



NAME OF BID	PANEL OF FIRMS: LEGAL SERVICES
BID NO.	FSCA2024/25-T007
ADVERT DATE	06 DECEMBER 2024
CLOSING DATE	30 JANUARY 2025
CLOSING TIME	11h00 (South African Standard Time, obtained from Telkom SA SOC Limited by dialling 1026)

BIDDER NAME	
ID/REGISTRATION NUMBER	
CSD NUMBER	
CONTACT PERSON	
EMAIL ADDRESS	
TELEPHONE NUMBER	

Riverwalk Office Park, Block B; 41 Matroosberg Road  
(Corner Garsfontein and Matroosberg Roads)  
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**Executive Committee:**

**Commissioner:** U. Kamlana | **Deputy Commissioners:** A. Ludin | K. Gibson | F. Badat

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## A. INTRODUCTION TO BID

### 1. Introduction

- 1.1 The Financial Sector Conduct Authority (FSCA) was established in terms of the Financial Sector Regulation Act No. 9 of 2017. It is responsible for market conduct regulation and supervision of the financial services industry. The objectives of the FSCA are to enhance and support the efficiency and integrity of financial markets, to protect financial customers by promoting their fair treatment by financial institutions, as well as providing financial customers with financial education. The FSCA is a Schedule 3A Public Entity, in terms of the Public Finance Management Act (PFMA).
- 1.2 The vision of the FSCA is to ensure an efficient financial sector where customers are informed and treated fairly and its mission is to ensure a fair and stable financial market, where consumers are informed and protected, and where those that jeopardize the financial well-being of consumers are held accountable. Visit the FSCA website, [www.fsca.co.za](http://www.fsca.co.za) for further information about the FSCA.
- 1.3 The FSCA operates from offices in Pretoria at Riverwalk Office Park; 41 Matroosberg Road; Ashlea Gardens Extension 6; Menlo Park; Pretoria.
- 1.4 All information, including personal information collected during this process will be treated as confidential, and processed in line with the FSCA Privacy Policy. For more information on how your personal information is processed and how you can exercise your rights in term of applicable information privacy laws, please visit the Privacy Policy on [www.fsca.co.za](http://www.fsca.co.za).
- 1.5 Bidders are hereby invited for appointment to a panel of firms: legal services, to provide legal services in accordance with the FSCA's requirements. for a period of five (5) years. It is estimated that the contract will commence on 1 May 2025 or earlier, but it may also be on a later date.
- 1.6 This bid is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2022, Broad-Based Black Economic Empowerment Act, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.

### 2. Briefing session

- 2.1** A non-compulsory briefing session will be held on **13 December 2024** at **11H00** for a maximum of 01 hour via Microsoft Teams. The link will be provided on the FSCA's website.

## 2.2 THE FSCA WILL NOT BE COMPELLED TO REPEAT ANY ISSUES ALREADY COVERED TO LATE COMERS, ONCE THE SESSION IS CONCLUDED.

### 3. Bid enquiries and questions.

- 3.1 Enquiries relating to minor administrative issues with reference to the bid may be directed to:

Nobusi Mazwai  
Supply Chain Management Department  
Tel no.: (012) 422 2855  
E-mail: [tenders@fsca.co.za](mailto:tenders@fsca.co.za)

- 3.2 All questions relating to the contents of the bid (conditions, rules, terms of reference etc.) must be forwarded in writing via email to [tenders@fsca.co.za](mailto:tenders@fsca.co.za) by not later than 14 January 2025. Questions received after this date will not be entertained.
- 3.3 All questions must reference specific paragraph numbers, where applicable.
- 3.4 All enquiries (received on or before the closing date for enquiries) will be consolidated and the FSCA will publish one response document on the FSCA website ([www.fsca.co.za](http://www.fsca.co.za)) within five (5) working days after the date in indicated in paragraph 3.2.
- 3.5 No requests for information shall be made to any other person or place and in particular not to the existing provider of this service.

### 4. Bid submission.

- 4.1 Bid documents may either be posted (preferably by registered mail) or placed in the bid box or couriered to the physical address. Bids submitted by means of e-mail, electronic or similar means shall not be considered.
- 4.2 Complete documents with supporting annexures shall be packaged, sealed, clearly marked, and submitted strictly as follows:

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- 4.3 The FSCA requires two (2) printed copies, one (1) original and one (1) copy and one electronic copy (in electronic storage media, preferably a CD or flash drive/memory stick) in PDF format all bound in a sealed envelope marked as stated in paragraph 4.2.

