

**REQUEST FOR PROPOSALS (RFP) FOR  
ESTABLISHMENT OF THE GEP PANEL OF  
ATTORNEYS THAT WILL BE USED TO  
PROVIDE LEGAL SERVICES TO THE  
GAUTENG ENTERPRISE PROPELLER FOR A  
PERIOD OF 3 YEARS.  
REF NO: GEP RFP-11-2025**

**RFP CLOSING DATE: 06 JUNE 2025, 11 AM**

**Submissions: Ground Floor, 124 Main Street, Marshalltown, Johannesburg**

**Validity Period: 90 days**

<b>YOU ARE HEREBY INVITED TO SUBMIT PROPOSALS FOR THE REQUIREMENTS OF: PANEL OF ATTORNEYS THAT WILL BE USED TO PROVIDE LEGAL SERVICES TO THE GAUTENG ENTERPRISE PROPELLER FOR A PERIOD OF 3 YEARS.</b>	
<b>RFP REFERENCE:</b>	<b>GEP RFP-11-2025</b>
<b>CLOSING DATE AND TIME:</b>	<b>06 JUNE 2025 at (11:00) am</b>
<b>RFQ VALIDITY PERIOD</b>	<b>90 days (Commencing from the RFP closing date)</b>
<b>DESCRIPTION</b>	Specification Description:  <b>NB: Kindly refer to the Terms of reference for complete requirements</b>
<b>ADD. FOR SUBMISSION</b>	Ground Floor, 124 Main Street, Marshalltown, Johannesburg
<b>ENQUIRY</b>	<a href="mailto:scm@gep.co.za">scm@gep.co.za</a>
<b>Name of Service Provider:</b>	
<b>CSD MA number:</b>	
<b>Signature:</b>	
<b>Date of submission of quotation:</b>	

**Notes:**

- 1. Bidders must put Name of the bidder, CSD MA number, sign and put submission date on RFP above;**
- 2. Complete supporting SBD documents and submit required with their response and BEE certificate / Sworn Affidavit signed by Commissioner of Oath/equivalent.**
- 3. Only bidders registered on the Central Supplier Database (CSD) will be considered for evaluation.**
- 4. All proposals received after closing time and date will not be considered.**

<b>BIDDER NAME:</b> ..... <b>REGISTRATION NUMBER:</b> ..... <b>ADDRESS:</b> ..... <b>CONTACT PERSON:</b> ..... <b>TEL:</b> .....
--

**TERMS AND CONDITIONS OF REQUEST FOR PROPOSALS (RFP)**

1. GEP standard conditions of purchase shall apply.
2. GEP reserves the right not to procure the goods and/or services.
3. Late and incomplete submissions will not be accepted.
4. Any bidder who has reasons to believe that the RFP specification is based on a specific brand must inform the GEP before RFP closing date.
5. Bidders are required to submit BBBEE Certificate or SWORN Affidavit
6. It is the responsibility of the bidder to ensure that GEP is in possession of the bidder's valid BBBEE. The onus is on the bidder to ensure that the GEP receives a valid BBBEE as soon as the validity of the said certificate expires.
7. No services must be rendered or goods delivered before an official GEP Purchase Order form has been received, except in an emergency situation.
8. This RFP will be evaluated in terms of the 80/20 system prescribed by the Preferential Procurement Regulations, 2022.
9. Bidders are required to complete all the Annexures

10. Bidders, where applicable, are required to attach all relevant qualifications, experience in the public sector and references.
11. Bidders are required to sign each page of the bid document
12. The GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF CONTRACT shall apply. :  
<https://www.treasury.gov.za/divisions/ocpo/sc/generalconditions/general%20conditions%20of%20contract.pdf>
13. GEP reserves the right to negotiate with suppliers

## **ANNEXURE A**

I, the undersigned (NAME).....certify that :

- i. I have read and understood the conditions of this RFP.
- ii. I have supplied the required information and the information submitted as part of this RFP is true and correct.

