

# Finance and Procurement Department

## Supply Chain Management

# Request for Bids (RFB)

**APPOINTMENT OF A PANEL OF EXTERNAL ATTORNEYS FOR SMALL ENTERPRISE FINANCE AGENCY (sefa) FOR THE PERIOD OF THIRTY-SIX (36) MONTHS.**

### Bid Information

<b>Bid Number</b>	<b>75/LEG/2022</b>
<b>Bid Submission Date</b>	15 December 2022 @ 11:00 am
<b>Bid Duration</b>	Appointment of a panel of external Attorneys for Small Enterprise Finance Agency ( <b>sefa</b> ) for the period of thirty-six (36) months.
<b>Bid Validity Period from Date of Publication</b>	120 days
<b>Non-Compulsory Site Inspection</b>	N/A
<b>Address for Site Inspection Session &amp; Bid Submission</b>	<b>sefa</b> Head Office Byls Bridge Building 14, Block D, 11 BylsBridge Boulevard, Cnr Jean Avenue and Olievenhoutbosch Road Centurion, 0157
<b>Bid Contact Person</b>	Sebotse Mokgabudi on (012) 748-9725 <a href="mailto:sebotsem@sefa.org.za">sebotsem@sefa.org.za</a> / <a href="mailto:procurement@sefa.org.za">procurement@sefa.org.za</a>
<b>Evaluation Method: Points System</b>	80/20
<b>Required Bidder B-BBEE Level</b>	1 - 8 EME or QSE
<b>Deadline for Responding to Clarifications for this bid</b>	09 December 2022
<b>Fraud Hotline</b> <i>to report any wrongful or criminal deception or coercion intended to result in financial or personal gain by any <b>sefa</b> employee or person involved in this bidding process</i>	0800 000 663 (For <b>anonymous</b> reporting)

## SPECIAL CONDITIONS AND REQUIREMENT OF CONTRACT

### APPOINTMENT OF A PANEL OF EXTERNAL ATTORNEYS FOR SMALL ENTERPRISE FINANCE AGENCY (sefa) FOR THE PERIOD OF THIRTY-SIX (36) MONTHS.

#### 1. INTRODUCTION AND BACKGROUND

1.1. Small Enterprise Finance Agency (SOC) Ltd, commonly known as **sefa**, was established on the 1<sup>st</sup> of April 2012 as a result of the merger of South African Micro Apex Fund (**samaf**), Khula Enterprise Finance Ltd and the small business activities of IDC. **sefa** is a wholly owned subsidiary of Industrial Development Corporation (IDC) and brings together activities of three previous structures (Khula, **samaf** and IDC small business activities. **sefa** operates as a Development Finance Institution (DFI) and its mandate is to foster the establishment, survival and growth of SMMEs and contribute towards poverty alleviation and job creation. **sefa** has a regional footprint in 9 (nine) offices around the country.

#### 2. OVERVIEW OF REQUIREMENTS

2.1. The Legal Services Department is responsible for providing objective value adding and innovative advisory services to **sefa**. The department ensures that the organization's legal risks are managed and mitigated adequately and reduces **sefa**'s exposure to litigation while simultaneously maximizing on collections and recoveries. **sefa** seeks to appoint a panel of external attorneys from whom assistance shall be sought on a need basis. **sefa** requests proposals from capable external attorneys from all 9 (nine) provinces of the Republic of South Africa.

2.2. **sefa** will consider bid documents/tenders from external attorneys who have a registered office in any/or all provinces.

#### 3. BID SUBMISSION REQUIREMENTS

3.1. Bids must be submitted in a **sealed envelope and marked** as follows:

##### **ATTENTION: sefa SUPPLY CHAIN MANAGEMENT**

Description of the Bid

Bid Number

Name of the Bidder

#### 3.2. General Bid requirements

- a. Bid documents **must** be initialled on every page.
- b. Number of sealed envelopes/files must compose of one (1) **ORIGINAL** and one (1) electronic PDF **copy** of the original bid proposal document on a CD or flash drive.

- c. Submissions of the Bid responses MUST be made by depositing the Bid proposal into the Tender Box situated at **sefa** Head Office at the physical address below on or before the closing date as stated on page 1 of this Request for Bid document under Bid Information.
- d. The bidder will bear all expenses associated with the preparation and submission of this Bid.

### 3.3. **sefa Physical Address**

Byls Bridge Building 14, Block D,  
11 BylsBridge Boulevard,  
Cnr Jean Avenue and Olievenhoutbosch Road  
Centurion  
0157

For more information, please visit the **sefa** website: [www.sefa.org.za](http://www.sefa.org.za)

### 3.4. **Bid Responses**

#### 3.4.1. **Bid Format**

3.4.2. Bidders shall submit their bid response in accordance with the requirements as outlined in the Bid Response Template provided in **Appendix 1**.