- 4.4 Bids must be properly packaged and deposited on or before the closing date and before the closing time in the bid box situated at the reception area of the FSCA. The physical address of the FSCA is as follows:

Financial Sector Conduct Authority  
 Riverwalk Office Park, Block B  
 41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)  
 Ashlea Gardens, Extension 6  
 Menlo Park  
 Pretoria, 0081

GPS Coordinates	
Latitude	-25.7843344
Longitude	28.268365

- 4.5 Bid documents may also be posted (preferably by registered mail) to:

PO Box 35655  
 Menlo Park  
 Pretoria  
 0102

- 4.6 Bid documents will only be considered if received by the FSCA on or before the closing date and time, regardless of the method used to send or deliver such documents to the FSCA.

- 4.7 **Late submissions will not be accepted.**

- 4.8 Bidders must initial each page of the bid document on the bottom right hand corner.

## 5. Pricing

- 5.1 This is a rate-based tender. Refer to Table 2.

## B. DEFINITIONS

### 6. Definitions

- 6.1 Unless inconsistent with or expressly indicated otherwise by the context.
- 6.1.1 **FSCA** shall mean the Financial Sector Conduct Authority or any successor in title.
- 6.1.2 **Contractor** shall mean the successful bidder whose bid has been accepted by the FSCA and shall include the bidder's personal representatives.
- 6.1.3 **Contract** shall include the General Conditions of Contract and Special Conditions of Contract, the specifications including any schedules attached to the specifications, and any agreement entered into in terms of these Special Conditions of Contract.
- 6.1.4 **Service** shall mean the provision of legal services to the FSCA, for a period of five years, as and when required.
- 6.1.5 **Person** includes any company incorporated or registered as such under any law, any body of persons corporate or unincorporated, any trust. Person, firm or company shall include an authorised employee or agent of such person.
- 6.2 Except where the context indicates otherwise, in this document the singular includes the plural, and with reference to gender, the one includes the other.

## C. BID RULES

### 7. Capabilities and experience of bidders

- 7.1 Bidders are required to provide all information as necessary to demonstrate their capabilities and experience with regard to the requested services.

### 8. Form of bid

- 8.1 The bid shall be signed and witnessed on the form of bid incorporated herein. The certificates, schedules and forms contained in this document shall be completed and signed by the bidder in blue or black ink.
- 8.2 **Please note:** No correction fluid such as Tippex or similar product is allowed. All changes must be scratched out and a signature next to each change
- 8.3 Where the space provided in the bound document is insufficient, separate schedules may be drawn up in accordance with the prescribed formats. These schedules shall be bound with a suitable contents page and submitted with the bid documents.

### 9. Signing of bid

- 9.1 The bid must be signed by a person who is duly authorised to do so.

### 10. Alterations to bid documents

- 10.1 No unauthorised alteration or addition shall be made to the form of bid, to the schedule of quantities of services to be rendered or to any other part of the bid documents. If any such alteration or addition is made or if the schedule of quantities of services to be rendered, or other schedules or certificates are not properly completed, such submission may be disqualified.

### 11. Qualifications on bid

- 11.1 Bids submitted in accordance with this bid document shall be without any qualifications.

### 12. FSCA'S rights

- 12.1 The FSCA is entitled to amend any bid conditions, bid validity period, bid specifications, or extend the bid's closing date, all before the bid closing date. The FSCA reserves a right to extend the bid validity period before its expiry period. All bidders, to whom the bid documents have been issued and where the FSCA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the FSCA's website under the relevant bid information. All prospective bidders should, therefore, ensure that they visit the website regularly and before they




submit their bid response to ensure that they are kept updated on any amendments in this regard.

- 12.2 The FSCA reserves the right not to accept the lowest priced bid or any bid in part or in whole.
- 12.3 The FSCA reserves the right to award this bid as a whole or in part.
- 12.4 The FSCA reserves the right to conduct site visits at bidder's corporate offices and/or at client sites if so required.
- 12.5 The FSCA reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the National Treasury Instruction Note 01 of 2024/2025: Cost Containment Measures, where relevant.
- 12.6 The FSCA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the FSCA to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.