## ANNEXURE B: PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>BID QUERIES TO BE SENT TO <a href="mailto:scm@gep.co.za">scm@gep.co.za</a></b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Sphiwe Zulu		CONTACT PERSON	Aluwani Netshimbupfe	
TELEPHONE NUMBER	011 085 2006		TELEPHONE NUMBER	011 085 2006	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	scm@gep.co.za		E-MAIL ADDRESS	legalpanel@gep.co.za	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
<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 ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>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.</b>					

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

<p><b>1. BID SUBMISSION:</b></p> <p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT EMAIL ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<p><b>2. TAX COMPLIANCE REQUIREMENTS</b></p> <p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a>.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”</p>

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

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

DATE: .....

**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO.: .....
CLOSING TIME 11:00	CLOSING DATE.....

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	.....	R.....	.....
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	.....	R.....	--- days
	.....	R.....	--- days
	.....	R.....	--- days
	.....	R.....	--- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
TOTAL: R.....			

\*\* "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
---------------------------------------	------	----------	--------



.....	.....	R.....
TOTAL: R.....		

6. Period required for commencement with project after acceptance of bid.....

7. Estimated man-days for completion of project.....

8. Are the rates quoted firm for the full period of contract?  
\*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

.....

.....

.....

.....

**\*[DELETE IF NOT APPLICABLE]**

---

Any enquiries regarding bidding procedures may be directed to the –  
(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:



### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

**2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:  
.....  
.....  
.....

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member):  
.....  
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:  
.....

2.5 Tax Reference Number:  
.....

2.6 VAT Registration Number:  
.....



2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

1“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

2” Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed:

.....

Position occupied in the state institution:

.....

Any other particulars:

.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

**YES / NO**

2.8.1 If so, furnish particulars:

.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

2.9.1 If so, furnish particulars.

.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

**YES/NO**

2.10.1 If so, furnish particulars.

.....  
.....  
.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

**YES/NO**

2.11.1 If so, furnish particulars:

.....  
.....  
.....



## ANNEXURE D: SBD 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 are applicable to invitations to tender:

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

#### 1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) The **80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

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

#### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this

tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

- 1.6 The 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;
- (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 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

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

Where

- $P_s$  = Points scored for price of tender under consideration  
 $P_t$  = Price of tender under consideration  
 $P_{min}$  = Price of lowest acceptable tender

Moulding Entrepreneurs

Growing Gauteng Together

$$\frac{P_t - P_{min}}{P_{min}} \text{ or } P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$$



**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) 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 90/10 and 80/20 preference point system.

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

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is inapplicable, corresponding points must also be indicated as such.)*

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)  (To be completed by the organ of state)	Number of points claimed (80/20 system)  (To be completed by the tenderer)
<b>Bidder must also submit the following Proof of evidence to claim the allocated points:</b> <b>Youth Ownership</b> – certified copy of B-BBEE certificate or valid Sworn Affidavit/ CIPC documents/ ID copy <b>Woman Ownership</b> – certified copy of B-BBEE certificate or valid Sworn Affidavit/ CIPC documents/ ID copy <b>Ownership by People with Disability</b> – copy of Medical Certificate that is stamped by a medical practitioner confirming disability <b>NOTE: Submitted information will be verified through various platforms.</b>		
Women (requirement is 51 %+ ownership)	16	
People with disabilities (requirement is 51 %+ ownership)	4	

**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

Growing Gauteng Together Close corporation

- Public Company
  - Personal Liability Company (Pty) Limited
  - Non-Profit Company
  - State Owned Company
- [ CIRCLE APPLICABLE ]

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 *audialteram partem* (hear the other side) rule has been applied; and
  - (e) Forward the matter for criminal prosecution, if deemed necessary.
  - (f) forward the matter for criminal prosecution, if deemed necessary.

..... <b>SIGNATURE(S) OF TENDERER(S)</b>
<b>SURNAME AND NAME:</b> .....
<b>DATE:</b> .....
<b>ADDRESS:</b> .....



