



**REQUEST FOR PROPOSAL:**

**The Chemical Industries Education and Training Authority invites suitable qualified suppliers to participate in a PANEL OF ATTORNEYS for the provision of legal services.**

**Contract duration:** Two (2) years from date of commencement of a contract

**RFQ NO.** CHIETA-LS-01-2022-2023

**OPENNING DATE:** 11 July 2022

**CLOSING DATE:** 20 July 2022

**CLOSING TIME:** 15:30PM

**IMPORTANT NOTE TO BIDDERS:**

1. RFQ proposals must reach CHIETA before the closing date and time specified above and be emailed to [procurement@chieta.org.za](mailto:procurement@chieta.org.za)
2. RFQ proposal received after the closing date and time will not be considered and will be returned to bidder
3. Bidders may not seek or obtain the assistance of employees of the CHIETA in the preparation of their tender responses
4. This bid is subjected to the Preferential policy Framework Act and the preferential Procurement Regulation of 2017, The General condition of contracting and the CHIETA supply chain management policy.

ANY ENQUIRIES RELATING TO BIDDING PROCEDURES AND TECHNICAL INFORMATION  
MAY BE DIRECTED TO:

Institution: Chemical Industries Education and Training Authority

Contact person: Ruth Manari

E-mail address: [procurement@chieta.org.za](mailto:procurement@chieta.org.za)

## 1. INTRODUCTION

The Chemical Industries Education & Training Authority (CHIETA) is a statutory body that was established by The Skills Development Act 97 of 1998. Our purpose as a SETA is to facilitate skills development in the chemical industries sector and to ensure that skills needs are identified and addressed through several initiatives by the SETA and the sector. More information on the CHIETA can be obtained from the website <http://www.CHIETA.ac.za>

## 2. PURPOSE OF THE RFQ

The CHIETA seek to appoint a Panel of Legal Experts (Size of the Panel must be (6)) that will ensure timeous access to relevant legal expertise whenever the needs arise as follows.

- The required legal expertise will be determined on a case-by-case basis;
- The kind of expertise required could be in a form of providing advice or handle the whole legal process for and on behalf of the organisation. This may include, being the initiator/chairing of disciplinary hearing, CCMA, and Court appearances, among others and

The legal experts will be used on a rotation basis and according to the specific need of the organisation at any given time.

## 3. SCOPE OF WORK

Service providers will be appointed from the Panel of Legal Experts to advice and/or to assist in general legal matters and such services will be inclusive but not limited to the following;

Area of work	Scope of work	Skills required
<b>Legal advice on general legal matters and/or topics.</b>	<ul style="list-style-type: none"> <li>• Provide legal and expertise in matters of a general nature and conduct due diligence exercises</li> <li>• Conduct fraud investigations</li> </ul>	<ul style="list-style-type: none"> <li>• Investigation skills and</li> <li>• Knowledge of administrative and criminal law</li> </ul>
<b>Labour and Employment Law.</b>	<ul style="list-style-type: none"> <li>• Provide legal opinions on labour employment benefits and employment law related matters</li> </ul>	<ul style="list-style-type: none"> <li>• Experience in labour and employment law litigation</li> <li>• Understand the regulatory framework governing public service employment</li> </ul>

	<ul style="list-style-type: none"> <li>• Assist in disciplinary hearings, arbitration and others dispute resolution fora.</li> <li>• Provide advice on contracts of employment and related matters</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding of labour law and employment law jurisprudence for of providing legal opinions and</li> <li>• Knowledge of bargaining council and other dispute resolution fora.</li> </ul>
<b>Corporate, and Contract Law.</b>	<ul style="list-style-type: none"> <li>• Advice on projects / transactions of a corporate law nature.</li> <li>• Review and advice on a broad range of complex DG and Special project contracts and</li> <li>• Provide opinion on any contract related matters.</li> </ul>	<ul style="list-style-type: none"> <li>• Experience in working in transactions of a corporate law nature</li> <li>• Excellence research and drafting skills, for purpose of preparing legal opinions of a corporate law nature</li> <li>• Understanding legal and contractual framework governing public entities</li> </ul>
<b>Litigation.</b>	<ul style="list-style-type: none"> <li>• Conduct litigation on behalf of CHIETA and develop and review appropriate litigation strategy in each matter</li> <li>• Ensure effective and efficient litigation process is followed.</li> <li>• Provide custody of all pleadings and documents in litigation matters.</li> <li>• Provide oral and written legal advice throughout the litigation process.</li> </ul>	<ul style="list-style-type: none"> <li>• Knowledge of litigation processes and procedures in various forums including but not limited to the High court, Labour court, Equality and Magistrate court.</li> <li>• Comprehensive and coherent understanding of all laws and regulation that determine and shape the role and responsibility of the Accounting Officer or Authority in the government entities</li> </ul>
<b>Constitutional and Administrative Law.</b>	<ul style="list-style-type: none"> <li>• Provide legal opinion in respect of constitutional, administrative, and international law matters.</li> <li>• Assist in drafting of public or private international law agreements</li> <li>• Ensure technical quality, adherence to best practise and consistency with the</li> </ul>	<ul style="list-style-type: none"> <li>• Experience in providing opinions in constitutional, administrative, and international law matters.</li> <li>• Extensive knowledge South African constitutional and administrative law including international law.</li> <li>• Extensive experience in the drafting, vetting and interpretation of public and private international law.</li> </ul>

	constitution and other Acts of Parliament.	
<b>Opinion on legislations and legal topics.</b>	<ul style="list-style-type: none"> <li>• Provide legal opinion on prescript relating to CHIETA as public entity and</li> <li>• Provide legal opinion to the Accounting Officer and/or Accounting Authority as and when required.</li> </ul>	<ul style="list-style-type: none"> <li>• Extensive experience in provision of legal opinion in public sector, Accounting Officer and Authority.</li> </ul>

