



BID NO: RFP12/22

APPOINTMENT OF THE PANEL OF LAW FIRMS TO RENDER LEGAL SERVICES TO THE ITHALA DEVELOPMENT FINANCE CORPORATION LIMITED ('IDFC') FOR THE PERIOD OF (36) MONTHS

CLOSING DATE: 14 October 2022 at 11:00 am

Issued by:

Ithala Development Finance Corporation Limited
29 Canal Quay Road (for GPS 29 Signal Road),
Point Waterfront
Durban

Procurement Enquires:

Supply Chain Management Unit
Email: tenders@ithala.co.za
Tel: 031 907 8911

Name of Bidder:

For any complaints regarding our Supply Chain Management processes, please contact Customer Services at 031 907 8610 or email complaints@ithala.co.za alternatively you can lodge an anonymous complaint at our toll-free hotline number 0800 0048 23

INVITATION FOR BIDS

ITHALA DEVELOPMENT FINANCE CORPORATION LIMITED, 29 CANAL QUAY ROAD, POINT, DURBAN (FOR GPRS 29 SIGNAL ROAD) (Hereinafter referred to as (“Ithala”))

BID NUMBER: RFP12/22

CLOSING DATE: 14 October 2022

TIME: 11:00am

DESCRIPTION: APPOINTMENT OF THE PANEL OF LAW FIRMS TO RENDER LEGAL SERVICES TO THE ITHALA DEVELOPMENT FINANCE CORPORATION LIMITED (‘IDFC’) FOR THE PERIOD OF (36) MONTHS

COMPULSORY BRIEFING:

Yes

No

Venue: Address:	Compulsory briefing session Ithala Trade Centre 29 Canal Quay Road Durban Point Knowledge Centre (Ground Floor)
Telephone:	(031) 907 8911 (for directions)
Date and Time:	30 September 2022

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C.1 BID NOTICE AND INVITATION TO BID

APPOINTMENT OF THE PANEL OF LAW FIRMS TO RENDER LEGAL SERVICES TO THE IDFC FOR THE PERIOD OF (36) MONTHS

The physical address for collection of bid documents is:

Bid documents can be obtained online from the Ithala website (www.ithala.co.za) at no cost.

Submission of Bids: One original and one soft (USB) copy of the bid document must be submitted,

The bids shall be submitted in sealed envelopes delivered at Ithala Trade Centre, 29 Canal Quay Road (for GPS use 29 Signal Road), Point, Durban and should be deposited in the box located at the reception.

The closing time for receipt of bids is **on 14 October 2022 @11h00.**

Telegraphic, telephonic, telex, facsimile, e-mail, and late tenders will not be accepted. It is important to note that all bids lodged will be examined to determine compliance with the bidding requirements and conditions. Bids with obvious deviation from the requirements, will be eliminated.

Technical and administrative queries relating to these documents may be addressed in writing only quoting the Bid No. for attention: Supply Chain Management Unit by email to tenders@ithala.co.za.

Bids may only be submitted on the original tender documentation that is issued by Ithala written in black ink.

Ithala does not bind itself to accept the lowest or any bid and consider any bid for appointment.

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF ITHALA DEVELOPMENT FINANCE CORPORATION					
BID NUMBER:	RFP12/22	CLOSING DATE:	14 October 2022	CLOSING TIME:	11H00am
DESCRIPTION	APPOINTMENT OF THE PANEL OF LAW FIRMS TO RENDER LEGAL SERVICES TO THE IDFC FOR THE PERIOD OF (36) MONTHS FOR ITHALA GROUP				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:					
Ithala Trade Centre					
29 Canal Quay Road					
Point Waterfront					
Durban					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	SCM		CONTACT PERSON	SCM	
TELEPHONE NUMBER	031 907 8911		TELEPHONE NUMBER	031 907 8911	
E-MAIL ADDRESS	tenders@ithala.co.za		E-MAIL ADDRESS	tenders@ithala.co.za	
SUPPLIER INFORMATION					
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:		OR	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	B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<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. **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
- 2.4 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.5 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.6 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 WHO ARE PERSONS IN THE SERVICE OF THE STATE."

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

DATE:

.....

All bidders must furnish the following particulars and include it in their submission (returnable documents)

Name of bidder:

.....

Trading name

.....

Company registration number

VAT registration number

.....

Workman's compensation number

Tax Clearance Certificate /CSD Report submitted

.....

Postal address:

.....

Street address:

.....

Telephone number:

Code

Number

.....

.....

Cellular number:

.....

Facsimile number:

Code

Number

.....

.....

e-Mail address:

.....