# TERMS OF REFERENCE FOR PANEL OF ATTORNEYS FOR GAUTENG ENTERPRISE PROPELLER

Service providers are hereby invited to submit proposals for a panel of attorneys that will be used to provide legal services to the Gauteng Enterprise Propeller for a period of 3 years

---

## 1. BACKGROUND

Legal Services provides legal and advisory support services to the Gauteng Enterprise Propeller (GEP). Legal Services guides the Organization by ensuring that it acts within the relevant legal and regulatory frameworks, exercises its administrative powers fairly and creates an enabling environment that supports the implementation and execution of the GEP's strategic programs.

The unit provides, amongst others, the following key services: Litigation Management, Drafting of Contracts and Service Level Agreements, Drafting of Legislation and Policy Management. Accordingly, the need to establish a panel of legal service providers is to ensure that the Organization remains agile in the manner in which highly specialized and complicated legal matters are dealt with, resulting in the mitigation of legal risk and exposure.

The field of Law is diverse and is comprised of various areas of specialties. Hence to remain at the forefront of industry developments, it is beneficial to involve practitioners who are actively involved in the respective specialties within legal practice. For this reason, the Organization is of the view that establishing this panel of legal service will ensure that technical legal matters, and those that require a certain specialty, are always dealt with timeously and efficaciously.

This request for proposals sets out clear specifications of the services required in terms of which assignments will be awarded. Compliance with the specifications will ensure that listed service providers are allocated work assignments on a rotational basis. The purpose of a clear demand profile as captured in the specifications is to stipulate the requirements of the Organization in acquiring the necessary skills and expertise over the contractual period when necessity dictates. It should be noted that the duration and period necessarily cover the entire period of the project.

Collectively, the approved list of service providers must have the capacity, functional skills and experience to provide the services that are required. There may also be a need for service providers to collaborate on projects / assignments.

## 2. STRATEGIC ALIGNMENT

The vision of the Organisation is *“A responsive and impactful propeller for sustainable business enterprises in the Gauteng Province.”*

The values of the Organisation are informed by its vision and mission and are:

- Establishing a highly performing professional, ethical and capable Institution.
- Promoting entrepreneurship and facilitating an integrated approach to entrepreneurial development and support within the province.
- Creating Strategic Partnerships with a range of Institutions for sustainable small enterprises and Cooperative development and support.
- Developing innovative financial solutions, tools and channels to speed up increased market participation in the provision of affordable finance.

Facilitating investment in high-impact business enterprises that transform the structure and competitiveness of Industrial sectors.

- The appointment of a panel of legal service providers will contribute significantly to the achievement of the Organisation's priorities and ensure that the Organisation gives effect to its values whilst doing so.

### 3. TERMS OF REFERENCE

The purpose of this request for proposals for the establishment of a panel of legal service providers will be to balance and augment the capacity of the Organisation; to develop strategic responses to challenges facing the Organisation; to initiate and implement programs which will give effect to those responses; and to undertake specific legal tasks, either as part of strategies to be developed or as *ad hoc* responses to particular problems which may arise.

Generally, timeframes cannot be set before entering into a formal agreement. As such, the duration of any given assignment will depend mainly on the nature and scope of the work to be done. Appointed service providers must be available at all junctures to provide assistance within the set time frames, as requested. When deadlines are set, service providers will be expected to deliver the required services within the set timeframe. Non-performance will lead to removal from the panel.

A service provider that is appointed to render services to the Organisation will have to enter into a Service Level Agreement (SLA) with the Organisation, when necessary and depending on the type of assignment that is procured. Proposed fees with a detailed breakdown of

costs must be quoted for the different levels of proposed resources to be utilized once a specific project is assigned.

