexure Q: Demonstrable Relevant Experience of the Bidder/ Bidder's team Resumes of your core service team that will be attending to the Land Bank work with specific reference to their educational/ professional background and their relevant experience	
Annexure R: Company Profile Highlight relevant services rendered Provide a brief history of the firm and an outline of the firm's geographic structure (excluding alliances or affiliation you may have with other law firms); Each proposal must include the specialist fields of law of the firm, with specific reference to the fields as set out above. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in specified areas of law. Clearly indicate for which of the 4 specialist fields (as set out above) your firm is bidding for	
Annexure S: Relevant References Provide a list of clients (not less than 5) for whom legal services were rendered on a regular basis in the past 3 years. The most recently served clients must be mentioned first and specify the nature of all work done.	
Annexure T: Approach and methodology with regard to legal matters	
Technical Criteria for large firms (Please refer to section 3 for guidance on compiling this section of the RFP)	
Annexure U: Demonstrable Relevant Experience of the Bidder Resumes of your core service team that will be attending to the Land Bank work with specific reference to their educational/ professional background and their relevant experience	
Annexure V: Relevant References Provide a list of clients for whom legal services were rendered on a regular basis in the past 3 years. The most recently served clients must be mentioned first and specify the nature of all work done.	
Annexure W: Approach and methodology with regard to legal matters	
Annexure X: Company Profile Highlight relevant services rendered Provide a brief history of the firm and an outline of the firm's geographic structure (excluding alliances or affiliation you may have with other law firms); Each proposal must include the specialist fields of law of the firm, with specific reference to the fields as set out above. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience in	



specified areas of law. Clearly indicate for which of the 4 specialist fields (as set out above) your firm is bidding for	
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Annexure Y: Skills Transfer Plan to Land Bank employees' and small to medium sized law firms	
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ANNEXURE A



Vendor information sheet

SAP Registration number _____

- 1. Registration name of company _____
- 2. Company registration number _____
- 3. VAT number _____

4. Company details	Street address	Postal address
Building/complex _____	PO Box _____	
Street name _____	City _____	
Suburb _____	Code _____	
City _____	Suburb _____	
Code _____		
Telephone no _____	Contact person _____	
Fax no _____	Direct Tel _____	
E-mail _____	Direct Fax _____	

5. Payment terms _____

6. Payment must be made in (currency) _____

7. Bank detail Please attach banking details on an original letterhead signed by CEO/Director/s appearing on the letterhead.

Bank name _____	Branch _____
Type of account _____	(eg. Current account; Cheque account, Savings account, e.t.c)
Account number _____	Branch code _____

8. Contact person for Account queries	Name <u>Ms. Jeanette Raphalalani</u>
Cell no _____	Tel no
E-mail <u>njraphala@landbank.co.za</u>	Fax no _____

9. How much is the company's annual turnover? : R _____

10. Share holding - (Please list Share holders with their % of share holding)

Title	Name	Identity number	Race	% share holding

11. Business indicator - mark with (X) in the bracket

HDP - Historically Disadvantaged Persons ()	INT - International business ()
EXB - Existing business ()	JVB - Joint venture business ()

12. Additional

List the commodities / service that you currently supply to Land Bank

Currently providing _____	Can provide _____
_____	_____
_____	_____

I the undersigned, confirm that the information provided on this vendor information sheet is accurate and contains no misrepresentations or omissions, and is based on current information known to me. I also undertake to immediately inform the Land Bank of any changes to the above furnished information. The Land Bank is hereby allowed to verify any of the details provided.

Name _____	Signature _____
Designation _____	Date _____

FOR OFFICE USE ONLY (LAND BANK)

Procurement Department

Name & Signature _____ Date: _____



**ANNEXURE B
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 with any person who is employed by the procuring institution?

YES/NO

2.2.1 If so, furnish particulars:

.....

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.



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 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.

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.