#### 4. EVALUATION AND SELECTION CRITERIA

The CHIETA has set minimum standards (STAGES) that bidders must meet to be considered for a Panel of legal services. The minimum standards consist of the following:

Stage 1: Pre-qualification	Stage 2: Functionality
<p>Bidders must submit all documents as outlined in 4.1.</p> <p>Non submission will result into bidders RFQ being disqualified.</p>	<p>Bidder(s) will be evaluated in technical requirements as outlined in 4.2</p>
Stage 3: Price and Preference	
<p>Bidders will be evaluated in terms of price and preference in terms of the Preferential Procurement Regulation of 2017.</p>	

**4.1. STAGE 1 - PRE- QUALIFICATION CRITERIA**

The CHIETA will conduct screening of mandatory documents to check whether bidders meet compliance requirements. Not providing these documents will result in the bidder proposal being disqualified from bid evaluation process.

Document that must be submitted	Non-submission shall result in disqualification	
Registration on Central Supplier Database (CSD)	<b>Yes</b>	<ul style="list-style-type: none"> <li>• Central supplier database registration report</li> <li>• CIPC company registration documents</li> </ul>
Company profile	<b>Yes</b>	Provided company profile highlighting service offering for legal services.
Standing bidding form 1 (SBD1)	<b>Yes</b>	Complete and signed standard bidding document (SBD1)
Declaration of Interest – SBD 4	<b>Yes</b>	Complete and signed standard bidding document (SBD4)
Preference Point Claim Form – SBD 6.1	<b>No</b>	Non-submission will lead to a zero (0) score on BBBEE.
Pricing Schedule	<b>Yes</b>	Detailed pricing schedule ( <b>Annexure A</b> )

#### 4.2. FUNCTIONALITY REQUIREMENTS

Bidders' proposal which meets **STAGE 1** pre-qualification will further be evaluated in **STAGE 2** on functionality. Bidders will be required to meet at least a minimum of 65 points to be considered further for stage 3 on price and preference.

Criteria	Criteria met	Weight
1.	<b>Profile of Firm and experience of senior attorneys</b>	<b>50</b>
	<b><u>Establishment</u></b> - the law firm is required to be established more than 5 years ago (20 points if established more than 5 years ago and 0 points if less than 5 years ago)	20
	<b><u>Experience of Senior Attorneys</u></b> - Calibre of senior legal practitioners in the firm. Provide CVs of two senior attorney who need not be at director/partner level (minimum 5 years' experience post admission) in law firm which will be assessed on qualifications, years of experience, quality, and relevance of experience to the legal requirements. Only two CVs will be reviewed with specific reference to the areas of law identified in the scope of work.  15 points per CV if 5 or more years post admission, relevant and quality experience in any two or more areas of law identified under the scope of work.	30
2.	<b>Experience of Firm Relevant to Scope of Work</b>	<b>50</b>
	Provide details of Bidder's (firm's) experience in attending to legal matters with specific reference to actual clients and matters attended to considering a <b>minimum of 2</b> in legal areas specified under the scope of work.  15 points for reference letter provided in providing similar legal services within the Sector Education and Training Authority for the past five years  5 points for additional reference letters (limited to four (4) reference letters) providing similar legal services in public and private sector.	35
	<b>General understanding of the terms of reference</b>	15

	Demonstrate supplementary experience and expertise in meeting the deliverables relating to the scope of work including:  experience in dealing with government departments and entities listed under the PFMA.	
	<b>Total points</b>	<b>100</b>

#### 4.3. STAGE 3: PRICE AND PREFERENCE

The bidders that have successfully progressed through to STAGE 2 will be evaluated in accordance with the **80/20** Preference Point System as contemplated in the Preferential Procurement Regulations 2017. Only six bidders with a highest scoring point will be considered to form a PANEL of legal services.

#### 5. SUBMISSION OF PROPOSALS

Bid proposals must be emailed to the CHIETA at [procurement@chieta.org.za](mailto:procurement@chieta.org.za) on or before the closing date and time and bid documents will only be considered if received by the CHIETA before the closing date and time. All enquiries should also be directed to [procurement@chieta.org.za](mailto:procurement@chieta.org.za)

#### 6. Financial Proposal (Annexure A)

Area of work	Normal hourly rate	Discounted rate
Legal advice on general legal matters and/or topics.		
Labour and Employment Law.		
Corporate, and Contract Law.		
Litigation.		
Constitutional and Administrative Law.		
Opinion on legislations and legal topics.		