In case of a consortium/joint venture, full details on consortium/joint venture members:

Entity name	VAT registration number	Tax Clearance Certificate submitted	YES / NO
.....

Entity name	VAT registration number	Tax Clearance Certificate submitted	YES / NO
.....

Entity name	VAT registration number	Tax Clearance Certificate submitted	YES / NO
.....

Name of contracting entity in case of a consortium/joint venture

Entity name:

Postal address:

Street address:

Contact details of responsible person who will act on behalf of the entity/consortium/joint venture for this bid

Name and Surname

Telephone number: Code Number

Cellular number:

Facsimile number: Code Number

e-Mail address:

Contact details of alternative responsible person who will act on behalf of the person above should he/she not be available

Name and Surname

C.2 INTRODUCTION

Ithala is a Development Finance Corporation operating within the confines of the KZN Ithala Development Finance Corporation Act, No 5 of 2013.

Our VISION is “To be the catalyst for growth, economic development and empowerment” and our MISSION is “To drive economic development and empowerment whilst remaining financially sustainable”.

We enable, develop, promote and implement innovative investment and transformation solutions to advance sustainable Black Economic Empowerment.

The objectives of Ithala are to promote, support and facilitate social and economic development in the Province of Kwa-Zulu Natal (KZN) by:

1. Mobilising financial resources and providing financial and supportive services to persons domiciled, ordinarily resident, or carrying on business within the KZN Province
2. Planning, executing, financing and monitoring the implementation of development projects and programmes in the province of KZN
3. Promoting, assisting and encouraging the development of the Province’s human resources and its social, economic, financial and physical infrastructure
4. Promoting, encouraging and facilitating private sector investment in the Province and the participation of the private sector and community organisations in development projects and programmes and in contributing to economic growth and development generally
5. Acting as the Government’s agent for performing any development related tasks and responsibilities that the government considers may be more effectively performed by a corporate entity

Our primary mandate is implemented by our two operating divisions and a subsidiary with an external market focus, namely:

1. Properties
2. Business Finance
3. Ithala SOC Limited

The quality, price and service that we provide our customers can only be as good as what we receive from our service providers.

We strive for continuous improvement in our critical business areas and seek to establish relationships with suppliers that are equally passionate in their quest for better quality, price and service. By exceeding our requirements and expectations, you will not only ensure that you maintain the current business; you will be positioning yourself for future business within Ithala.

PROCUREMENT PHILOSOPHY

It is the policy of Ithala, when purchasing goods and obtaining services, to follow a course of optimum value and efficiency by adopting best purchasing practices in supply chain management, ensuring that open and fair competition has prevailed, with due regard being had to the importance of :

- a) The promotion, development and support of businesses from disadvantaged communities (small, medium, micro enterprises, as well as established businesses within those communities) in terms of its BBBEE Policy.
- b) The promotion of national and regional local suppliers and agents before considering overseas suppliers; and
- c) The development, promotion and support for the moral values that underpin the above, in terms of Ithala’s Business Ethics and Guidelines which requires that all commercial conduct be based on ethical and moral values and sound business practice. This value system governs all commercial behaviour within Ithala.

C.3 CONDITIONS OF BID AND CONTRACT

	Conditions	Confirmation			
		Yes	No	Noted	If no, indicate deviation
1.	GUIDELINE ON COMPLETION				
1.1	Bidders must indicate compliance or non-compliance on a paragraph-by-paragraph basis. Indicate compliance with the relevant bid requirements by marking the YES box and non-compliance by marking the NO box. If the contents of the paragraph only need to be noted, please mark the NOTED box. The bidder must clearly state if a deviation from these requirements are offered and the reason therefore. If an explanatory note is provided, the paragraph reference must be attached as an appendix to the bid submission. Bids not completed in the manner prescribed may be considered incomplete and rejected. Should bidders fail to indicate agreement/compliance or otherwise, Ithala will assume that the bidder is not in compliance or agreement with the statement(s) as specified in this bid.				
2.	ITHALA SERVICE LEVEL AGREEMENT				
2.1	The Ithala Service Level Agreement will be the only contract signed by both parties and will form the basis of this contract. Ithala's standard terms and conditions will not be negotiated.				
3.	ADDITIONAL INFORMATION REQUIREMENTS				
3.1	During evaluation of the bids, additional information may be requested in writing from bidders. Replies to such request must be submitted, within 5 (five) working days or as otherwise indicated. Failure to comply, may lead to the bid being disregarded.				
4.	CONFIDENTIALITY				
4.1	The bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid.				
4.2	All bidders are bound by a confidentially agreement preventing the unauthorised disclosure of any information regarding Ithala or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation or products to other clients without written approval of the accounting authority or the delegate.				

