

1st Floor, 29 South, 7 Umsinsi Junction, La Mercy,
KwaZulu-Natal, 4399
www.moseskotaneinstitute.com

Expression of Interest: Legal Panel

Ref No	MKI03/2022
Description	Legal panel member
Closing date and time to submit quotation	12 April 2023 at 16:30
Technical queries must be emailed to:	Thembelihle.mapipa@moseskotane.com
Applications/expression of interest and SCM queries must be strictly emailed to:	Sinenhlanhla.ngqulunga@moseskotane.com

Applications are hereby invited from firms/companies/sole proprietors, suitably qualified and experienced to be added on the legal panel to represent the Moses Kotane Institute.

1. Disclaimer:

- 1.1. MKI reserves its right not to appoint.
- 1.2. MKI reserves its right to appoint more than one service provider (i.e. one service provider for each case)
- 1.3. MKI reserves its right to negotiate the price with the relevant panel member in due course, should it be necessary.
- 1.4. MKI reserves the right to terminate the mandate should a pre-existing conflict of interest on the part the firm and or assigned human resource (s) be found at any stage of the panel period.
- 1.5. Originals of the documents will be requested from the qualifying applicant panel members.
- 1.6. MKI reserves the right to prescribe the required experience for each assignment after the appointment of the panel, depending on the services required at that particular point.
- 1.7. Bid validity period is 90 days from the closing date of the bid.
- 1.8. Bids received after the closing date and time will not be considered.

2. Background information:

- 2.1. The Moses Kotane Institute is an entity of the KwaZulu-Natal Provincial Government through the Department of Economic Development, Tourism and Environmental Affairs (EDTEA). Its mandate is to conduct world class research that responds to the needs of the provincial economy.
- 2.2. The purpose of these terms of reference is to set up a legal panel to provide external legal services, mainly litigation in civil and labour matters on behalf of MKI as may be required from time to time.
- 2.3. The proposed panel will be appointed for a period of 36 months.

3. Scope of work:

- 3.1. To institute and defend MKI in litigation matters (civil and labour), including but not limited to the following.
 - 3.1.1 Draft court proceedings.
 - 3.1.2 Correspondence with the opposition.
 - 3.1.3 Liaise with the internal legal advisors.
 - 3.1.4 Consult with the relevant personnel within MKI.
 - 3.1.5 Brief Counsel and or Expert witnesses (where necessary).
 - 3.1.6 Provide legal opinions where required.
 - 3.1.7 Attend to litigation related functions.

NOTE: A fixed rate of R1200.00 per hour, exclusive of Vat, inclusive of all services and disbursement will be applicable for these services, exclusive of expert fees as Counsel (Advocates) and other relevant Experts that may be required to deliver the services effectively.

4. Outputs:

To do all necessary to achieve a positive outcome for MKI.

5. Time frames:

MKI will discuss the relevant time frames, with the appointed member of the panel member, in due course depending on the services required.

6. Key qualifying requirements of the human resource (s) proposed to handle MKI matters:

- 6.1. Qualifications in support of which a CV is required:
 - 6.1.1 B. Proc. or LLB or equivalent.
 - 6.1.2 Current and valid registration with the Legal Practice Council as required in terms of the Legal Practice Act of 2014.
 - 6.1.3 Right of appearance in the High Court of South Africa.
 - 6.1.4 Five to ten years post admission experience, depending on the services required at that particular point.
 - 6.1.5 MKI reserves the right to prescribe the required experience for each assignment after the appointment of the panel.
 - 6.1.6 Experience or qualifications in corporate law will be an added advantage.
- 6.2. Location – the human resource (s) proposed to handle this project, should be based in KwaZulu-Natal.

NB: Please refer to annexure A, attached hereto, for technical scoring grid.

7. Mandatory compliance requirements:

- 7.1. Proof of current and valid registration with the Legal Practice Council as required in terms of the Legal Practice Act of 2014.
- 7.2. Right of appearance in the High Court of South Africa.
- 7.3. Valid and current Fidelity Fund certificate.
- 7.4. Valid tax clearance certificate/ Pin.
- 7.5. Valid BBBEE certificate or Sworn affidavit.
- 7.6. Proof of company registration, where applicable i.e. unless you are a sole proprietor (which will appear in the Legal Practice Council registration).
- 7.7. Letter confirming business/practice bank account (not older than 6 months).
- 7.8. Certified ID copies of the director/s of the company or Sole Proprietor (not older than 6 months).
- 7.9. Certified ID copy of the human resource (s) proposed to handle this project (not older than 6 months).
- 7.10. CVs of the human resource (s) proposed to handle MKI matters.
- 7.11. Proof of registration on the Treasury Central Supplier Database.
- 7.12. Declaration of interest form (attached hereinto)

NB: Failure to comply with the above mandatory requirements will lead to disqualification.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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 a price quotation, advertised competitive bid, limited bid or proposal). 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, shareholder²):
.....

2.4 Company Registration Number:
.....

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.

“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 attached 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:

.....

3 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Reference Number	Tax	State Employee Number / Persal Number

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

EVALUATION GRID

COMPANY NAME	
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STAGE 1

ADMINISTRATIVE COMPLIANCE GRID (Y=Yes / N=No)					
#	Document	Submitted	Compliant	Non-Compliant	Not Submitted
1	Proof of current and valid registration with the Legal Practice Council as required in terms of the Legal Practice Act of 2014				
2	Right of appearance in the High Court of South Africa				
3	Valid Fidelity Fund certificate				
4	Valid tax clearance certificate/ Pin				
5	Valid BBBEE certificate or Sworn Affidavit				
6	Proof of company registration, where applicable i.e. unless you are a sole proprietor (which will appear in the Legal Practice Council registration)				
7	Letter confirming business/practice bank account (not older than 6 months)				
8	Certified ID copies of the director/s of the company or Sole Proprietor (not older than 6 months)				
9	Certified ID copies of the human resource (s) that is proposed to handle this project (not older than 6 months)				
10	CVs of the human resource (s) proposed to handle MKI matters				
11	Proof of registration on the Treasury Central Supplier Database				
12	Declaration of interest form				