### 13. Undertaking by bidder

- 13.1 By submitting a bid in response to this bid, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the FSCA on the terms and conditions and in accordance with the specifications stipulated in this bid document.
- 13.2 The bidder shall prepare for a possible presentation should the FSCA require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of services as called for in this bid.
- 13.3 The bidder agrees that the offer contained in its bid shall remain binding upon him and receptive for acceptance by the FSCA during the bid validity period indicated in this document and calculated from the bid closing date. Its acceptance shall be subject to the terms and conditions contained in this bid document read with the bid. To the extent that there may be any conflict in the interpretation of the bid document and the bidder's response thereto, the contents of this bid document shall prevail.
- 13.4 The bidder furthermore confirms that they have satisfied themselves as to the correctness and validity of their bid response; that rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the rate(s) cover all their obligations under a resulting contract for the services contemplated in this bid; and that they accepts that any mistakes in this regard will be at their risk.
- 13.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on them under the supply

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agreement and Service Level Agreement (SLA) to be concluded with the FSCA, as the principal(s) liable for the due fulfilment of such contract.

- 13.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with this bid will become FSCA property unless otherwise stated by the bidder/s at the time of submission.

#### **14. Central supplier database**

- 14.1 The FSCA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 4A of 2016/2017.
- 14.2 The supplier is responsible to continuously update their information, including personal information on the CSD to ensure that it is complete, accurate and not misleading.

#### **15. Supplier performance management**

- 15.1 Supplier Performance Management is viewed by the FSCA as a critical component in ensuring it acquires value for money and maintains good supplier relations between the FSCA and all its suppliers.
- 15.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude an SLA with the FSCA (where applicable), which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to the FSCA's business.
- 15.3 The successful bidder will be required to comply with the above conditions, and also provide a scorecard on how their product/service offering is being measured to achieve the objectives of this condition.

#### **16. Cancellation of contract**

- 16.1 If the FSCA becomes aware or is satisfied that any person (including an employee, partner, director or shareholder of the bidder or a person acting on behalf of or with the knowledge of the bidder), firm or company; amongst others:
- 16.1.1 is executing a contract with the FSCA unsatisfactorily,
- 16.1.2 has in any manner been involved in a corrupt act or provided a gift or remuneration in relation to any officer or employee of the FSCA, in connection with obtaining or executing a contract,

- 16.1.3 has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract,
- 16.1.4 has in any manner influenced or attempted to influence the awarding of an FSCA's bid,
- 16.1.5 has when advised that his bid has been accepted, given notice of his inability to execute or sign the contract or to furnish any security required,
- 16.1.6 has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from bidding for this contract, or relating to the bid price to be submitted by either party,
- 16.1.7 has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the bid,

the FSCA may, in addition to any other legal recourse, which it may have, cancel the contract between the FSCA and such a person, firm or company and/or resolve that no bid from such a person will be favourably considered for a period, as prescribed by the National Treasury.

- 16.2 Any restriction imposed upon any person shall apply to any other person with which such a person is actively associated.


## 17. Applicable laws

- 17.1 The laws of the Republic of South Africa shall be applicable to each contract created by the acceptance of a bid and each bidder shall indicate an address in the Republic and specify it in the bid as his *domicilium citandi et executandi* where any legal process may be served on him.
- 17.2 Each bidder shall accept the jurisdiction of the courts of the Republic of South Africa.

## 18. Reasons for disqualification of bid

- 18.1 The FSCA reserves the right to disqualify any unacceptable bid as defined in the PPPFA Act and such disqualification may take place without prior notice to the offending bidder. The grounds for disqualification amongst others could include the following:

- 18.1.1 bidders who submit incomplete information and documentation as specified in the requirements of this bid document;
- 18.1.2 bidders who submit information that is fraudulent, factually untrue or inaccurate;

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- 18.1.3 bidders who receive information not available to other potential bidders through any means;
- 18.1.4 bidders who do not comply with mandatory requirements, if stipulated in the bid document;
- 18.1.5 bidders who fail to attend a compulsory briefing session and sign bid register, if stipulated in the bid advert and/ or in this bid document; and/or
- 18.1.6 bidders who fail to comply with FICA (Financial Intelligence Centre Act) requirements (where applicable).

## 19. Delegation of authority

- 19.1 The FSCA may delegate any power vested in it by virtue of these Terms of Reference to an officer or employee of the FSCA.

## 20. Bid rules are binding

- 20.1 The bid rules as well as the instructions given in the official bid notice shall be binding on all bidders submitting bid applications for the service or services set out in the bid document.

## 21. Language of contract

- 21.1 The bid documents are drafted in English and any contract, which originates from the acceptance of the bid, will be interpreted and construed in English.