5.	INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT	Yes	No	Noted	If no, indicate deviation
5.1	Copyright of all documentation relating to this assignment belongs to Ithala. The successful bidders may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.				
5.2	All the intellectual property rights arising from the execution of this Agreement shall vest in Ithala and the service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.				
5.3	In the event that the service provider would like to use any information or data generated in terms of the Services, the prior written permission must be obtained from Ithala.				
5.4	Ithala shall own all materials produced by the service provider during the course of, or as part of the Services including without limitation, deliverables, computer programmes (source code and object code), programming aids and tools, documentation, reports, data, designs, concepts, know-how and other information whether capable of being copyrighted or not ("IP") which IP Ithala shall be entitled to freely cede and assign to parties nominated by Ithala.				
6	PAYMENTS				
6.1	Ithala will pay the service provider for the actual services rendered in line with the contract. Ithala reserves the right to revise the number of guards based on monthly site requirements. No additional amounts will be payable by Ithala to the contractor.				
6.2	The service provider shall from time to time during the duration of the contract, invoice Ithala for the services rendered. No payment will be made to the service provider unless an invoice complying with section 20 of VAT Act No 89 of 1991 has been submitted to Ithala.				
6.3	Payment shall be made into the bidder's bank account or per cheque payment normally 30 days after receipt of an acceptable, valid invoice. (Banking details must be submitted as soon as this bid is awarded).				

7	NON-COMPLIANCE WITH DELIVERY TERMS				
7.1	As soon as it becomes known to the service provider that he will not be able to deliver the goods/services within the delivery period and/or against the quoted price and/or as specified, Ithala must be given immediate written notice to this effect. Ithala reserves the right to implement remedies as provided for in the SLA.				
8	WARRANTIES				
8.1	The service provider warrants that: It is able to conclude this Agreement to the satisfaction of Ithala.				
8.2	Although the service provider will be entitled to provide services to persons other than Ithala, the service provider shall not without the prior written consent of Ithala, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the contractor to provide the Services.				
9.	PARTIES NOT AFFECTED BY WAIVER OR BREACHES				
9.1	The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this Agreement by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof				
9.2	No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this Agreement shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this Agreement.				
10	SUBMITTING BIDS				
10.1	Supply Chain Management (SCM)				
10.2	An original and soft (usb) copy must be delivered to: ITHALA TRADE CENTRE 29 Canal Quay Road Point Waterfront, Durban And inserted into the Bid box Closing date: 14 October 2022 at 11h00am				

		Yes	No	Noted	If no, indicate deviation
11	LATE BIDS				
11.1	Late submissions will not be accepted. A submission will be considered late if it arrived one second after 11:00 or any time thereafter. The bid (tender) box shall be locked at exactly 11:00 and bids arriving late will not be accepted under any circumstances. Bidders are therefore strongly advised to ensure that bids be dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.				
12.	BRIEFING SESSIONS AND CLARIFICATIONS				
12.1	<u>Compulsory Briefing session</u> Ithala Trade Centre 29 Canal Quay Road Durban Point Knowledge Centre (Ground Floor)				
12.1.1	Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (letter, facsimile or e-mail). Please make reference to Tender Notice and Invitation to Tender page of this bid pack for contact details. The bid number should be mentioned in all correspondence. Telephonic requests for clarification will not be accepted. If appropriate, the clarifying information will be made available to all bidders by e-mail only.				
13.	FORMAT OF BIDS				
13.1	Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their proposal should be concise, written in plain English and simply presented.				
13.2	Bidders are to set out their proposal in the following format:				
13.2.1	Part 1: Invitation to Bid & Introduction				
13.2.2	Part 2: RFP Summary and Details & Official Briefing Session Certificate of attendance				
13.2.3	Part 3: Compliance to Special Conditions of Bid and Noting of Evaluation Criteria				
13.2.4	Part 4: National Treasury CSD report				
13.2.5	Part 5: Bidder's Disclosure				
13.2.6	Part 6: BBBEE				
13.2.7	Part 7: Technical/Functionality Proposal				