3.4.3. Each section must be clearly marked, and the documents must be bound.

3.4.4. The RFB comprises a number of sections and the bidder's proposal must include all the required information and documentation as outlined in this RFB.

#### 3.4.5. **General Conditions of Contract**

3.4.5.1. Completion of all Standard Bidding Documents (SBD by hand, attached in **ANNEXURES A**, and adhering to all other requirements as outlined on each form. The following SBD and other forms must be duly completed and signed, and returned as part of the Bid Proposal:

- a. **SBD 1:** Invitation to Bid.
- b. **SBD 4:** Declaration of Interest.
- c. **SBD 6.1:** Preference Points Claim Form.
- d. Original and valid **Tax Clearance Certificate(s)** (TCC) or *PIN* issued by SARS.
- e. In bids where joint venture, consortium or partnership are involved, it is required that each party must submit separate proof of Tax Clearance Certificate(s) or *PIN* issued by SARS

- f. Submission of a certified copy of a **valid B-BBEE certificate** issued through a SANAS Accredited Agency, with the exception of Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprises (QSEs). These enterprises need to submit B-BBEE **sworn affidavits** as per the requirements of the Department of Trade and Industry (DTI) for qualifying enterprises except those who fall under the Construction Sector Charter Council (CSCC). Other sworn affidavits will not be accepted. The DTI and CSCC affidavit templates are available under **ANNEXURE B**.
- g. National Treasury **Central Supplier Database (CSD) registration** (attached proof of registration).
- h. Submission of bidder's **Companies & Intellectual Property Commission (CIPC) registration documents**, listing all Directors or Shareholders and certified copies of the Identify Documents (ID) of Directors or Shareholders.

3.4.5.2. The successful bidder and its staff shall comply with all the laws of the Republic of South Africa and as it relates to this bid.

3.4.5.3. The bidder's staff must be South African citizens and **sefa** reserves the right to validate citizenship.

#### 3.4.6. **Price Proposal**

- a. Bidders are required to complete and sign their pricing proposals.
- b. **NB:** Failure to complete and submit a pricing proposal, will lead to disqualification of the bid.

#### 3.5. **Late Bids**

Bids submitted at the stated bid address, after the closing date & time, shall not be considered under any circumstances.

#### 3.6. **Counter Conditions**

Bidder's attention is drawn to the fact that amendments to any of the bid conditions or setting of counter conditions by the bidder shall render the bid invalid.

#### 3.7. **Bid Distribution**

3.7.1. The distribution of this RFB outside the Republic of South Africa may be restricted or prohibited by the laws of other countries. Recipients of this RFB are advised to familiarize themselves with and comply with all such restrictions or prohibitions applicable in those jurisdictions, and neither **sefa**, nor any of their respective directors, officers, employees, agents, representatives or advisors, accepts liability to any person or company for any damages arising out of or in connection with the breach of any restriction or provision outside the Republic of South Africa.

Persons contemplating submitting a Bid are advised to obtain legal advice as to the possible consequences thereof in terms of the law of the jurisdictions in which they are located.

3.7.2. Recipients of this RFB document may only distributed it to other parties whom they wish to involve as part of their bidder consortium in submitting a bid.

### 3.8. **Presentations**

**sefa** reserves the right to require that any bidder provides a formal presentation of its bid proposal, at a date and time to be determined by **sefa**. All instructions and clarification regarding the purpose and scope of the presentation/demonstration shall be provided by **sefa**. The bidder shall bear all expenses associated with the preparation of such presentations/demonstrations.

### 3.9. **Evaluation Process**

Bids shall be evaluated in terms of the process outlined below.

#### 3.9.1. **Stage 1: Initial Screening Process & Pre-Target Requirements**

During this stage, bid responses will be reviewed for purposes of assessing compliance with the RFB requirements including the General Conditions of Contract as outlined in this RFB, stated Special Conditions of Contract.

#### 3.9.2. **Stage 2: Mandatory Requirements**

Bids will be evaluated on Mandatory as outlined in **ANNEXURE C**.

**NB:** Failure to comply with the requirements in Stage 2 shall lead to disqualification of the bid proposal.

#### 3.9.3. **Stage 3: Functional Evaluation and Scoring**

- a. All bids will be evaluated independently by the evaluation panel members in terms of the defined evaluation criteria for functionality out of 100 points.
- b. All bids that score less than **70 out of 100 points** on functionality shall not be considered further and shall be regarded as having submitted a non-responsive bid; and shall be disqualified.
- c. Bids will be evaluated on Functionality as outlined in **ANNEXURE D**.