## 22. Agreements

### 22.1 General Conditions of Contract

Any award made to a bidder under this bid, is conditional, amongst others, upon:

- 22.1.1 such Bidder as a minimum accepting the terms and conditions set out in the General Conditions of Contract (GCC), which forms part of this tender pack.
- 22.1.2 such Bidder accepting all terms and conditions applicable to the provision of legal services as set out in this tender document.
- 22.1.3 such Bidder accepting that FSCA reserves the right to vary the aforesaid terms and conditions during the course of the contract negotiations with a successful Bidder (including for purposes of better giving effect to the objectives of this bid) and further that pending the conclusion and signing of a Services Agreement, the successful bidder will be bound by the terms and conditions of the FSCA General Conditions of Contract.

**TERMS OF REFERENCE****23. Objectives**

23.1 The broad objectives of this bid include:

23.1.1 To provide bidders with adequate information to understand and respond to the FSCA's requirements to appoint a panel of firms: legal services for a period of five (5) years, as and when required.

23.1.2 To ensure uniformity in the responses received from each prospective service provider.

23.1.3 To provide a structured framework for the evaluation of proposals.

**24. Background**

24.1 The Office of General Counsel (OGC) of the FSCA is responsible for the delivery of in-house corporate legal and litigation support services to the FSCA. The need arises from time to time to instruct law firms and counsel when the FSCA is a party in legal proceedings requiring representation by legal service providers and or, when it requires legal advice or opinions in respect of the legal service categories set out in Table 1 below.

**Table 1**

CATEGORY	DESCRIPTION OF CATEGORY
1	Financial Services law in relation to the financial sector laws listed in Schedule 1 to the Financial Sector Regulation Act, 2017 relevant to the FSCA
2	Commercial and Company law, including Insolvency law (liquidations)
3	Constitutional; Administrative and Public law
4	Intellectual Property law
5	Information Technology and Telecommunications law
6	General legal assistance (including general litigation, damages claims, debt collection etc.).
7	Labour and Employment law

24.2 OGC and other departments within the FSCA will require the services of law firms with various legal disciplines especially those related to the financial services sector laws and the legal framework within which the FSCA operates.

24.3 The FSCA envisages that the panel will, for each of the legal service categories reflected in Table 1 above, consist of a maximum of 15 law firms. The FSCA, however, reserves the right to appoint additional acceptable law firms in excess of the maximum number for any particular legal services category particularly

taking into account regional location in areas outside of Gauteng or in relation to the specialized nature of work in any particular category of legal services.

## 25. Purpose of the request for bid

- 25.1 The purpose of this bid is to appoint a panel of firms: legal services for a period of five (5) years, for the delivery of legal services to the FSCA as and when required.

## 26. Pre-qualification criteria

- 26.1 Bidders must be registered with the Legal Practice Council and may submit proof of such registration as part of the bid documentation. The FSCA reserves the right to verify such registration with the Legal Practice Council.
- 26.2 Bidders may submit proposals in respect of a minimum of one category and a maximum of three categories of the legal service categories set out in Table 1 above (see also Annexure A). Bidders must in respect of the categories for which they are bidding ensure that all relevant documents supporting their experience, are submitted for each category.

### NOTE:

1. **Should a bidder fail to select a minimum of one category (i.e. no category selected), such failure will result in elimination.**
2. **Should a bidder select more than the maximum of three categories (i.e. four or more categories are selected), this will result in elimination.**

- 26.3 Bidders who do not meet the set bid condition stipulated in paragraphs 26.1 and 26.2 of the bid document will be eliminated from further evaluation.

## 27. Scope of work

- 27.1 The bidders who are qualified and experienced law firms will be appointed to a panel of firms to assist the FSCA with legal services on an *ad hoc* basis for specific assignments, in the discretion of the FSCA and will be required to assist the FSCA with legal services in, amongst others, the following areas:
- 27.1.1 Provision of legal opinions and legal advice relating generally to the financial services sector and the relevant financial sector laws administered by the FSCA, including but not limited to Credit Rating Services, Insurance, Retirement Funds, Collective Investment Schemes, Securities Services (capital markets), Market Abuse, Financial Advisory and Intermediary Services, inspections and investigations and other applicable legislation.
- 27.1.2 Litigation and litigation support arising out of any matter which relates to the FSCA including the drafting of pleadings and representing the FSCA in cases in different fora including the Financial Services Tribunal;

27.1.3 Employment or Labour Relations matters.

27.1.4 The interpretation of high risk and complex contracts concluded or to be concluded by the FSCA and third parties having due regard to applicable legislation, including but not limited to the Financial Sector Regulation Act, 2017, Public Finance Management Act, 1999, Treasury Regulations and directives.

27.1.5 Intellectual property law: legal advice on intellectual property matters including agreements, registration of registrable intellectual property, amendment and renewal and all related services.