13.2.8	Part 8: Deviations from Request for Bid				
13.2.9	Part 9: Pricing Schedule				
13.2.10	Part 10: Procurement Timelines				
13.2.11	Part 11: Terms of Reference				
13.2.12	Part 12: Annexures				
14.1	PART 1: INVITATION TO BID (FORM C1)				
14.2	PART 2: PART 2: RFP SUMMARY AND DETAILS & OFFICIAL BRIEFING SESSION CERTIFICATE OF ATTENDANCE (FORM C5 & C14)				
	Bidders must complete the table and sign the Certificate of attendance. The briefing session needs to be completed by Individuals attending a briefing session on behalf of a bidder as well as Ithala representative. Bid summary must be completed and indicate what returnable documents will be submitted.				
14.3	PART 3: COMPLIANCE TO SPECIAL CONDITIONS OF BID AND NOTING OF EVALUATION CRITERIA (FORM C3)				
	Bidders must complete C3. Indicating compliance/non-compliance or noted. In case of non-compliance details and referencing to the specific paragraph is required.				
14.4	PART 4: SARS TAX STATUS (FORM C10)				
	The bidder must be compliance with SARS and such information will be verified with Central Supplier Database (CSD). In case of a consortium/ joint venture, or where sub-contractors are utilised, each consortium/ joint venture member and/or sub-contractor (individual) must be in compliance with SARS and the information will be verified on Central Supplier Database (CSD).				
14.5	<u>PART 5: (FORM C4, C11 AND C12)</u>				
	Certificate of Authority to Sign a Bidder's Disclosure				
14.5.1	Bidders must complete and submit the Declaration forms. A bidder must complete the relevant part of the document and it must indicate who is delegated to communicate or deal with Ithala. Any other irrelevant sections to the tendering entity must be marked 'N/A'.				
14.5.2	Bidders must submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African National Accreditation System (SANAS) or Sworn Affidavit (as attested by the Commissioner of Oaths	Yes	No	Noted	If no, indicate deviation

14.5.3	<p>For a consortium or joint venture:</p> <p>A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.</p> <p>A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid</p>				
14.6	PART 6: JOINT VENTURE/CONSORTIUM AGREEMENT (FORM C4)				
14.6.1	A copy of the joint venture/consortium agreement must be included.				
14.7	PART 7: TECHNICAL PROPOSAL/FUNCTIONALITY PROPOSAL (FORM C9)				
14.7.1	Bidders must, at least:				
14.7.1.1	Describe, in detail, exactly how they propose to carry out the activities to achieve the outcomes identified in the terms of reference. They should identify any possible problems that might hinder delivery and indicate how they will avoid, or overcome such problems.				
14.7.2	The bidder must confirm, by providing letters of reference including contact details, for the previous, current or ongoing projects of similar nature. This will be verified by Ithala.				
14.7.3	The proposal of the bidders should be detailed to the bidders understanding of the scope of work and outline the proposed methodology approach and plan.				
14.8	PART 8: DEVIATIONS FROM REQUEST FOR BID (FORM C14)				
14.8.1	Please indicate deviations or modifications to this Request for Bid on form C14				
14.8.2	If no deviations are required, please mark the form "Nil" and sign	Yes	No	Noted	If no, indicate deviation
14.9	PART 9: PRICING SCHEDULE (FORM C8)				
14.9.1	Any budget amount that may be indicated in this document shall be deemed to be a guide only and bidders are expected to submit a costing that is fair and reasonable.				

14.9.2	A proposed pricing schedule with one of the specified elements (fees and reimbursable costs) omitted from the costing, may be considered non-responsive.				
14.10	PART 10: PROCUREMENT TIMELINES (FORM C6)				
14.10.1	This part of a bid documents informs bidders when the bid process is expected to be finalised. It may not necessarily be followed.				
14.10.2	Terms of reference (TOR) are the requirements by Ithala. When a proposal is submitted, a bidder must be certain that TOR are understood and has the capacity to offer a specified service.				
14.11	PART 11: ANNEXURES				
14.11.1	Bidder must insert all their additional annexures in part 11. This can include professional registrations, insurances etc.				
14.12	VAT				
14.12.1	Ithala is a VAT Vendor. Prices quoted must include VAT (where applicable).				
14.12.2	Ithala reserves the right to request the preferred bidder to register for VAT is the award is anticipated to be in excess of R1m for 12 consecutive months as the VAT Act requires.				
15	PRESENTATIONS				
15.1	Ithala reserves the right to invite bidders for presentations before the award of the bid.				
15.2	Presentation may affect the points awarded for functionality.				
15.3	If the date of the presentation meeting is not indicated in the bid document, at least three working days' notice will be given to bidders required to attend.				
16	NEGOTIATION	Yes	No	Noted	If no, indicate deviation
16.1	Ithala has the right to enter into negotiation with a prospective contractor regarding any terms and conditions, including price(s), of a proposed contract.				