**NB:** Failure to comply with the requirements in Stage 2 shall lead to disqualification of the bid proposal.

#### 3.9.4. **Stage 4: Evaluation of Proposal on Applicable Points System**

3.9.4.1. Only bidders who scored 70 points or more out of a 100 on the functional evaluation will be evaluated during stage 3 on price and preference.

3.9.4.2. In terms of Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) and the amended regulations, responsive bids will be adjudicated by the State on the applicable point system.

3.9.4.3. In terms of **80/20 points system**, points are awarded to bidders on the basis of:

**The bid price (maximum 80 points)**

Following formula will be used to calculate the points for price:

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

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

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

3.9.4.4. The points scored by a bidder in respect of the level of B-BBEE contribution will be added to the points scored for price.

3.9.4.5. Only bidders who have completed and signed the declaration part of the preference claim form and who have submitted a B-BBEE status level certificate issued by a SANAS accredited verification agency will be considered for preference points.

3.9.4.6. **sefa** may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to preference.

3.9.4.7. The points scored will be rounded off to the nearest 2 decimals.

- 3.9.4.8. In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of preference points for B-BBEE.
- 3.9.4.9. However, when functionality is part of the evaluation process and two or more bidders have scored equal points including equal preference points for B-BBEE, the contract will be awarded to the bidder scoring the highest for functionality.
- 3.9.4.10. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.
- 3.9.4.11. A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

#### **4. POST AWARD CONDITIONS**

- 4.1. The successful bidder must ensure the following:
- 4.2. That the staff working under this contract are in good health.
- 4.3. That they are adequately trained prior to commencement of the contract.
- 4.4. That replacement staff is available should the need arise. The bidder is obligated to inform **sefa** of any removal and replacement and the replacement of staff can only be done with the formal approval of **sefa**.
- 4.5. Staff must be dressed appropriately and where required; staff uniform must be in good condition.
- 4.6. The bidder's staff must be South African citizens and sefa reserves the right to validate citizenship.

#### **5. Panel Utilisation Guidelines**

- 5.1. Once the panel is selected and appointed, formal requests will be issued to the panel. **Sefa** will develop service and/or project requirements with clearly defined deliverables.
- 5.2. The selection of service providers from the panel for the RFQ process will be on a rotational basis. Quotations will be sourced from the panel in line with the contracted/ approved hourly rates.
- 5.3. **sefa** reserves the right to appoint a limited number of bidders to the panel of Experts/ Service Providers for the provision of Professional Services to the **sefa** and will apply the provisions of the PPPFA in determining the Top Scoring Bidders. **sefa** reserves the right to increase or decrease the number of consulting firms appointed to the panel.
- 5.4. The contracting of service providers for specific work assignments will be facilitated by the SCM departments respectively for **sefa**.
- 5.5. There is no guarantee that a service provider on the panel will be contracted for specific work assignments/project during the tenure of this contract.

- 5.6. Service providers that have been appointed to the Panel of Experts for the respective type of services will be approached and be requested to provide a quotation at the time the service is required
- 5.7. Assignments/projects will be clearly defined in terms of the scope of work and/or work packages, proposed timeframes, qualifying criteria, qualification requirements, expected duration (hours) amongst others.
- 5.8. The **sefa** SCM department will be responsible for the evaluation of quotations received in terms of the RFQ, and award of contracts or Service Level Agreements for specific work assignments/projects.
- 5.9. **Sefa** reserves the right to procure its requirements elsewhere should the minimum contract specified by the bidder from the panel be more than that of the institution's requirements or if the services are promptly required and not appropriately available from the panel members or in other cases, or urgency.
- 5.10. The **sefa** SCM and Legal Department reserves the right to allocate work packages/projects to more than one service provider/expert, depending on the nature of the assignment/project.
- 5.11. The assignments/projects will be managed by SCM and Legal Department.
- 5.12. In requesting quotations, **sefa** reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided by National Treasury in the "*Guide on Hourly Fee Rates for Consultants, published January 2003*". The Department of Public Service and Administration (DPSA) will publish revised fee rates on its website:  
(<http://www.dpsa.gov.za/projects/sdi/consultants.htm>)
- 5.13. Travel expenses must be line with the cost containment instruction note

## 6. **RESOURCE REQUIREMENTS**

The successful bidder must provide the following equipment, if required by the bidder's staff, in the execution of their duties:

- Laptop or similar device.
- Internet connectivity.
- Transportation and/or vehicle (if required) to deliver the service outlined in this bid.
- Cellphone and/or landline.

## **7. SERVICE LEVEL AGREEMENT**

- 7.1. The successful bidder will be required to enter into a Service Level Agreement with **sefa**.
- 7.2. A performance measurement processes will form an integral part of the Service Level Agreement, to be signed after the successful bidder has been appointed.