27.1.6 Information and Communication Technology and Telecommunications: Legal advice on complex contracts; and

27.1.7 General commercial legal services.

## 28. Additional information

28.1 The successful bidder will be assigned work in the sole discretion of the FSCA.

28.2 The appointment to the FSCA's panel of firms: legal services does not guarantee assignment of work to any of the successful legal firms.

28.3 The FSCA reserves the right, under certain circumstances, to appoint attorneys outside the panel of firms: legal services. A procurement process outside this bid shall be embarked upon, in this instance.

## 29. Contract conditions

29.1 The following contract conditions are applicable to this bid:

29.1.1 The appointment to the FSCA's panel of firms: legal services will be for a period of five (5) years reckoned from the commencement date or the date of the last signing party to the contract to be executed between the parties, whichever is the earlier. The performance of the firms appointed to the panel will be reviewed regularly and new invitations to reconstitute the panel shall be advertised every 5 years. If the firm does not agree to the terms and conditions contained in the contract, notwithstanding an award letter, being issued, the FSCA shall not be obliged to engage the firm at all.

29.1.2 The firm of attorneys must ensure that every attorney that practices in the firm who deals with matters of the FSCA is in possession of a valid Fidelity Fund certificate; which is issued annually by the Legal Practitioners' Fidelity Fund.



- 29.1.3 The successful bidder will be assigned work in the discretion of the FSCA.
- 29.1.4 For every instruction, a letter and a purchase order of instruction will be issued to the assigned firm of attorneys. All services rendered shall be aligned to the agreed hourly charge rate set forth in the Master Services Agreement (to be entered into, between the FSCA and the successful firms) for the respective categories of persons rendering the services to the FSCA.
- 29.1.5 The successful firm of attorneys shall report directly to the Head: Office of General Counsel or any person mandated by the FSCA in respect of any engagement (instructions, case management) and for the receipt and handling of all forms of reports and all administration pertaining to any particular assignment.
- 29.2 The bidder must declare any possible conflict of interest with the FSCA in the pursuance of the proposed assignment.
- 29.3 In the event that any conflict of interest is discovered during an assignment, the FSCA reserves the right to summarily cancel the assignment and demand that all information, documents and property of the FSCA be returned forthwith.
- 29.4 All copyright and intellectual property that may result as a consequence of the work to be performed will become the property of the FSCA.
- 29.5 The draft Master Services Agreement constitutes the terms and conditions upon which the FSCA is prepared to contractually engage the prospective Bidder(s) to render the services under this bid.
- 29.6 Bidders must accept the terms and conditions set out in the draft Master Services Agreement, alternatively to propose required changes to such terms and conditions;
- 29.6.1 If the proposed changes are of such a nature that it is unacceptable to the FSCA, or could be seen to be unfair towards other bidders who accepted the terms and conditions as is, the FSCA may reject the proposed changes;
- 29.6.2 Each comment and/or amendment must be fully explained; and,
- 29.6.3 All changes and/or amendments to the draft Master Services Agreement must be in an easily identifiable colour font and tracked for ease of reference.
- 29.7 The FSCA reserves the right to eliminate the bidder at any stage of this assignment should the bidder be unable to meet the set service level requirements.



**30. Remuneration**

30.1 The FSCA will remunerate firms on the panel on an hourly basis in accordance with the norms of the attorneys’ profession and depending on the seniority of practitioners and complexity of work up to a maximum rate per hour for each level of professional (or equivalent) as set out below.

**Table 2**

	THE MAXIMUM HOURLY RATE PER LEVEL OF PROFESSIONAL (INCLUDING VALUE ADDED TAX)			
	CANDIDATE ATTORNEY	ASSOCIATE	SENIOR ASSOCIATE	DIRECTOR/ PARTNER
Hourly rate	R1500	R2500	R3500	R6500

- 30.2 Despite the above maximum rate per hour, the final rate of remuneration per instruction, for each category of professional will be negotiated based on relevant criteria considered by the Legal Practice Council when assessing fees of a firm in the relevant field.
- 30.3 Agreed maximum hourly rates will be reviewed on the anniversary of the Agreement and may at the discretion of the FSCA be amended.
- 30.4 Firms will not be allowed to charge more than the maximum agreed hourly rate per instruction or to charge on a different basis, e.g. a day-fee or percentage-based calculation, but may charge less based on the nature and complexity of the work.

