

## **TENDER SPECIFICATION / REQUIREMENTS FOR FIXED - FEE AGENCY AGREEMENTS FOR A PERIOD OF THREE (3) YEARS**

### **1. BACKGROUND**

Legal Aid South Africa is a national public entity established in terms of the Legal Aid SA Act 39 of 2014, and whose main objective is to provide legal representation and advice to the indigent where substantial injustice would otherwise result. It has its Head Office in Braamfontein, Johannesburg and has 6 Provincial Offices. Legal aid services are delivered through our 64 Local Offices and 64 Satellite Offices.

Legal Aid South Africa intends to appoint legal practitioners to provide legal services to its clients appearing in designated criminal courts, on a retainer basis. A three (3) year contract will be concluded with the successful service providers.

The courts for which it is sought to conclude agency agreements appear in the table below. Interested bidders must submit separate bids for each court they are interested in serving, as the bidders will be evaluated for their suitability to service each of these courts, and different service providers may be appointed for each court.

<b>Province</b>	<b>Local Office</b>	<b>Proposed agency court</b>	<b>Estimated case output</b>
Free State	Bloemfontein	Koffiefontein	10 District Court and 4 Regional Court cases
Free state	Bloemfontein	Jagersfontein(including Luchoff and Fauresmith)	15 District Court cases

### **2. THE NATURE OF FIXED - FEE AGENCY AGREEMENTS.**

- 2.1 To ensure the efficient delivery of legal aid services to its clients, Legal Aid SA uses a mixed model of delivery comprising of internal practitioners, Judicare, agency agreements and co-operation agreements.
- 2.2 Fixed - fee agency agreements are entered into in respect of courts that, because of their location, it is uneconomical or impractical to service them using either internal practitioners or Judicare.
- 2.3 A fixed term agreement is entered into with a firm of attorneys and in terms of the agreement, the appointed firm is responsible for the

provision of legal representation to all qualifying legal aid clients in the identified court.

- 2.4 The contract amount is calculated based on the applicable tariff as provided for in the Legal Aid SA Tariff of Fees and Disbursements, as well as the projected output of cases from the designated court.
- 2.5 The service provider shall be paid based on the number of cases finalized, and in accordance with the applicable tariff.

### **3. OPERATIONAL REQUIREMENTS**

- 3.1 The agency court in respect of which the proposal is made must be clearly indicated in the Agency Agreement Application form and bidders who fail to indicate a court, or who indicate a court that is not part of this tender, will automatically be disqualified.
- 3.2 Bidders must provide a short resume of the legal practitioner who will be responsible for providing legal representation in the designated court and, where applicable a resume of the firm in which the practitioner practises.
- 3.3 Bidders must indicate in their resume, each area of practice undertaken by themselves and, where applicable, their firm, with an indication of the percentage of the work per area of practice as follows:

Practice area	% of firms work
Criminal	
Other	

- 3.4 Bidders must clearly state the years of experience the practitioner responsible for carrying out the agency agreement instructions has, in assisting clients in criminal matters.
- 3.5 Bidders must clearly state the years of experience the practitioner responsible for carrying out the agency agreement instructions has, in assisting indigent clients.
- 3.6 The identity document, Certificate of admission as well as a Certificate of good standing not older than 12 months, issued by the Legal Practice Council, must be submitted. Failure to submit these documents will result in a bid being disqualified.
- 3.7 Bidders must take note of the minimum experience requirements, which are;
  - 3.7.1 Appearance in the District Courts – Admission as a legal practitioner.
  - 3.7.2 Appearance in the Regional Courts – 5 years post admission experience.

Practitioners with higher experience levels will be allocated more functionality points.

- 3.8 Bidders must indicate the location of their office or proposed office location, as well as the distance of the office from the court. Preference will be given to bidders whose offices are located within a 50km radius of the designated court.
- 3.9 Bidders must demonstrate that they have the capacity to ensure that a qualified legal practitioner is available to attend to legal aid cases on each day that the court sits.
- 3.10 As part of the agreement, bidders will be required to perform necessary administrative duties such as the completion of Legal aid application forms, Means test, as well as provide reports to Legal Aid SA on matters dealt with and finalized.
- 3.11 The successful bidder will be subject to our continuous monitoring in terms of both the quality of the work, as well as their productivity in terms of meeting the deliverables of the contract.
- 3.12 Bidders are requested to paginate their bid documents, and to have an index as a first page of the bid document, in which the location of every document in the bid document is indicated.

#### **4. FUNCTIONALITY CRITERIA**

4.1 All qualifying bids will be evaluated for functionality. The table below contains the weights for each functional requirement component. **Reference to 'the practitioner' in the functionality elements below refers to the practitioner who will personally execute the instructions in the appointed court.**

<b>No.</b>	<b>Functional Element</b>	<b>Weighting</b>
1	Proximity of the legal practitioner's office to the identified court. This will be scored on a score from 1 to 5 as follows: <50km – 5 51km – 75km - 4 76km -100km – 3 101km – 150km – 2 151km – 200km – 1 >200km - 0	30
2	The volume of criminal work in the legal practitioner's practice. >90% - 5 70% - 90% - 4 50%-69% - 3 30% - 49% - 2 10% - 29% - 1	20



	information provided to demonstrate that the bidder has the ability, understanding, experience, skills, resource & quality measures required to provide the services, with little or no supporting evidence.	
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- 4.2 Bidders who score less than 80% of the 100 points for functionality will be disqualified, and will not be evaluated further.
- 4.3 Qualifying bidders will be evaluated in terms of the Preferential Procurement Policy Framework Act regulations, on the 80/20 points system, where Price = 80 points and B-BBEE rating = 20 points.
- 4.4 Bidders must submit a valid B-BBEE status level verification certificate, which must be issued by a Verification Agency accredited by SANAS or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE.

## 5. **SPECIAL CONDITIONS**

The following documents will be used in the evaluation of proposals and must be submitted with the bid: -

- 5.1 Bidders must ensure that forms SBD 1 and 4 are fully completed and signed – **failure on the part of the bidder to comply may result in the bid being disqualified.**
- 5.2 Bidders must provide proof of their registration on the National Treasury's Central Supplier Database.
- 5.3 Bidders must submit a valid Tax Compliance Status document or PIN.

## 6. **BID CONDITIONS**

- 6.1 Bidders may be requested to attend a meeting where they will be given the opportunity to present their proposal to the bid evaluation committee.
- 6.2 Bids must be submitted in line with any attached annexures and detailed specifications. Failure to bid accordingly shall invalidate the bid.
- 6.3 Legal Aid SA reserves the right to award the bid to one or more service providers.
- 6.4 Legal Aid SA reserves the right to award the bid in whole or only partially.
- 6.5 The General Conditions of Contract as stipulated by the National Treasury will be applicable.