## **8. SUPPLIER DUE DILIGENCE**

- 8.1. **sefa** reserves the right to conduct bidder due diligence to short listed bidders prior to final award or at any time during the contract period. This may include site visits if applicable.
- 8.2. **sefa** reserves the right to request the successful bidder and its staff to undergo a security vetting and/or credit vetting processes via external services providers such as Credit Bureaus and the South African Police Services. By submitting a bid proposal, the bidder gives explicit approval for **sefa** to conduct such vetting requirements, if and when required.

## **9. BID CANCELLATION**

In the case of the cancellation of this RFB, **sefa** shall endeavour to inform all bidders, through the same medium used for the communication of the RFB

## **10. MATERIAL CHANGES**

- 10.1. Any material change in the control and/or composition of any bidder or any core member of a bidder after submission of a Bid, shall require the prior written approval of **sefa**, and any failure to seek such approval from **sefa** shall result in **sefa** being entitled, in its sole discretion, to exclude the relevant bidder from any further participation in the bid process or to cancel the engagement. This shall be interpreted to include post appointment and subcontracting of work arising out of this bid to complete certain work.
- 10.2. **sefa** shall be the sole arbiter as to what constitutes a “material change in the control and/or composition of any bidder”, and as to what constitutes a “core member of a bidder” for purposes of such approval. Any request for such approval shall be made to **sefa’s** Supply Chain Management in writing and shall provide sufficient reasons and information to allow **sefa** to make such a decision. **sefa** reserves the right to accept or reject any such request for approval.

## **11. COMMUNICATION**

- 11.1. **sefa** may communicate with bidders where clarity is sought after the closing date of the bid and prior to the award of the contract, or to extend the validity period of the bid, if necessary. Such communications will be done via the Supply Chain officials listed as the contact persons for this bid process.

11.2. All communication (enquiries/clarifications) relating to this bid shall take place between the bidder and the Supply Chain Management officials listed as the contact persons for this bid process. Such communication shall be done in writing only.

11.3. Communication between the closing date and the award of the bid, between the bidder and other **sefa** officials or persons acting in an advisory capacity for the State, in respect of this bid, is prohibited.

## 12. CONTACT DETAILS

### 12.1. Main Contact

**Name** : Sebotse Mokgabudi

**Tel** : (012) 748-9725

**Email** : [sebotsem@sefa.org.za/procurement@sefa.org.za](mailto:sebotsem@sefa.org.za/procurement@sefa.org.za)

### 12.2. Alternative Contact

**Name** : Mpho Thagwana

**Tel** : (012) 748-9668

**Email** : [mphot@sefa.org.za/procurement@sefa.org.za](mailto:mphot@sefa.org.za/procurement@sefa.org.za)

**NB:** Communication outside this platform is **strictly prohibited** and should bidders be found to be in contact with any of **sefa's** staff members on matters relating to this bid, such bidders shall automatically be disqualified from this bid process.

## 13. SCOPE OF WORK / TERMS OF REFERENCE

The Scope of Work / Term of Reference is attached as **ANNEXURE E**.

## 14. ANNEXURES

Annexure A : Standard Bidding Documents: SBD1 to SBD6.1 Forms

Annexure B : Sworn Affidavit Templates for EMEs and QSEs

Annexure C : Mandatory Requirements

Annexure D : Functionality Evaluation Criteria

Annexure E : Scope of Work / Terms of Reference

Annexure F : Pricing Proposal

Appendix 1 : Bid Proposal Template

## Standard Bidding Documents: SBD1 to SBD 6.1 Forms

Document Name	Template
SBD 1	 SCM-Bid documents SBD 1 -7
SBD 6.1	 SBD 6 1 2017.pdf
SBD 4	 SCM-Bid documents SBD 4.pc
GCC	 GCC

SWORN AFFIDAVITS FOR EMES AND QSES

**Department of Trade and Industry (DTI) Templates**

Applicable to all sectors except Construction



DTI Sworn Affidavit  
EME Gen.pdf



DTI Sworn Affidavit  
QSE.pdf

Also available from the DTI:

[https://www.thedti.gov.za/economic\\_empowerment/docs/Affidavit-QSE-Gen.pdf](https://www.thedti.gov.za/economic_empowerment/docs/Affidavit-QSE-Gen.pdf)

[https://www.thedti.gov.za/economic\\_empowerment/docs/Affidavit-EME-Gen.pdf](https://www.thedti.gov.za/economic_empowerment/docs/Affidavit-EME-Gen.pdf)

**Construction Sector Charter Council (CSCC) Templates**

Applicable for EMES and QSEs in the construction industry, residing under the CSCC.