### 31. Bid Evaluation

31.1 The proposals will be evaluated as follows.

#### 31.1.1 Evaluation Stage One: Compliance

Compliance with administrative requirements stated in the Standard Bidding Documents and the mandatory requirements as listed in paragraph 34 below. In this evaluation stage, all bidders that fail to provide the required information and documentation, will be disqualified from further evaluation.

#### 31.1.2 Evaluation Stage Two: Functional evaluation (Desktop evaluation)

##### **Group 1: Turnover above R35 million (Maximum of four firms per category)**

- In this evaluation stage, all bidders are expected to obtain a minimum of 80 out of 100 points to proceed to the next evaluation stage. Failure to obtain the prescribed minimum of 80 points will be disqualified from further evaluation.

##### **Group 2: Turnover below R35 million (Maximum of eleven firms per category)**

- In this evaluation stage, all bidders are expected to obtain a minimum of 70 out of 100 points to proceed to the next evaluation stage. Failure to obtain the prescribed minimum of 70 points will be disqualified from further evaluation.

All bidders must indicate the turnover of the firm. Only bidders who achieve a minimum of 80 (Group 1) and 70 (Group 2) points and subject to the maximum number specified, will be listed in the panel. Should there be a tie, the Preferential Procurement Regulations of 2022 will apply.


Subject to paragraph 24.3, the maximum number of firms per group that may be included in the panel per service category will be as follows:

Group 1: Maximum of four (4) firms

Group 2: Maximum of eleven (11) firms

Failure to obtain the prescribed minimum points will automatically disqualify the bidder from proceeding to the next evaluation stage

**Note:** Bidders must ensure that they provide the required response/information to the evaluation criteria for each service category the bidder is bidding for. Failure to provide the required information will result in a

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score of zero (0) for any category selected but where the information is not provided.

**31.1.3 Evaluation Stage Three: Site Inspection**

At the FSCA’s discretion, a site inspection may be conducted at this stage. The FSCA will visit the selected bidders’ premises with the objective of verifying information as contained in their respective bid documents. Should it be discovered during a site inspection or presentation that the information submitted by the bidder is inconsistent with what is on their current premises of business, such bidders will be disqualified.

## 32. Functional evaluation (Desktop)

32.1 The bid/proposal will be evaluated for functionality and be rated as follows:

**Table 3**

ITEM	DESCRIPTION	DETAILED DESCRIPTION/EVIDENCE	RATING	WEIGHT
<b>A.</b> Duration of existence and operation	A1 Bidders are required to provide proof of the duration of their existence and operations, which must include. <ul style="list-style-type: none"> <li>a company/firm profile and/or other documents as proof of the firm's existence and the period it has been in operation</li> </ul>	A.1.1. Bidder provided no evidence of the duration of existence and operations	0	10
		A.1.2. Bidder provided proof of the duration of existence and operations for a period of less than three (3) years.	1	
		A.1.3. Bidder provided proof of the duration of existence and operations for a period of between three (3) and five (5) years.	2	
		A.1.4. Bidder provided proof of the duration of existence and operations for a period of between five (5) and seven (7) years	3	

## PANEL OF FIRMS: LEGAL SERVICES

ITEM	DESCRIPTION	DETAILED DESCRIPTION/EVIDENCE	RATING	WEIGHT
		A.1.5. Bidder provided proof of the duration of existence and operations for a period of between seven (7) and ten (10) years	4	
		A.1.6. Bidder provided proof of the duration of existence and operations for a period of more than ten (10) years.	5	
<b>B.</b> Track Record of the firm (Reference Letters)	<p>B.1. Bidders are required to provide reference letters supporting their track record which must be:</p> <ul style="list-style-type: none"> <li>from corporate or other long-standing clients, on the letterheads of the clients for whom services, as selected, were delivered.</li> <li>dated and indicate the period over which the services were rendered by the firm (this should not be more than ten (10) years prior to the date of this bid closing).</li> <li>be aligned to the scope of work in this bid. (Letters which simply state phrases like “the bidder</li> </ul>	B.1.1. No reference letters provided	0	20
		B.1.2. Bidder has submitted at least 1 but less than 3 reference letters which meets the set criteria in the description.	1-3	
		B.1.3. Bidder has submitted 3 reference letters meeting all the criteria in the description	4	

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## PANEL OF FIRMS: LEGAL SERVICES