16.2	Ithala shall not be obliged to accept the lowest or any financial offer or proposal. Furthermore, Ithala reserve the right not to award the tender to highest ranking bidder in terms of PPPFA.				
16.3	All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties.				
17	DOMICILIUM				
17.1	The parties hereto choose <i>domicilium citandi et executandi</i> for all purposes of and in connection with the final contract as follows:				
	Ithala Development Finance Corporation Limited Ithala Trade Centre 29 Canal Quay Road (for GPS 29 Signal Road) Point Waterfront Durban				
18	COST OF BID PREPARATION				
18.1	Bidders shall prepare and submit a bid at their own expense.				
19.	SITE INSPECTIONS				
19.1	Ithala reserves the right to do site inspections of bidders to establish suitability of properties, vehicles, etc. to perform services effectively and efficiently				
20	BID VALIDITY PERIOD				
20.1	Bid will be valid for a period of 90 days				
20.2	Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.				
20.3	If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period.				
21	ISSUE ADDENDA				
21.1	If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until seven days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an				

	extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify those tendering entities appearing on the attendance list				
21.2	Tenderers must sign the attendance list in the name of the tendering entity. Addenda will be issued to and tenders will be received only from those tendering entities appearing on the attendance list				
21.3	Acknowledge receipt of addenda to the tender documents, which the employer may issue.				
22	SUBMITTING OF FRAUDULENT DOCUMENTS				
22.1	Ithala will disregard the bid of any bidder if that bidder or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.				
22.2	Ithala will list bidders/ directors in the list of restricted suppliers and they will not conduct any business with an organ of state.				

C.4 CERTIFICATE OF AUTHORITY TO SIGN A BID

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

(I) COMPANY	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(V) SOLE PROPRIETOR	(VI) JOINT VENTURES

i. CERTIFICATE FOR COMPANY

I,, chairperson of the Board of Directors of, hereby confirm that by resolution of the Board (copy attached) taken on 20....., Mr/Ms, acting in the capacity of, was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

Chairman:

As Witnesses:

Date:

ii. CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as.....

..... Hereby authorise Mr/Ms..... acting in the capacity of

....., to sign all documents in connection with the tender for

Contract No: and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Note: This certificate is to be completed and signed by all of the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.

iii. CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key partners in the business trading as,
 hereby authorize Mr/Ms.
 acting in the capacity of, to sign all documents in
 connection with the tender for Contract No and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Note: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.

iv. CERTIFICATE FOR SOLE PROPRIETOR

I,, hereby confirm that I am the sole owner of the
 business trading as.....

Signature of Sole Proprietor:

As Witnesses:

1.....

2.....

Date:

v. CERTIFICATE OF AUTHORITY FOR JOINT VENTURES

This Returnable Schedule is to be completed by **EACH member** of a joint venture submitting a tender.

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms....., authorised signatory of the Company.....acting in the capacity of lead JV partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf as a joint venture.

NAME OF JV ORGANIZATION.....

ADDRESS:

.....

.....

DULY AUTHORISED SIGNATORY NAME

DESIGNATION:

SIGNATURE

DATE:.....

C.5 CERTIFICATE OF ATTENDANCE AT COMPULSORY BRIEFING SESSION

This is to certify that (Company Name)

of (address)

..... was represented by the person(s) named below at the compulsory meeting held for all bidders at: -

Date	Time	Site
30 September 2022	11am	ITHALA TRADE CENTRE 29 Canal Quay Road Point Waterfront, Durban

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the requirements and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

Bidder's representative attending the meeting:

Name: Signature:

Capacity:

Confirmed by the Ithala's representative:

Name: Signature:

Capacity:

C.6 PROCUREMENT TIMELINES

PROCUREMENT TIMELINE	DATE	TIME
RFP Release Date	08 August 2022	09:00
Compulsory briefing session	30 September 2022	
Written questions of clarification – closing date	05 October 2022	16:00
Written response to all clarifications	07 October 2022	16:00
Service Provider Proposals Due	14 October 2022	11:00
Completion of Bid Evaluations	14 December 2022*	16:00
Anticipated letter of Award	13 January 2023*	16:00
Commencement Date	16 January 2023*	09:00

***Indicative dates**

C.7 TERMS OF REFERENCE

1. CATEGORISATION OF FIRMS

The IDFC would also like to promote broad based transformation and development of small and medium firms in this industry and as such will appoint firms in the following categories. The bidder must indicate, in the table below, with a **tick**, the relevant category:

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

Note: The bidder must submit their latest Financial Statements as proof of their annual turnover as confirmed by an independent accountant. Small businesses with no financial history, must submit a letter from their independent accounting firm confirming their financial status and / or projections.

It is for this purpose that the IDFC will be using different evaluation criteria for the small and medium sized law firms as depicted in Section 2.1 of this document and a different set of evaluation criteria applicable to large law firms as depicted in Section 2.2 of this document.