Final CSC EME  
Affidavit - March 2018

Also available from the CSCC:

<http://www.cscconline.org.za/documents/Final%20CSC%20EME%20Affidavit%20-%20March%202018.pdf>

**ANNEXURE C**  
**MANDATORY REQUIREMENTS**

**Technical evaluation criteria (Small, Medium and Large Firms)**

**Mandatory Technical Requirements**

The service provider must indicate their compliance/ non-compliance to the following requirements and to substantiate as required. The bidder must respond in the format below, where additional information is provided/ attached somewhere else; such information must be clearly referenced.

<p><b>REGISTRATION WITH RELEVANT PROVINCIAL OFFICE OF THE LEGAL PRACTICE COUNCIL (LPC) OF SOUTH AFRICA</b></p> <ul style="list-style-type: none"> <li>❖ The firm must be registered with the relevant Provincial Office of the LPC;</li> <li>❖ Proof of registration from the relevant Provincial Office of the LPC must be provided; and</li> <li>❖ Bidders must submit a valid clearance certificate issued by the relevant provincial office of the LPC. Copies must be certified and not older than three (3) months.</li> </ul>	<p><b>Comply/Not Comply</b></p>
<p><b>CONVEYANCING CERTIFICATE</b></p> <ul style="list-style-type: none"> <li>❖ Firms applying for the category of conveyancing, a certificate of admission as a conveyancer of the individual conveyancer employed on a full-time basis by the law firm must be provided. Copies must be certified and not older than three (3) months.</li> </ul>	<p><b>Comply/Not Comply</b></p>
<p><b>FIDELITY FUND CERTIFICATE</b></p> <ul style="list-style-type: none"> <li>❖ The Firm of Attorney(s) must provide valid proof of the Fidelity Fund Certificate issued to the firm by the relevant provincial office of the LPC. Copies must be certified and not older than three (3) months.</li> </ul>	<p><b>Comply /Not Comply</b></p>
<p><b>EXPOSURE TO FINANCIAL SERVICES SECTOR</b></p> <ul style="list-style-type: none"> <li>❖ Thoroughly understand the NCR terms of reference.</li> <li>❖ Acknowledge of structuring financial transactions.</li> <li>❖ Thoroughly understand the lending institution and its securities.</li> <li>❖ Contracting within the financial sector.</li> </ul> <p><b>NB: Bidder to demonstrate the above on the company profile/ reference letters</b></p>	<p><b>Comply /Not Comply</b></p>

**NB: Failure to comply with the Mandatory Requirements may lead to disqualification of the proposal.**

## FUNCTIONAL EVALUATION CRITERIA

**sefa** will 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:

<b>Firm</b>	<b>Definition</b>	<b>✓ PLEASE TICK ( )</b>
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 **sefa** will be using different evaluation criteria for the small/medium and large sized law firms as depicted on the functional requirement criteria

**FUNCTIONAL REQUIREMENTS:**

**The Bidder(s) with the functionality score of 70 points out of 100 as per requirements will be further evaluated for Price & BEE.**

**The below scoring scale shall be used to evaluated technical proposals:**

**CRITERIA FOR SMALL AND MEDIUM SIZED FIRMS**

FUNCTIONALITY	POINTS	SCORING MATRIX
<p><b>EXPERIENCE</b></p> <ul style="list-style-type: none"> <li>The bidder must have a minimum of five (05) years demonstrable post admission experience in the service category they are bidding for:</li> </ul> <p>The bidder must submit the following as part of its proposal;</p> <p><b>REFERENCES</b></p> <ul style="list-style-type: none"> <li>The bidder must provide reference for the past five (05) years from clients where the bidders recently provided services for each category the bidder is bidding for.</li> <li>Reference letter from previous and current clients on the client's letterhead, and the letter should contain the following: <ul style="list-style-type: none"> <li>Name of department/organization;</li> <li>Description of the contract; and</li> <li>Contract period;</li> <li>Contact person, contact details and email address</li> </ul> </li> <li>Details of recent transactions/matters the bidder has handled for each service category. <b>sefa</b> reserves the right to consider experiences of external attorneys that have previously provided services to <b>sefa</b>. Please refer to <b>Annexure E</b> of the document format in which the required information must be furnished.</li> </ul>	<p><b>40</b></p>	<p>No experience and list of transactions/matters submitted= 0</p> <p>One year to two years' experience and list of transactions/matters submitted= 1</p> <p>Three to four years' experience in the respective service categories, including the list of transactions/matters = 2</p> <p>Five years' experience in the respective service category, including the list of transactions matters = 3</p> <p>above five to six years' experience in the respective service categories, including the list of transactions/matters = 4</p> <p>seven to ten years' experience in the respective service categories including the list of transactions/matters = 5</p>
<p><b>QUALIFICATION AND EXPERIENCE OF THE ATTORNEYS</b></p> <ul style="list-style-type: none"> <li>Proposed list of admitted attorneys (s) must have a minimum of five (05) years demonstrable post admission experience in the service category they are bidding for, please refer to <b>Section 3</b> of the document format in which the required information must be furnished.</li> <li>CV's of the admitted attorneys must clearly indicate qualifications, areas of experience/competence.</li> </ul>	<p><b>40</b></p>	<p>One year to two years' experience and CVs attached experience for respective categories = 1</p> <p>Three to four experience and CVs attached experience for respective categories = 2</p> <p>Five years' experience and CVs attached experience for respective categories = 3 and CVs attached experience for respective categories = 4</p> <p>above five to six years' experience and CVs attached experience for respective categories = 4</p> <p>seven to ten years' experience and CVs attached experience for respective categories = 5</p>