### 4. LEGAL EXPETISE AND EXPERIENCE

The Organisation is looking for experts to provide Legal Services in the following fields:

No.	Category	Indicate the Firm's area of specialty
1.	Banking Law	
2.	Labor and Employment law;	
3.	Interpretation of Statutes	
4.	Corporate and Commercial law;	
5.	Research and drafting of legal opinions and advice;	
6.	Information Technology Law	
7.	Corporate governance	
8.	Public Private Partnerships	
9.	Constitutional and Administrative law;	
10.	General Litigations	
11.	Property Registration and Conveyancing	
12.	Debt Collection	
13.	Insolvency Law	
14.	Public Finance Management Legislative Framework	
15.	Arbitration proceedings	
16.	Protection of Personal Information Regulatory Framework	

## **5. SCOPE OF WORK**

- The successful firms of Attorneys will as and when required render legal services to the GEP in a wide range of specialized areas, including but not limited to:
- Provision of Corporate, Commercial and Regulatory Compliance legal advice.
- Representing and acting on behalf of the GEP on litigation matters in various Courts.
- Reviewing, Negotiating and Drafting of Contracts as and when requested
- Legislative Review and Drafting.
- Conducting Legal Due Diligence, as and when required

## **6. SPECIAL TERMS AND CONDITIONS**

- The following are the special terms and conditions applicable to this bid:
- The appointment to the Panel of Attorneys will be for a period of 3 (Three) years subject to performance review by the GEP as set out in the Service Level Agreement between the GEP and the successful law firm of Attorneys.
- The successful firms of Attorneys will be required to sign a Service Level Agreement prior to providing the Services.
- If the GEP and the successful firm of Attorneys do not reach consensus on the Service Level Agreement, the said firm will cease to be on the Panel of Attorneys with immediate effect.
- The GEP will as and when it requires the Services, in its sole discretion, issue an instruction letter to any firm of Attorneys on the Panel of Attorneys.
- The GEP may, in its sole discretion, instruct attorneys on a matter or any part thereof to more than one successful firm of Attorneys.
- A firm of Attorneys assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the prior written consent of the GEP.
- Where a firm of Attorneys is required to appoint a correspondent, it shall appoint Attorneys on the Panel and the correspondent fees shall not exceed the GEP Tariff of Fees. In this regard, the GEP will provide the firm of Attorneys with the relevant details of the firm of Attorneys on the Panel who are located in the said area. Where there is no Attorneys on the Panel in a specific area, the instructed Attorneys shall endeavor to negotiate fees, which do not exceed the GEP Tariff of Fees.
- Service delivery levels and quality of work will be a critical factor for retaining the successful firm of Attorneys on the Panel.
- The successful firms of Attorneys shall report directly to the Manager Legal Services, or any person delegated by the Executive Manager of Corporate Services or the GEP regarding finalizing court papers, further instructions, status update reports, all administration pertaining to any particular instruction and any matters arising from this RFP.

7. The GEP shall be entitled in its sole discretion to remove a successful firm of Attorneys from the Panel of Attorneys before the expiry of the Three (03) year's period by written notice for noncompliance with any continuous obligation with this RFP, applicable laws and/or breach of the Service Level Agreement and recall all the files in the firm of Attorneys' possession.

## 8. FEES STRUCTURE

The firm of Attorneys MUST include their Fee Structure under the following categories.

<b>TARIFF OF FEES AND DISBURSEMENTS FOR PANEL OF ATTORNEYS</b>	
<b>Description</b>	<b>Hourly fees Incl VAT</b>
Attorneys with more than 15 years post admission experience	R3000.00
Attorneys with 7 to 15 years post admission experience	R2400.00
Attorneys with 3 to 6 years post admission experience	R2000.00
Attorneys with less than 3 years post admission experience	R1600.00
Candidate Attorneys	R1100.00
<b>Description</b>	<b>Set rates for disbursements Incl VAT</b>
Travelling costs by vehicle per km	As fixed by the Minister of Finance for each financial year.
Emails per 15 minutes	Necessary emails: R10.00, plus for every five minutes or part thereof— (a) by an attorney R72.00 (b) by a candidate attorney R37,00.
Telephone calls	Necessary telephone calls: The actual cost thereof, plus for every five minutes or part thereof— (a) by an attorney R119,00 (b) by a candidate attorney R37,00.
Printing / photocopies per page	Necessary black and white copies, including photocopies, of any document or papers per page- R5,00.
Flights and Accommodation	Where specific cases have travel and accommodation cost implications, these costs must be claimed in accordance with the government's cost containment measures and the rates prescribed by the National Treasury.
E-hailing, shuttle services	Actual cost

**Moulding Entrepreneurs**

*Growing Gauteng Together*

Administrative and similar costs

Time spent on the preparation, sorting, and arrangement of documents, briefs, paginating, filing, copies, faxing, printing and other administrative tasks may be billed at an hourly rate of a candidate attorney, in 15-minute intervals.