Note: Bidders bidding for Labour Law, must in addition to the relevant requirements of this tender also provide a detailed response to the Labour requirements of the IDFC, as depicted in Paragraph 6 of this document, irrespective of whether they are a small, medium or large firm.

2. PROMOTION OF EMERGING BLACK OWNED SERVICE PROVIDERS AND PROFESSIONALS

It is the IDFC's objective to promote participation of Black law firms and Black law professionals through its panel of legal firms. IDFC reserves the right to reconsider the number of firms appointed to the panel at the time of appointment,

3. AREAS OF LAW

The required legal advisory services have been categorised into fourteen (14) categories as reflected below. The bidder must indicate, in the table below, with a **tick** the category the bidder is bidding for:

SERVICE CATEGORIES	PLEASE TICK
1. Debt collection (<i>debt collection is not litigation</i>)	
2. Project/Structured Finance Transactions	
3. Tax Law	
4. Patent & Copyright Law	
5. Conveyancing	
6. Labour Law (employment contract law/CCMA/Labour Court)	
7. Banking Law	
8. Maritime Law	
9. Litigation (civil, criminal and bond foreclosures)	
10. Mining and Prospecting Law	
11. Company Law	
12. Contract Law	

13.	Property Law (law of sale and lease, intellectual property)	
14.	Media Law	
15.	Construction and Engineering Law	
16.	Pension Funds Law	
17.	Procurement Law	
18.	Insolvency Law	

Note: The bidder must ensure that they provide the required response/ information to the evaluation criteria for each service category the bidder is bidding for.

4. LARGE FIRMS SKILLS TRANSFER PROJECTS

SKILLS TRANSFER PLAN TO NEWLY QUALIFIED LEGAL PROFESSIONALS FROM PREVIOUSLY DISADVANTAGED GROUPS IN SOCIETY	Comply	Partially Comply	Not Comply
The IDFC intends promoting the transformation of the legal field through inclusive development of newly qualified legal professionals. Bidders are required to indicate their commitment to assist the IDFC through this tender / contract by indicating its plans to support this objective of the IDFC. Please indicate your detailed commitment plan in this regard.			
Substantiate / Comments			
WILLINGNESS TO ACCEPT JOINT ENGAGEMENT FOR INDIVIDUAL ASSIGNMENTS WITH SMALL BLACK LAW FIRMS	Comply	Partially Comply	Not Comply
The IDFC intends promoting the transformation of the legal field through inclusive development of small Black owned law firms. Successful Bidders may be required from time to time to enter into twinning arrangements with small Black owned law firms. Bidders are required to confirm their acceptance of this condition.			
Substantiate / Comments			

5. Bidders resources

NO	SERVICE CATEGORIES	NAME OF BIDDER'S LEAD ATTORNEY <i>(To correspond to the areas of law selected under part 4 above)</i>	NUMBER OF YEARS OF EXPERIENCE <i>(Kindly indicate years of specific experience of the resource in the area of law)</i>	IS THE DETAILED CV AND QUALIFICATION ATTACHED?	HAS THE RESOURCE BEEN INACTIVE FOR ANY PERIOD DURING HIS/HER CAREER (IF YES, PLEASE INDICATE THE PERIOD IN MONTHS OR YEARS)
1	Debt Collection <i>(debt collection is not litigation)</i>				
2	Project/Structured Finance Transactions				
3	Tax Law				
4	Patent & Copyright Law				
5	Conveyancing				
6	Labour Law (employment contract/CCMA/Labour Court)				
7	Banking Law				
8	Maritime Law				
9	Litigation (civil, criminal and bond foreclosures)				
10	Mining and Prospecting Law				
11	Company Law				
12	Contracts Law				
13	Property Law (law of sale and lease, intellectual property)				
14	Media Law				
15	Construction and Engineering Law				
16	Pension Funds Law				
17	Procurement Law				
18	Insolvency Law				

C.8 PROPOSED FEES

RFP 12-22

APPOINTMENT OF THE PANEL OF LAW FIRMS TO RENDER LEGAL SERVICES TO THE ITHALA DEVELOPMENT FINANCE CORPORATION LIMITED ('IDFC') FOR THE PERIOD OF (36) MONTHS

NAME OF BIDDER:

.....

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

Acceptance of the attached Tariffs,

Tenderers signature.....

C.9 EVALUATION PROCESS & CRITERIA

This phase consists of Mandatory administrative compliance evaluation of all proposals.