<p><b>LITIGATION STRATEGY</b></p> <ul style="list-style-type: none"> <li>• Litigation strategy document</li> <li>• Analysis for the prospect of success</li> <li>• Quantum and cost analysis</li> <li>• Evaluation for the possibility of settlement</li> <li>• Cost saving plan</li> <li>• Skills transfer plan</li> </ul>	<p><b>20</b></p>	<p>No submission of the document strategy = 0</p> <p>Strategy document with analysis for the prospect of success =1</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis = 2</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis and Evaluation for the possibility of settlement = 3</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis, Evaluation for the possibility of settlement and Cost saving plan = 4</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis, Evaluation for the possibility of settlement, Cost saving plan and skills transfer plan = 5</p>
<p><b>FUNCTIONALITY</b></p>	<p><b>100</b></p>	

**CRITERIA FOR LARGE FIRMS**

FUNCTIONALITY	POINTS	SCORING MATRIX
<p><b>EXPERIENCE</b></p> <ul style="list-style-type: none"> <li>• The bidder must have demonstrable experience in the service categories they are bidding for minimum of ten to fifteen (10-15) years after admission.</li> </ul> <p>The bidder must submit the following as part of its proposal;</p> <p><b>REFERENCES</b></p> <ul style="list-style-type: none"> <li>• The bidder must have a minimum of ten to fifteen (10-15) years demonstrable post admission experience in the service category they are bidding for.</li> <li>• Reference letter from previous and current clients on the client’s letterhead, and the letter should contain the following: <ul style="list-style-type: none"> <li>▪ Name of department/organization;</li> <li>▪ Description of the contract; and</li> <li>▪ Contract period;</li> <li>▪ Contact person, contact details and email address</li> </ul> </li> <li>• Details of recent transactions/matters the bidder has handled for each service category. sefa reserves the right to consider experiences of external attorneys that have previously provided services to <b>sefa</b>. Please refer to <b>Annexure E</b> of</li> </ul>	<p><b>30</b></p>	<p>No experience and list of transactions/matters submitted= 0</p> <p>Less than five years’ experience and list of transactions/matters submitted= 1</p> <p>Five and less than ten years’ experience in the respective service categories, including the list of transactions/matters = 2</p> <p>Ten to fifteen years’ experience in the respective service categories, including the list of transactions/matters = 3</p> <p>Above fifteen to twenty years’ experience in the respective service categories including the list of transactions/matters = 4</p> <p>Above twenty years’ experience in the respective service categories including the list of transactions/matters = 5</p>

<p>the document format in which the required information must be furnished.</p>		
<p><b>QUALIFICATION AND EXPERIENCE OF THE ATTORNEYS</b></p> <ul style="list-style-type: none"> <li>▪ Proposed list of admitted attorneys (s) must have a minimum of ten to fifteen years demonstrable post admission experience in the service category they are bidding for, please refer to <b>Section 3</b> of the document format in which the required information must be furnished.</li> <li>▪ CV's of the admitted attorneys must clearly indicate qualifications, areas of experience/competence.</li> </ul>	<p><b>30</b></p>	<p>No relevant experience and CVs not attached for respective categories = 0</p> <p>Less than five years' experience and CVs attached experience for respective categories =1</p> <p>Five and less than ten years' experience and CVs attached experience for respective categories=2</p> <p>Ten to fifteen years' experience and CVs attached experience for respective categories = 3</p> <p>Above fifteen to twenty years ' experience and CVs attached experience for respective categories = 4</p> <p>Above twenty experience and CVs attached experience for respective categories = 5</p>
<p><b>LITIGATION STRATEGY</b></p> <ul style="list-style-type: none"> <li>• Litigation strategy document</li> <li>• Analysis for the prospect of success</li> <li>• Quantum and cost analysis</li> <li>• Evaluation for the possibility of settlement</li> <li>• Cost saving plan</li> <li>• Skills transfer plan</li> </ul>	<p><b>40</b></p>	<p>No submission of the document strategy = 0</p> <p>Strategy document with analysis for the prospect of success =1</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis = 2</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis and Evaluation for the possibility of settlement = 3</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis, Evaluation for the possibility of settlement and Cost saving plan = 4</p> <p>Strategy document with analysis for the prospect of success, Quantum and cost analysis, Evaluation for the possibility of settlement, Cost saving plan and skills transfer plan = 5</p>
<p><b>FUNCTIONALITY</b></p>	<p><b>100</b></p>	