**9. KEY EXPERTISE / SKILLS / EXPERIENCE REQUIRED OF THE PROJECT RESOURCES**

**Project Manager** shall have:

- a minimum of three (3) years' experience in the fields of public and private law. A thorough understanding and experience of the relevant subject matter of the project assigned,
- project management skills; valid certificates, qualifications, reference list with contactable persons,
- The experience and litigation skills in the public sector of the project manager should be specified in the curriculum vitae.

The responsibilities shall include, but are not limited to:

- the overall implementation and quality assurance of the project.
- the regular liaison with the responsible manager of the Organisation.
- ensuring that the project is implemented smoothly and that any problems are addressed rapidly and effectively in consultation with the responsible manager of the Organisation.
- meeting with the manager responsible, as may be required to report on the progress of the project and highlight any issues, risks, changes and/or any deviation from the plan of action.

**10. JOINT VENTURES**

Any Joint Ventures with other companies will require the submission of the following additional documents:

- It is compulsory for bidders who bid as a joint venture/consortium to submit an agreement signed by both parties stating the applicable percentages.
- Proof of consolidated original or originally certified B-BBEE Certificate from a SANAS not older than 6 months accredited entity must be attached for joint ventures and consortiums.
- A signed Joint Venture agreement (by both parties).
- The joint venture agreement should be clear on the lead party within the joint venture.
- Companies submitting in the form of a Joint Venture must be tax compliant thus each company in the venture must submit a Tax Clearance Certificate.

**11. ADMINISTRATIVE COMPLIANCE**

**NB:** To ensure compliance and streamline the evaluation process, please adhere to the following requirements:

- Signed and completed tender documents: SBD1, 3(Pricing schedule) 4 and SBD 6.1)
- Valid Tax Clearance Certificate or equivalent (proof of tax compliance).
- Proof of company registration (e.g., CIPC registration in South Africa).
- Certified ID copies of company directors, not more than 6 months old.
- BBBEE certificate or Sworn affidavit

- Signed Declaration of Interest Form (to prevent conflict of interest).
- Proof of shareholding (such as share certificates, or a company register).
- Signed Power of Attorney or Resolution of Authority (proof of authority to submit the bid on behalf of the company).

### **Submission Requirements**

- Bidders are required to submit the following documents:
- Company profile highlighting experience relevant to this project.
- Detailed proposal addressing all requirements and deliverables outlined in this Terms of reference.
- Project plan, including timelines and resource allocation.

**NB:** Failure to submit may lead to the bid deemed non-responsive.

### **Submission guidelines**

Bidders are required to submit their proposals as **indexed and properly bound documents** to ensure clarity, organization, and ease of review. The document's submission should adhere to the following guidelines:

#### **Indexing:**

- Each section of the proposal must be clearly indexed with a table of contents at the beginning.
- Include section dividers or tabs where necessary, to ensure easy navigation between different sections.

#### **Binding:**

- Proposals must be professionally bound (e.g., spiral binding, perfect binding) to prevent loss of pages or disorganization.
- Loose or stapled pages will not be accepted, as they may compromise the document's integrity during the review process.

#### **Document Format:**

- All pages should be numbered sequentially.
- Important information, such as company details, contact information, and bid reference number, should appear on the cover page.
- Use a clear, readable font and ensure that all supporting documents (e.g., certificates, reference letters) are legible.

#### **Submission Copies:**

- Submit the required number of hard copies and an electronic copy as specified in the bid instructions.