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



ANNEXURE C

CONVENANT OF INTERGRITY

I, the undersigned,

_____ (Full Names)

do hereby make oath and state as follows:

1. I am:
 - 1.1. an adult male/female aged _____;
 - 1.2. presently employed as/carrying on business as _____ situated at _____.
2. The facts stated herein are both true and correct and within my personal knowledge and belief unless otherwise stated.
3. I hereby confirm that:
 - 3.1. I am duly authorised to depose to this affidavit;
 - 3.2. neither myself nor anyone acting on behalf of the tenderer is, or will be, engaged in any Prohibited Practice as defined in 4 below in connection in respect of any tendering process or in the provision of services and/or goods;
 - 3.3. I will immediately inform Land bank of any instance of any such Prohibited Practice which comes to my attention and/or the attention of the tenderer and/or its employees or agents concerning the following;
 - 3.3.1. if any of the tenderer's directors, employees or agents has been convicted in any court for any offence involving a Prohibited Practice in connection with any tendering process and/or the provision of goods or services during the 5 (five) years immediately preceding the date of this affidavit; and/or
 - 3.3.2. if any of the tenderer's directors, employees or agents is dismissed or resigns from the tenderer's employment on grounds of being implicated in any Prohibited Practice.
 - 3.4. I will provide Land Bank with full details of such conviction, dismissal or resignation and the measures taken to ensure that neither the tenderer nor any of its directors, employees or agents commits any Prohibited Practice in future.
 - 3.5. In the event that the tenderer is awarded any business by land bank, the tenderer grants Land bank or its employees and/or agents the right of inspection of its records. The tenderer shall preserve such records in accordance with applicable law but in any case for at least 3 (three) years after conclusion of each transaction contemplated under the Request for Tender.
4. I acknowledge that for all purposes under this affidavit, the following terms and/or expressions



below shall bear the meanings set out hereunder:

- 4.1. "Corrupt Practice" means the offering, giving or promising of any improper advantage to influence the action of a Public Official, or the threatening of injury to his person, employment, property, rights or reputation, in connection with any procurement process or in the execution of any contract in order that any person may obtain or retain business improperly or obtain any other improper advantage in the conduct of business;
 - 4.2. "Fraudulent Practice" means a dishonest statement or act of concealment which is intended to, or tends to, improperly influence the procurement process or the execution of a contract to the detriment or potential detriment of land bank or is designed to establish tender prices at non-competitive levels and/or to deprive land bank of the benefits of fair and open competition, and includes collusive practices (whether before or after tender submission) among tenderers or between a tenderer and a consultant or any employees or agents of Land bank;
 - 4.3. "Public Official" means any person holding a legislative, administrative, managerial, political or judicial post in any country, or exercising any public function in any country or a director or employee of a public authority or of a legal person controlled by a public authority of any country, or a director or official of a public international organisation; and
 - 4.4. "Prohibited Practice" means an act that is either a Corrupt Practice or a Fraudulent Practice.
5. I/We consent that Land Bank will process (by collecting, using, storing or otherwise dealing with) my/our personal information and that of third parties which I/we provide, for the purposes of providing services and products to me/us. The personal information will be processed in accordance with the requirements of the law. All personal information I/we provide to Land Bank is given voluntarily. However, if I/we withhold any personal information requested; withhold consent for or object to the processing of my/our personal information, this may result in Land Bank not establishing or continuing a relationship.

DEPONENT

Thus done and signed at _____ on this the _____ day of _____,

the Deponent having acknowledged that:

1. he/she knows and understands the contents of this declaration;
2. he/she has no objection to taking the prescribed oath; and
3. he/she considers the prescribed oath to be binding on his/her conscience.



Commissioner of Oaths Stamp	<hr/> <p>COMMISSIONER OF OATHS</p> <hr/> <p>FULL NAMES</p> <hr/> <p>CAPACITY</p> <hr/> <p>BUSINESS ADDRESS</p>
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ANNEXURE D

Land Bank, in its capacity as an accountable institution, has a duty to verify the identity of all its clients in compliance with the Financial Intelligence Centre Act No 38 of 2001(FICA).

Know Your Customer (KYC) documents are required for each client transaction. The requirements for each entity type are listed below.

Individuals

- Green, bar-coded Identity document (**also used for PEPs/Sanctioned screening purposes**) if not available valid reason why identity document could not be provided together with a valid Passport or valid driver's licence
- Valid Passport (for foreign nationals)
- Proof of physical residential address
- Authority to act (if applicable): power of attorney / letter of appointment from the court and Identity document, physical residential address and contact details of persons authorised to act
- Birth certificate (for minors under 18 years) and proof of authority (where minor is assisted by legal guardian)