## SCOPE OF WORK / TERMS OF REFERENCE

**1. INTRODUCTION**

1.1. The Legal Services Department is responsible for providing objective value adding and innovative advisory services to **sefa**. The department ensures that the organization's legal risks are managed and mitigated adequately and reduces **sefa**'s exposure to litigation while simultaneously maximizing on collections and recoveries.

**2. OVERVIEW OF REQUIREMENTS**

2.1. **sefa** seeks to appoint a panel of external attorneys from whom assistance shall be sought on a need basis. **sefa** requests proposals from capable external attorneys from all nine (09) provinces of the Republic of South Africa.

2.2. The Service Provider must comply with all relevant government and industry related legislations. The Service Provider must also comply with all **sefa**'s policies, terms and conditions.

2.3. The contract is for a period of thirty-six (36) months, effective from the date of appointment.

**3. PURPOSE OF THIS REQUEST FOR BID (RFB)**

3.1. **The purpose of this request for the bid is to:**

3.1. The purpose of this Request for Bid (RFB) is to appoint service providers to serve on the panel of Attorneys (Law Firms) for the provision of comprehensive legal services for **sefa** for a period of thirty-six (36) months.

**4. SCOPE OF THE REQUIREMENTS (WORK)**

4.1. The Legal Services Department is responsible for providing objective value adding and innovative advisory services to **sefa**. The department ensures that the organization's legal risks are managed and mitigated adequately and reduces **sefa**'s exposure to litigation while simultaneously maximizing on collections and recoveries. **sefa** seeks to appoint a panel of external attorneys from whom assistance shall be sought on a need basis. **sefa** requests proposals from capable external attorneys from all nine (09) provinces of the Republic of South Africa.

4.2. **sefa** will consider bid documents/tenders from external attorneys who have a registered office in any/or all provinces.

4.3. The required legal advisory services have been categorised into sixteen (16) categories as reflected on the table below. The bidders must indicate, in the table below with a tick (✓) the category the bidder is bidding for:

NO	SERVICE CATEGORIES	PLEASE (TICK ✓)
1.	Foreclosure on mortgage bonds	
2.	Perfection of notarial bonds	
3.	Liquidation / Sequestration applications in terms of insolvency law	

NO	SERVICE CATEGORIES	PLEASE (TICK √)
4.	Debt Collection/Recovery matters	
5.	Structured Finance transactions	
6.	Project Finance transactions	
7.	Corporate Law and Corporate Finance transactions	
8.	Conveyancing	
9.	Tax Law	
10.	Commercial Litigation	
11.	Labour Law and disciplinary hearings	
12.	Legal opinion on complex legal matters	
13.	Arbitrations	
14.	Property Law, including but not limited to arrear rental collection and eviction matter.	
15.	Business Rescue	
16.	Insurance	

**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.**

#### 4.4. ADVISORY SERVICES

4.4.1. The Service provider shall provide various legal services as follows:

4.4.2. The provision of sound legal opinion/s and memorandum of advice in all areas of the law and on operational matters;

#### 4.4 LITIGATION SERVICES

4.4.1. The provision of litigation services which include but not limited to opposition of action and motion proceedings; dispute resolution, drafting of pleadings related thereto, appointment of counsel, appointment of tax consultants and ancillary litigation administrative services.

#### 4.5 CONTRACTS

4.5.1. The drafting of contracts and or **sefa** standard templates

4.5.2. The drafting of specific clauses based on best practice.

4.5.3. The provision of contract vetting services to ensure **sefa** is protected.

4.5.4. The provision of legal opinions on contracts and or clauses

#### 4.6 EMPLOYMENT LAW

4.6.1 Defend and or initiate all labour related proceedings for **sefa**, including but not limited to conduction of disciplinary proceedings, CCMA, Labour Court and Labour Appeals Court proceedings.

### 5. RULES RELATING TO JOINT VENTURES, CONSORTIUMS OR PARTNERSHIPS

5.1 Each partner must individually meet the mandatory requirements of this bid set-out in “**ANNEXURE C**”

5.2 The application must be accompanied by the relevant joint venture, consortium or partnership agreement, setting out amongst others the:

- 5.2.1 irresponsibilities of each party;
- 5.2.2 the bank account;
- 5.2.3 the consequences of each termination;
- 5.2.4 the term; and
- 5.2.5 fees.