#### **Physical Submission**

- Bidders are required to submit one original and one electronic copy of the bid proposal in hard copy. All documents must be securely bound in a clearly marked envelope/package.

- The envelope/package must be labeled with:
  - Bid reference number
  - Bid description
  - Bidder's name and contact details
  - Addressed to: SCM unit HEAD OFFICE ground Floor, 124 Main Street, Johannesburg, 2107

**Important:** Late and emailed submissions will not be considered.

### **USB Electronic Copy**

- In addition to the physical copy, bidders must also provide a complete electronic copy of the bid on a USB flash drive. The electronic copy should mirror the physical submission.
- The USB must be clearly labeled with:
- The electronic copy should be in PDF format and organized according to the same structure as the physical submission. Please ensure that the file is virus-free and can be easily accessed.

### **Separate Submission for Financials**

- To facilitate a fair and transparent evaluation process, the **financial proposal** must be submitted **in a separate sealed envelope** from the technical proposal. This applies to both physical and electronic submissions.
- The envelope containing the financial proposal must be labeled with:
  - Bid reference number.
  - "Financial Proposal" clearly marked.
  - Bidder's name.

The financial proposal on the USB must also be in a **separate file** from the technical submission, clearly marked as "**Financial Proposal**"

### **Submission Deadline**

- All bids (both physical and USB copies) must be submitted as per the bid closing date and time.
- Bids received after the deadline will not be considered.
- Please ensure full compliance with these submission guidelines to avoid any disqualification.
- For any further information or clarification, please contact enquiries as per the bid documents.

We appreciate your participation in this tender and look forward to receiving your bid.

**Stage 1 A****COMPULSORY REQUIREMENTS TO BE PROVIDED AS PROOF OF THE ABOVE:**

- Valid B-BBEE certificate (Only Valid B-BBEE certificate, accredited by SANAS) or valid Sworn Affidavit issued by the DTI or the CIPC. (Valid sworn affidavit must comply with relevant legislation).
- In the case of a JV, the tenderer must provide a joint venture agreement signed by all parties and proof of a consolidated B-BBEE Certificate and scorecard of a joint venture is required. (Both the agreement and the consolidated B-BBEE Certificate must be submitted, failure to do so will result in the bid not considered for further evaluation.
- Valid certified Letter of good standing from Law Society/Legal Practice Council not older than 6 months.

**NB: all copies must be certified as a true copy of the original**

**Stage 1B: PAPER BASED TECHNICAL/FUNCTIONALITY EVALUATION**

FUNCTIONALITY / QUALITY CRITERIA	POINTS
<b>EXPERIENCE OF THE SERVICE PROVIDER AS AN ORGANISATION</b>	<b>40</b>
<p><b>Important notes to the bidder:</b></p> <ol style="list-style-type: none"> <li>1. Reference letters must be aligned with similar relevant works which have been successfully concluded in the last five years.</li> <li>2. The reference letters shall have contactable i.e. contact person, telephone number and email address.</li> <li>3. These reference letters must be signed and dated by the company for which the work was done; it must clearly specify the date that the scope of work was conducted; and it must be on an official letterhead of the company for which the work was done.</li> <li>4. The reference shall specify the value in rands of the previous/ similar work undertaken by the bidder.</li> <li>5. The maximum points a bidder can score in this section is 40 points and the lowest score a bidder can score in this section is zero points.</li> </ol> <p><b>Reference letters must be aligned to the following work aspects (categories in which bids are submitted):</b></p> <ul style="list-style-type: none"> <li>• Category 1 Banking Law</li> <li>• Category 2 Labor and Employment law;</li> <li>• Category 3 Interpretation of Statutes</li> <li>• Category 4 Corporate and Commercial law;</li> <li>• Category 5 Research and drafting of legal opinions and advice;</li> </ul>	

**FUNCTIONALITY / QUALITY CRITERIA**

Growing Gauteng Together

- Category 6 Information Technology Law
- Category 7 Corporate governance
- Category 8 Public Private Partnerships
- Category 9 Constitutional and Administrative law;
- Category 10 General Litigation
- Category 11 Property Registration and Conveyancing
- Category 12 Debt Collection
- Category 13 Insolvency Law
- Category 14 Public Finance Management Legislative Framework
- Category 15 Arbitration proceedings
- Category 16 Protection of Personal Information Regulatory Framework