Unlisted Companies

South African

- Certificate of Incorporation (CM1 or CoR 15.1/CoR 14.1)
- Certified copy of Change of Name, if applicable (CM9 or CoR 9.1 or 2)
- Notice of Registered Office and Postal Address (CM22 or CoR 21)
- Current list of Directors (CM29 or CoR 39) (**also used for PEPs/Sanctioned screening purposes**)
- Authority to act: Directors' Resolution and/or Delegation of Authority
- In respect of the Principal Executive Officer, each Director, each Authorised person, and each shareholder holding more than 25% of the voting rights of the company:
 - Certified copy of the Identity document
 - residential address and contact details
- Proof of physical business address and trading/operating name
- **Beneficial ownership (warm body that owns the company) of the company. If the shareholder is another company, provide shareholder details and beneficial ownership. Process continues till we establish the ultimate beneficial owner. If the shareholder is a trust, the trust deed needs to be provided to identify and verify all trustees, founders and beneficiaries to the trust.**

Foreign

- Official Document of Incorporation (or CoR 17.1)
- Registration Certificate (CoR 17.3)
- If trading in RSA, documents for RSA unlisted companies
- Authority to act: Directors' Resolution
- Identity document/Passport, details of physical residential address and contact details of related parties and persons authorised to act (**also used for PEPs/Sanctioned screening purposes**)
- Proof of physical business address and trading/operating name



Listed Companies

- Registration Certificate (Registrar of Companies or equivalent regulator- foreign companies)
- Documentary evidence of listing (printout from the official website of the stock exchange on which the entity is listed is required)
- Authority to act: Directors' resolution
- Identity document proof of residence and contact details of persons authorised to act (**also used for PEPs/Sanctioned screening purposes**)

Close corporations (CC)

- Founding Statement and Certificate of Incorporation (CK1)
- Amended Founding Statement (CK2), (If applicable)
- Authority to act: Members' Resolution
- Identity document, physical residential address and contact details of each member, persons authorised to act and of the Person Exercising Executive control over the CC. (**also used for PEPs/Sanctioned screening purposes**)
- Proof of physical business address and trade name

Conversion of Close Corporation (If a Close Corporation converts to another entity type, the following forms are applicable)

- Form CoR 18.1 – Application to convert a Close Corporation
- Form CoR 18.3 – Registration Certificate

Trusts

- Trust Deed or other Founding Document
- A Foreign Trust: an official document reflecting appointment of Trustees issued by an authority in the country where the Trust is created
- Authority to act: Letter of Authority from the Master of the High Court and Trustees' Resolution
- Identity document, physical residential address and contact details of each trustee, each beneficiary, the founder and the persons authorised to act (**also used for PEPs/Sanctioned screening purposes**)
- Proof of registered address of Master of High Court (stamp on letter of authority)

Partnerships

- Partnership Agreement
- Authority to act: Partners' Resolution
- Identity document, physical residential address and contact details of all the partners and persons authorised to act and of the Person Exercising Executive control of the partnership (**also used for PEPs/Sanctioned screening purposes**)

Professional partnerships

- (Certain Partnerships consisting of more than (20) partners which are incorporated in terms of Section 30(2) of Company's Act 61 of 1963 which are recognized in terms of the relevant Government Gazettes examples are: Attorneys, Notaries and Conveyancers, Public Accountants and Auditors, Medical Practitioners, Pharmacists, Professional Engineers, Quantity Surveyors, Stockbrokers and Architect)
- Registration certificate (provide proof of registration of the partnership by a regulatory body)
- Partners Resolution (Authority to act)



- Identity document residential and contact details for Persons Authorised to Act and of the Person Exercising Executive control of the partnership (**also used for PEPs/Sanctioned screening purposes**)
- Proof of physical business address

PEPS

Politically exposed person or PEP is the term used for an individual who is or has in the past been entrusted with prominent public functions in a particular country. The principles issued by the Wolfsberg Group of leading international financial institutions give an indication of best banking practice guidance on these issues. These principles are applicable to both domestic and international PEPs.

The following examples serve as aids in defining PEPs:

- Heads of State, Heads of Government and cabinet ministers;
- influential functionaries in nationalised industries and government administration;
- senior judges;
- senior political party functionaries;
- senior and/or influential officials, functionaries and military leaders and people with similar functions in international or supranational organisations;
- members of ruling or royal families;
- senior and/or influential representatives of religious organisations (if these functions are connected to political, judicial, military or administrative responsibilities).

According to the Wolfsberg principles, families and closely associated persons of PEPs should also be given special attention by a bank. The term "families" includes close family members such as spouses, children, parents and siblings and may also include other blood relatives and relatives by marriage. The category of "closely associated persons" includes close business colleagues and personal advisers/consultants to the PEP as well as persons, who obviously benefit significantly from being close to such a person.