ITEM	DESCRIPTION	DETAILED DESCRIPTION/EVIDENCE	RATING	WEIGHT
	<p>provided legal services” will not be accepted).</p> <ul style="list-style-type: none"> <li>signed by the relevant contact person on behalf of the client with contact details of the person.</li> </ul> <p>Note: Reference letters from one client may be used to substantiate more than one reference category.</p>	<p>B.1.4. Bidder has submitted more than 3 reference letters meeting all criteria in the description</p>	5	
C. Knowledge, expertise and experience (Curricula vitae)	<p>C.1. Bidders must submit detailed Curricula Vitae (CVs) of professionals who will undertake the work of the FSCA which must:</p> <ul style="list-style-type: none"> <li>Include the highest qualification obtained by the person(s), and</li> <li>Illustrate relevant post-admission experience of at least five (5) years by the</li> </ul>	<p>C.1.1. No CVs submitted</p>	0	40
		<p>C.1.2. Bidder submitted CVs which do not meet all the requirements</p>	1 – 3	

## PANEL OF FIRMS: LEGAL SERVICES

ITEM	DESCRIPTION	DETAILED DESCRIPTION/EVIDENCE	RATING	WEIGHT
	<p>person(s) in relation to the service categories for which the bidder is bidding.</p> <p>Note: The FSCA reserves the right to verify the authenticity of any qualification with the relevant institution.</p>	C.1.3. Bidder submitted CVs that meet and/or exceed all the requirements	4 -5	
D. Proof of specific matters dealt with	<p>D.1.A record of the attendance <b>and</b> a brief summary of instructions/cases attended to/handled by the lead attorney(s) under the identified service categories) in the last ten (10) years prior to the date of this bid closing.</p> <p>Note: Proof of such attendance may include notices of set down, pleadings, formal notices and other documents showing that the law firm was instructed and attended to the matters.</p> <p>In addition to the proof of attendance, bidders must</p>	D.1.1. The bidder did not submit a record of the attendance <b>and</b> a summary of the instructions/cases	0	30
		D.1.2. The bidder submitted a record and summary of at least one but less than 3 instructions/cases per service category that meet all the requirements	1 – 3	
		D.1.3. The bidder submitted a record and summary of 3 instructions/cases per service category that meet all the requirements	4	

**PANEL OF FIRMS: LEGAL SERVICES**

ITEM	DESCRIPTION	DETAILED DESCRIPTION/EVIDENCE	RATING	WEIGHT
	submit a brief summary of the matters/cases to which they attended.	D.1.4. The bidder submitted a record and summary of 4 or more instructions/cases per service category and satisfies or exceeded all the requirements	5	
<b>Total</b>				<b>100</b>

**Note:** Bidders must ensure that they provide the required response/ information to the evaluation criteria for each service category the bidder is bidding for. Failure to provide the required information will result in a score of zero (0) for any category selected but where the information is not provided.



**33. Preference Point System****33.1 General conditions**

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

The 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

33.2 Points for this tender shall be awarded for:

(a) Functionality only;

### 34. Standard bidding documents

- 34.1 The following compulsory additional information are required. Failure to complete, and supply any of these documents might lead to disqualification from this bid:

**Table 4**

Invitation to bid	SBD 1
Bidder's Disclosure	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2022 <b>Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for specific goals</b>	SBD 6.1

### 35. Timeline of the bid process

- 35.1 The period of validity of the bid and the withdrawal of offers, after the closing date and time are 120 days, expiring on 11 June 2025. The project timeframes of this bid are set out below:

**Table 5**

STAGE	DESCRIPTION OF STAGE	ESTIMATED COMPLETION DATE (OR WORK WEEK ENDING)
1.	Advertisement of bid on Government e-tender portal / print media / Tender Bulletin	06 December 2024
2.	Briefing session date	13 December 2024
3.	Questions relating to bid from bidder(s)	14 January 2025
4.	Bid closing date	30 January 2025
5.	Compliance: Bid Evaluation Committee	20 February 2025
6.	Functional Evaluation: (Desktop evaluation)	27 February 2025
7.	Preference Point System: Bid Evaluation Committee	06 March 2025
8.	Bid Award: Bid Adjudication Committee	13 March 2025
9.	Notification of the outcome to the bidders	20 March 2025

- 35.2 All dates and times in this bid are South African Standard Time.