**Note: Reference letters must be aligned to work done in respect of the relevant category listed above which has been concluded successfully in the last five years.**

- 4 letters of Reference from previous / current client(s) = 40 points
- 3 letters of Reference from previous / current client(s) = 30 points
- 2 letters of Reference from previous / current clients(s) = 20 points
- 1 letter of Reference from previous /current client = 10 points
- No letter of Reference = 0 points

**QUALIFICATIONS, EXPERIENCE OF THE PROJECT LEADER THAT WILL LEAD THE PROJECT** **35**

Only originally certified copy of certification as an admitted attorney and a comprehensive CV with contactable references must be submitted. Certification must not be older than 6 months and must be certified by a Commissioner of Oaths.

**Admitted Attorney**

- ≥7 years' PQE = 35 points
- ≥5 years' PQE = 25 points
- ≥3 years' PQE= 15 points
- <3 years' PQE = 5 points

**EXPERIENCE OF THE PROJECT LEADER** **25**

**Important notes to the bidder:**

1. Years of experience pertain to the experience of the project leader only.
2. The relevant experience of the project leader is experience in relation to the category or field of law for which the bid is submitted.
3. A detailed CV with references for the project leader allocated to this project must be attached to the bidder's proposal.

FUNCTIONALITY / QUALITY CRITERIA	POINTS
<p><i>Growing Gauteng Together</i></p> <p><b>NB: The CV much provide details with regards to the experience relevant to the fields mentioned above refer to Annexure A for CV Template</b></p> <p><b>EXPERIENCE</b></p> <ul style="list-style-type: none"> <li>• ≥7 years PQE = 25 points</li> <li>• 5 &gt; 7 years PQE = 15 points</li> <li>• 3 &gt; 5 years PQE = 10 points</li> <li>• 1 &gt; 3 years PQE = 5 points</li> </ul>	
<p>Bidders who score a minimum of 70 points will proceed to pricing and preference points.</p>	
<p>Total Technical Evaluation</p>	<p><b>100</b></p>

**Stage 2: PRICE AND PREFERENCE POINTS**

Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- Price; and
- Specific Goal(s).

The maximum points for this tender are allocated as follows:

	POINTS
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

The applicable preference point system for this tender is the 80/20 through the applicable Preferential Procurement Regulations principles aligned with the set evaluation thresholds determined by the National Treasury. The evaluation criteria shall be in terms of the Preferential Procurement Policy Framework Act No.5 of 2000 and Preferential Procurement Regulations (PPR) 2022 provisions that have specific goals as contemplated in section 2(1)(d) of the Act, where 80 points are allocated for price, and 20 points will be allocated to promote the GEP Preference Goal 1: Ownership as specific goal contributor. (Refer to the attached SBD 6.1 for full details).

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

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

**12. TIME FRAMES**

It is envisaged that this project will run over a period of three years. Accordingly, successful service providers will be listed on the Organisation's panel of legal service providers for the period of 3 (three) years.

**13. GENERAL CONDITIONS**

The General Conditions of Contract of the Gauteng Provincial Government will be applicable. Proposals may be submitted for any or all the categories indicated in the scope of work hereunder. Responses should, however, clearly indicate which category/ (i.e.) the bidder is responding to.

Bidders should provide details of at least three (3) references, with details of the nature of projects engaged in as well as the contact details of the referees.

Bidders who claim any preference points for the HDI are requested to submit certified copies of share certificates. NOTE: Failure to adhere to this condition will invalidate points claimed. The Organisation reserves the right to:

- Reject an award of a specific category where responses are found to be insubstantial by the evaluating panel.
- Appoint a service provider that demonstrates a strong B-BBEE component to address South Africa's socio-economic disparities.
- Invite shortlisted service providers to present their bid proposals for final decision.