1	PRE-QUALIFICATION CRITERIA				
1.1	<p>In terms of Regulation 4 of the Preferential Procurement Regulations of 2017, Ithala will be applying pre-qualification criteria to advance designated groups.</p> <p>(a) Only bidders with a B-BBEE Status of Level 1 Contributor are legible to submit a bid</p> <p>Bidders are required to submit a certified copy of their B-BBEE Certificate or Sworn Affidavit (as attested by the Commissioner of Oaths)</p>				
	EVALUATION PROCESS				
1.2	<u>STAGE ONE: ADMINISTRATION COMPLIANCE</u>				
1.2.1	<p>All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further adjudication.</p> <p>Mandatory</p> <p>Bids will only be compliant if bidder has submitted the following documents:</p> <ul style="list-style-type: none"> • The bidder must register as a vendor on the National Treasury Central Supply Database (CSD), which can be found at https://secure.csd.gov.za/ in compliance with paragraph 4.2 of National Treasury instruction note 4a of 2016/2017 • The bidder must be in good standing with SARS and such information will be verified through Central Supply Database (CSD) or using SARS e-filing pin in National Treasury compliance with instruction note 9 of 2017/2018 prior to the award of the bid; • SBD 4- A completed and duly signed declaration of interest. Should a conflict of interest be declared or identified, the bid would be declared non-responsive. NB Bidder must ensure all pages are complete of all questions answered, you are indicate not applicable (N/A) where appropriate. • The proposing entities are bona fide entities, registered in accordance with the laws of SA • Bidder has attended the compulsory briefing session • Valid Attorneys Fidelity Fund Certificate 				

	Failure to provide any mandatory information as requested above will result in the submission being deemed non-responsive.				
1.3	<u>STAGE TWO: FUNCTIONALITY REQUIREMENTS</u>				
1.3.1	Responsive bids will be evaluated according to the criteria, weightings and threshold scores as indicated on C9..				
1.3.2	ITHALA may decide to have compulsory presentations / site visits by the bidders who obtain the minimum functionality score.				
1.4	<u>STAGE THREE: PRICE AND B-BBEE EVALUATION</u>				
1.4.1	Bidders who meet all the requirements for stages one and two, have accepted the Ithala traffics will be considered for appointment onto the panel for a period of three (3) years.				
1.5	ADJUDICATION OF BID				
1.5.1	The Bid Adjudication Committee will consider the recommendations and make the final award.				
1.5.2	The bid shall be awarded at the sole and absolute discretion of Ithala. Ithala hereby represents that it is not obliged to award this bid to any bidder. Ithala is entitled to retract this bid at any time as from the date of issue. Ithala is not obliged to award this bid to the bidder that quotes the lowest.				
1.5.3	A bidder shall be disqualified from bidding if any attempt is made either directly to solicit and/or canvass any information from any employee or agent of Ithala regarding this bid from the date the offer is submitted until the date of award of the bid.				
1.6	Awarding of contract				
1.6.1	Ithala reserves the right to award this bid in full or part				
1.6.2	The award will be based on applicable tariff / rates over the contract period				

**C.9. FUNCTIONALITY EVALUATION CRITERIA
FUNCTIONALITY EVALUATION PHASE 1**

With regards to the Other Functional Requirements, being stage 2 of the evaluation process, the following criteria and the associated weightings will be applicable:

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

CRITERIA FOR SMALL AND MEDIUM SIZED FIRMS

	ELEMENT	WEIGHT	SCORE
Bidder's Experience	<p>Number of years the law firm has been in business.</p> <ul style="list-style-type: none"> The number of years law firm has been in business: 1 years = 5 points The number of years law firm has been in business: 2 - 4 years = 10 points The number of years law firm has been in business: 5 - 7 years = 20 points The number of years law firm has been in business: 8 and above = 30 points <p><u>PLEASE SUPPLY THE PROFILE OF THE LAW FIRM</u></p>	30	
	<p>The Bidder must indicate the name of one Lead Attorney for this bid and further supply the Lead Attorney's Curriculum vitae AND, the Valid and Current Fidelity Fund Certificate to qualify for full points. <u>Partial or no response to this request will result in no points being awarded.</u></p> <ul style="list-style-type: none"> Experience of the Lead Attorney: 0 years = 0 points Experience of the Lead Attorney: 1 – 2 years = 5 points Experience of the Lead Attorney: 3 – 6 years = 10 points Experience of the Lead Attorney: 7 – 10 years = 20 points Experience of law firm's Lead Attorney 11 and above = 30 points 	30	
Areas of Law	<p>Areas of Law of the law firm</p> <ul style="list-style-type: none"> Law firm has tendered for 0 Areas of law = 0 points Law firm has tendered for 1 – 3 Areas of law = 15 points Law firm has tendered for 4 and above = 25 points 	25	
Client References	<p>Client reference letters per area of law of Bidder. The letter(s) must be on a client's letterhead signed by an authorized representative of the client. Maximum three (3) letters per area will be considered. PLEASE USE THE ATTACHED TEMPLATE</p> <ul style="list-style-type: none"> Zero (0) client references attached per Areas of law= 0 points One (1) client reference attached per Areas of law= 3 points Two (2) client references attached per Areas of law= 4 points Three (3) client references attached per Areas of law= 3 points 	15	
	TOTAL	100	
Failure to obtain the minimum of 70 on functionality will result in disqualification from further evaluation.			