- 35.3 Any time or date in this bid is subject to change at the FSCA's discretion. The establishment of a time or date in this bid does not create an obligation on the part of the FSCA to take any action or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if the FSCA extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

**D. ANNEXURE A****36. Legal Services Categories**

36.1 The required services have been categorised into seven (7) categories as reflected below. The bidder must indicate, in the table below, with a **tick (✓)** the category the bidder is bidding for:

**Table 1**

<b>CATEGORY</b>	<b>DESCRIPTION OF CATEGORY</b>	<b>Tick</b>
1	Financial Services law in relation to the financial sector laws listed in Schedule 1 to the Financial Sector Regulation Act, 2017 relevant to the FSCA	
2	Commercial and Company law, including Insolvency law (liquidations)	
3	Constitutional; Administrative and Public law	
4	Intellectual Property law	
5	Information Technology and Telecommunications law	
6	General legal assistance (including general litigation, damages claims, debt collection etc.).	
7	Labour and Employment law	

**NOTE:**

1. Should a bidder fail to select a minimum of one category (i.e. no category selected), such failure will result in elimination.
2. Should a bidder select more than the maximum of three categories (i.e. four or more categories are selected), this will result in elimination.

**E. STANDARD BIDDING DOCUMENTS****Standard Bidding Document (SBD 1)**
**PART A**  
**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FINANCIAL SECTOR CONDUCT AUTHORITY</b>					
BID NUMBER:	<b>FSCA2024/25-T007</b>	CLOSING DATE:	<b>30 JANUARY 2025</b>	CLOSING TIME:	<b>11H00</b>
DESCRIPTION	<b>PANEL OF FIRMS: LEGAL SERVICES</b>				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
Riverwalk Office Park, Block B					
41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)					
Ashlea Gardens, Extension 6, Menlo Park					
Pretoria, South Africa, 0081					
<b>BIDDING PROCEDURE AND TECHNICAL ENQUIRIES MAY BE DIRECTED TO</b>					
DEPARTMENT	Supply Chain Management Department				
FACSIMILE NUMBER	Not applicable				
E-MAIL ADDRESS	<a href="mailto:tenders@fsc.co.za">tenders@fsc.co.za</a>				
TELEPHONE NUMBER	012 367 7847				
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		

**PANEL OF FIRMS: LEGAL SERVICES**

E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	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
<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<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)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ 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:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 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.**
- 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.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

#### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 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.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 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.
- 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."

**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: .....

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## Standard Bidding Document (SBD 4)

### 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 interest<sup>1</sup> in the enterprise, employed by the state?

YES/NO.....

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

Full Name	Identity Number	Name of institution	State

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES/NO

<sup>1</sup> 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.

2.2.1 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 consortium<sup>2</sup> 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

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

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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

## **STANDARD BIDDING DOCUMENT 6.1**

### **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 systems is applicable to invitations to this tender:

- the 90/10 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and the applicable preference point system for this tender is the **90/10** preference point system.

1.2 Points for this tender shall be awarded for:

Functionality only.

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


	<b>POINTS</b>
<b>PRICE</b>	<b>90</b>
<b>SPECIFIC GOALS</b>	<b>10</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.4 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.

1.5 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

#### **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;

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- (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) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**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 90/10 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for price on the following basis:

$$Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

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, 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 as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 80/20

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and 90/10 preference point system.

**Note to tenderers: The tenderer must indicate the category they are bidding for.**

Targeted categories	(To be ticked by the tenderer)	
<b>Category 1</b>		
Bidders with the annual turnover below R35 million	YES (....)	NO (....)
<b>Note: In the event that the bidder is qualified, the FSCA will allocate bidder in the , provided that proof of evidence such as valid BBBEE Certificates/sworn affidavits, CIPC etc. is attached. (Category 1)</b>		
<b>Bidder with annual turnover above R35 million must indicate with an X (Yes) or (No) and attach any proof of annual turnover. The FSCA reserves a right to verify proof submitted with the relevant stakeholders.</b>		
<b>Category 2</b>		
Bidders with annual turnover above R35 million	YES (....)	NO (....)

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. 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]

4.6. 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:** .....

.....

.....

.....

## F. ADMINISTRATIVE CHECKLIST

Hereunder is a checklist to ensure that the bid document is complete in terms of administrative compliance. Please ensure that the following forms have been completed and signed and that all documents, as requested, are attached to the tender document.

ITEM	DOCUMENT REFERENCE		ACTION TO BE TAKEN	YES/NO
1.	SBD 1	Invitation to bid	Is the form duly completed and signed?	
2.	SBD 4	Declaration of Interest	Is the form duly completed and signed?	
3.	SBD 6.1	Preference Points Claim Form for Preferential Procurement Regulations 2022	Is the form duly completed, Specific goals points claimed, and form signed?	
4.	Tender submission		Two (2) printed copies. (One (1) original and One (1) copy of original) submitted?	
			One (1) electronic copy submitted?	

I, the undersigned (name) .....  
 certify that the information furnished on this checklist is true and correct.

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of Bidder