**The Organisation reserves the right to:**

- Request further information from any bidder after the closing date; verify information and documentation of the respective bidder.
- Make sure that the bidders (s) have at their disposal the necessary infrastructure to execute the contract to the satisfaction of the Organisation prior to the awarding of the contract.
- Inspect the operation or any part thereof during the evaluation phase of the bid.
- Arrange contracts with more than one bidder and order its requirements from the most economical, suitable or convenient source of supply.

**14. ADDITIONAL INFORMATION ON BID PROPOSAL**

The service provider should provide details of staffing, highlighting training and development policies and procedures, with specific reference to employment equity policies and initiatives.

How a joint venture (if the bidders are a joint venture between a B-BBEE firm and a non-BBEE firm) will split the work between the firms. The details must be such that the Organisation can audit the actual work allocation during the delivery. (The percentage involvement of each company in the joint venture should also be indicated). Please note that all members of the joint venture should sign a contract and are jointly and severally liable for the entire assignment.

The Organisation will not be responsible for any costs incurred by the bidder in the preparation and submission of the bids.

Please note the Organisation is not bound to select any of the firms' submitting proposals.

#### **15. INTELLECTUAL PROPERTY RIGHTS**

Copyrights and all other intellectual property rights in any document, ideas, software, other information developed and / or written, pursuant to these Terms of Reference, or any other contract / sub-contract to which these Terms of Reference refers, shall vest jointly in the party originating them and / or the party /s directly / indirectly financing the development of the same.

In addition, no development shall be deemed to be a joint development, and therefore jointly owned, unless, identified as such in writing. If each party contributes to the development of a work product, and such work product is not identified as a joint work product, each party's ownership rights shall be limited to the portion of work developed and / or financed by it. Each party will, however, negotiate the transfer of the licensing of its ownership rights, where applicable, to the other party upon mutual agreement.

All information generated, communication produced, and data acquired under the auspices of this project remains the intellectual property of the Gauteng Organization of Economic Development.

#### **16. CONFIDENTIALITY**

The service provider/s will be bound by the same clause of confidentiality and code of ethics as applicable to officials in the public service.

#### **17. PENALTIES / WARRANTIES**

If it is shown that errors or shortcomings exist within the service provided, the bidder shall be notified in writing and shall be required to perform corrective services within seven (7) days to remedy such errors at no cost to the Organisation.

The Organisation reserves the right to reject work that does not meet the required standard and engage a different service provider to complete the work. The Organisation shall serve thirty (30) days' written notice for termination of contract in the case of non-performance.

The Organisation reserves the right to inspect or audit any document pertaining to this contract within one year of the date of expiry of the contract. This may also include queries and complaints.

Should any audit or inspection reveal that the Contractor has not complied with any of the terms of this contract, the Contractor will be liable for the cost of the audit or inspection as well as the cost of any losses incurred by the Organisation associated with such non-compliance.

The Organisation also has the right to terminate the contract at any stage if there is substantive proof of inefficiency in the delivery of the service.

**Annexure A: CV Template**

**PERSONAL INFORMATION**

<b>Name</b>	
<b>Date of Birth</b>	
<b>Nationality</b>	
<b>Address</b>	

**QUALIFICATIONS**

Qualification	Institution	Year Completed

**PROFESSIONAL EXPERIENCE**

Position	Organization	Start Date	End date	Role & Responsibilities

**NB: THE BIDDER MUST SUBMIT A SEPARATE ENVELOPE FOR EACH CATEGORY THAT THEY ARE BIDDING FOR.**

**1. ENQUIRIES**

**PROCUREMENT ENQUIRIES:**

**Ms. Sphiwe Zulu**

**TEL: (011) 085 2001**

**EMAIL: [scm@gep.co.za](mailto:scm@gep.co.za)**

**TECHNICAL ENQUIRIES:**

**Mr Aluwani Netshimbupfe**

**TEL: (011) 085 2001**

**EMAIL: [legalpanel@gep.co.za](mailto:legalpanel@gep.co.za)**