5.3 The consortium or partnership may not be terminated by any of the parties thereto until either the work undertaken by the joint venture, consortium or partnership under the contract has been completed and all liabilities and claims incurred by and made by the joint venture, consortium or the partnership have been settled.

5.4 No party to the agreement shall be entitled to sell, assign or in any manner encumber or transfer its interest or any part thereof in the joint venture, consortium or partnership without obtaining the prior written consent of **sefa**.

**5.5 Section 1: Legislative Requirements**

The bidder must supply the required documentation as outlined in this Request for Bid document as outlined in item 3.4.5.

**5.6 Section 2: Mandatory and Functionality Requirements**

The bidder must provide the information set out on mandatory and functionality requirement stated in the bid document.

**5.7 Section 3: Experience & References**

The bidder must attach a copy of the company’s profile, clearly outlining the number of years in the discipline bidding with a clear indication of experience in the industry. The bidder must complete Table (a) Annexure D outlining the experience and previous and current reference.

Reference letters, as outline in the evaluation criteria, must be submitted as part of this section.

**5.8 Section 4: Pricing Proposal**

The bidder must submit a pricing proposal as outlined in Annexure F.

<b>Fees for defended and opposed matters</b>	
<b>Position</b>	<b>Rate per hour (VAT inclusive)</b>
Directors/Partner	
Senior Associate	
Associate	
Candidate Attorney	
Administrative Staff/Messengers	

**FEES FOR URGENT MATTERS (Urgent Court Applications)**

<b>Fees for defended and opposed matters</b>	
<b>Position</b>	<b>Rate per hour (VAT inclusive)</b>
Directors/Partner	
Senior Associate	
Associate	
Candidate Attorney	
Administrative Staff/Messengers	

5.8.1 For competitive purposes the fees indicated above will be used for 80/20 Preference Points Calculation as per “**Annexure E**”.

5.8.2 Only successful bidders will be subjected to price negotiation prior to the execution of the Service Level Agreement.

#### **5.9 Section 5: Additional Information**

Any additional information pertinent to the proposal can be attached under this Section.

##### **Bid Proposal Template**

- A template has been developed to assist both the bidder and the evaluation committee and is outlined in **APPENDIX 1**.
- An electronic editable copy of the Bid Proposal Template will be available on the **sefa** website: <http://www.sefa.org.za/publications/tenders>

**COVER PAGE**

**BID PROPOSAL FOR APPOINTMENT OF A PANEL OF EXTERNAL ATTORNEYS FOR SMALL ENTERPRISE FINANCE AGENCY (sefa) FOR THE PERIOD OF THIRTY-SIX (36) MONTHS.**

Bid Number	
Company name	
Contact Person	
Telephone Number	
e-mail address	

## **SECTION 1: LEGISLATIVE REQUIREMENTS**

Attach all required documentation behind this section.

**SECTION 2: MANDATORY & FUNCTIONALITY REQUIREMENTS**

**SECTION 3: EXPERIENCE**

*Note to the Bidder: The bidder must complete the information set out below in response to the requirements stated in the bid document. If the bidder requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it with this Returnable Schedule]*

**The bidder must provide the following information:**

**Table (a) Details of the bidder's experience in the service categories the bidder they bidding for (please refer to Annexure D of the Special Condition of Contract):**

Client' Name	Transaction Description	Transaction Value	Project period		Description of service performed and extent of Bidder's responsibilities	Name, title and telephone contact of client
			Start Date	End Date		

## SECTION 4: PRICING PROPOSALS (ANNEXURE F)

### PRICING SCHEDULE

1. **NOTE: All prices must be VAT Inclusive and must be quoted in South African Rand (ZAR).**
2. Are the rates quoted firm for the full period of the contract?
3. All additional costs associated the bidder's offer must be clearly specified and included in the Total Bid Price.

<b>FEES FOR DEFENDED AND OPPOSED MATTERS</b>	
<b>POSITION</b>	<b>RATE PER HOUR (VAT INCLUSIVE)</b>
Directors/Partner	
Senior Associate	
Associate	
Candidate Attorney	
Administrative Staff/Messengers	

### FEES FOR URGENT MATTERS (Urgent Court Applications)

<b>FEES FOR DEFENDED AND OPPOSED MATTERS</b>	
<b>POSITION</b>	<b>RATE PER HOUR (VAT INCLUSIVE)</b>
Directors/Partner	
Senior Associate	
Associate	
Candidate Attorney	
Administrative Staff/Messengers	

**SECTION 5: ADDITIONAL INFORMATION**