CRITERIA FOR LARGE FIRMS

ELEMENT		WEIGHT	SCORE
Bidder's Experience	<p>The number of years the law firm has been in business</p> <ul style="list-style-type: none"> • 1 year = 5 points • 2 – 6 years = 10 points • 7 – 10 years = 15 points • 11 – 15 years = 20 points • 16 - 20 years = 25 points • 21 - 25 years = 30 points • 26 years and above = 35 points 	35	
	<p>Demonstrable Relevant Experience of the Bidder's Lead Attorney (for this bid) The Bidder must indicate the name of one Lead Attorney for this bid and further supply the Lead Attorney's Curriculum vitae, the Valid and Current Fidelity Fund Certificate to qualify for full points. <u>Partial or no response to this request will result in no points being awarded.</u></p> <ul style="list-style-type: none"> • Experience of the Lead Attorney: 0 years = 0 points • Experience of the Lead Attorney: 1 – 5 years = 10 points • Experience of the Lead Attorney: 6 – 10 years = 15 points • Experience of the Lead Attorneys: 11 years and above = 20 points 	20	
Client reference letters	<p>Client reference letters per area of law of Bidder. Letter must be on a client's letterhead signed by an authorized representative of the client. Maximum three (3) reference letters per area of law.</p> <ul style="list-style-type: none"> • Zero (0) client references attached per Areas of law= 0 points • One (1) client reference attached per Areas of law= 2 points • Two (2) client references attached per Areas of law= 5 points • Three (3) client references attached per Areas of law= 10 points 	10	
Footprint	<p>Location of the Head Office (NOT THE BRANCH OFFICE):</p> <p>Head Office in KwaZulu-Natal = 10 points</p> <p>Head Office in Other Province = 0 points</p>	10	

ELEMENT		WEIGHT	SCORE
	The address inserted in the bid document will be considered as the Head Office		
Management of conflict of interest	Management of conflict of interest No existing policy and/or procedure = 0 points Existing policy and/or procedure (Kindly attach existing policy and/or procedure) =10 points	10	
Skills Transfer Plan	The plan must include (i) a plan for the transformation of the legal field through inclusive development of newly qualified legal professionals and (ii) a willingness by the firm to accept joint engagement for individual assignments with small black law firms. <ul style="list-style-type: none"> • No or partial plan = 0 points • The plan clearly and adequately addresses the two requirements = 15 points 	15	
TOTAL		100	
Note: Failure to obtain the minimum of 70 on functionality will result in disqualification from further evaluation.			

C.10 TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BIDDING THAT

- The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his/her tax obligations.
- In bids where Consortia/Joint Ventures/Sub-contractors/Partners are involved, each party must be in compliance with SARS and such information will be verified through central supplier database (CSD).

C.11 BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

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:

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

C.12 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 80/20 system for requirements with a Rand value equal to or above R30 000 and up to R50million (all applicable taxes included); and
- 90/10 system for requirements with a Rand value above R50m (all applicable taxes included).

1.2 The value of this bid is estimated to below R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser

2. DEFINITIONS

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance

fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity

based

on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less,
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or Bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.

3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATIONS WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number

:

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....

C.13 BID SUMMARY AND DETAILS

We the undersigned submit this bid in accordance with the conditions contained in the referenced RFP document and attach the documents required:

No.	Description in detail	Documents Attached
A. Commercial Documents		(Yes/ No/ N.A.)
1.	Deviations from Request for Proposal	
2.	Covering letter	
3.	Entire Bid Document	
4.	CC or Company Registration Documents or copy of ID if sole propriety	
5.	In good standing with SARS and such information will be verified through Central Supply Database (CSD);	
6.	BBBEE Certificate/Affidavit	
7.	Bidder's Disclosure	
8.	Joint Venture Agreement where applicable	
9	Attendance of Compulsory Site Briefing Certificate form	
B. Technical Documents		
10	Proposal: Detailing Company Profile and award letters	
11	Contactable references letters where the bidder has rendered similar service	
12	A valid Lead Attorney's Fidelity Fund certificate	
13	Capacity of the bidder	
14	Company Standard operating procures	

Name

Date

Signature