A bank should conduct proper due diligence on both a PEP and the persons acting on his or her behalf. Similarly, KYC principles should be applied without exception to PEPs, families of PEPs and closely associated persons to the PEP.

Proof of physical residential/business address

Any one of the following documents reflecting the physical/business address is acceptable:

- Utility bill (must be less than 3 months old, unless otherwise specified)
- Current lease or rental agreement
- Bank statement
- Municipal rates and taxes invoice
- Valid television licence
- Mortgage statement
- Telkom account
- Valid motor vehicle licence
- Insurance policy
- Tax return (less than 1-year-old)
- Letter from bank manager, medical practitioner, accountant, or attorney, on a formal letterhead, stating that they know the client for three years and confirming physical address
- Letter on letterhead, signed by board of trustees, directors' etc. confirming physical business address
- Correspondence from a body corporate or shareblock association
- Payslip or salary advice



All address verification documents must be valid and reflect the name and the current physical address of the client (legal property descriptions are also acceptable - e.g. erf/stand numbers).

Spouse/partner

Any of above documents for spouse, together with marriage certificate or if not available;

- Affidavit from person co-habiting with client, providing:

Name, identity number and physical residential address of client and co-habitant

Relationship between client and co-habitant

Confirmation that residential address is shared

Parent:

- Any of above documents for parent

- Must be accompanied by the child's birth certificate (for a minor)

If above documentation not available:

Visit to physical address by a Land Bank employee, or

Affidavit from client (as a last resort), providing:

- Name, identity number and physical residential address

- Confirmation that client resides at physical residential address

Trade name (if this is not reflected on the proof of physical business address)

Any one of the following documents reflecting the Trade Name is acceptable:

- An Original Company Letterhead
- Utility bill (less than three months old)
- Bank statement or financial statement from another financial institution (less than three months old)
- Valid lease or rental agreement (signed by all relevant parties)
- Municipal rates and taxes invoice (less than three months old)
- Mortgage statement from another financial institution (less than six months old)
- Telephone account i.e. a land-line or cell phone (less than three months old)
- An official tax return (less than one year old)
- An official tax assessment or official correspondence from the local revenue services (less than three months old)
- Valid television licence document
- A recent short-term insurance policy or a renewal letter (less than one-year-old)

Definitions

Principal Executive Officer

Refers to the principal executive officer such as the CEO, CFO, COO, MD, FD or any person who exercises executive control.

Authorised Persons

These are individuals who are authorised to act on behalf of the Company/Legal Entity and who are authorised to establish a relationship with Land Bank on behalf of the company/legal entity.



Authority of Individuals purporting to act on behalf of the Company/Legal Entity:

- Duly executed Board Resolution authorising the opening of an account/establishment of the business relationship/conclusion of the transaction and conferring authority on those who will establish the business relationship/conclude the single transaction; OR
- Certified extract of the minutes proving authority; OR
- Original letter signed by the company secretary on the official company letterhead

If a 3rd party is acting on behalf of the Client(Individual) the following is required:

- Proof of authority (i.e.) power of attorney, mandate, resolution, court order,
- Letters of appointment by the Master of the High Court
- Individual FICA above, for the person who is acting on behalf of the Client (together with all the FICA documentation of the Client)

Certified or Verified

We are required to hold originally certified/verified copies of the following documentation on record. Strictly, only clear, legible copies of identity and other documents will be accepted.

Please provide the original or certified copies of the following documentation for each shareholder holding 25% or more of voting rights at a general meeting of the company:

- South African (Pty) Company – Certificate of Incorporation and Notice of Registered Office and Postal Address, and a letterhead of the company;
- Listed Company – Latest Annual Report;
- Foreign Private Company: the official document reflecting the incorporation of the foreign company issued by the relevant registrar of companies or similar authority of the country of incorporation of the foreign company, reflecting the company's incorporation and bearing its name and number of incorporation and the address where it is situated for purposes of its incorporation, together with a letterhead of the company;
- Close Corporation – Founding Statement and Certificate of Incorporation and Amending Founding together with a letterhead of the close corporation.

By submitting your information as requested above, you consent that Land Bank will process (by collecting, using, storing or otherwise dealing with) the personal information and that of third parties which is provide, for the purposes of providing services and products. The personal information will be processed in accordance with the requirements of the law. All personal information provided to Land Bank is given voluntarily. However, if you withhold any personal information requested; withhold consent for or object to the processing of the personal information, this may result in Land Bank not establishing or continuing a relationship.