



ANNEXURE A

TERMS OF REFERENCE

APPOINTMENT OF A PANEL OF ATTORNEYS BE APPOINTED FOR A PERIOD OF 60 MONTHS AS REQUIRED FROM TIME TO TIME. (NRCS 002/2025-2026)

CLOSING DATE: 23 SEPTEMBER 2025

Enquiry: Ms. Teboho Aphane
Telephone: 012 482 8720
E-mail: teboho.aphane@nrscs.org.za

ANNEXURE A

1 TERMS OF REFERENCE / SPECIFICATIONS

BACKGROUND

The National Regulator for Compulsory Specification (NRCS) was established on the 1st of September 2008, under the auspices of the National Regulator for Compulsory Specifications Act, 2008 (Act 5 of 2008) hereinafter called the NRCS Act.

The NRCS is primarily responsible for the administration of three Acts that reside under its jurisdiction, namely the NRCS Act, the Legal Metrology Act, 2014 (Act 9 of 2014) hereinafter called the LM Act, and the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) hereinafter NBR Act. The NRCS also administers regulations that fall under the jurisdiction of other governments departments, as per agreements.

The NRCS as the regulator consist of the following business units namely: Automotive; Chemicals, Mechanical and Materials, Electrotechnical, National building Regulations, Legal Metrology as well as Food and Associated Industries and support business units.

2 OBJECTIVE

The objective of this bid is to appoint suitable, qualified and competent legal firms with adequate capacity and experience in dealing with legal issues.

The purpose of the request is to present the NRCS' requirements for the appointment of firm of attorneys to serve the NRCS Panel of Attorneys.

3 SCOPE OF WORK

The NRCS has provided a table of scope of work below, which the bidders need to show which fields of law they can provide services as required:

FIELD OF LAW	SCOPE OF WORK	SKILLS REQUIRED	YES OR NO	COMMENT	PAGE REFERENCE ON THE BID DOCUMENT
Constitutional, Administrative & International Law	<ul style="list-style-type: none"> • Provide legal opinions in respect of constitutional, administrative and international law matters. • Assist in drafting of public or private international law agreements to be entered into by the NRCS • Ensure technical quality, adherence to best practice and consistency with the Constitution and other Act of Parliament. • Advise on the legal interpretation and legal implications of existing or proposed public or private international agreements to be entered into by the NRCS 	<ul style="list-style-type: none"> • Experience in providing opinions in constitutional, administrative and international law matters • Comprehensive knowledge or experience in the area of law knowledge of international law • Comprehensive knowledge or experience in the area of law experience in the drafting, vetting and interpretation of public and private international law • Understand regulatory framework governing international dispute resolution 			
Labour and employment Law	<ul style="list-style-type: none"> • Provide legal opinions on labour, employment benefits and employment law related matters • Assist in disciplinary hearings, arbitrations and other dispute resolution 	<ul style="list-style-type: none"> • Comprehensive understanding and experience in labour and employment law litigation • Understand the regulatory framework governing public service employment • An understanding of labour law and employment law jurisprudence for purposes of providing legal opinions • Knowledge of Bargaining Council and other dispute resolution forum 			

Civil Law	<ul style="list-style-type: none"> • Conduct litigation on behalf of the NRCS (e.g. handling of pleadings etc.) • Ensure effective and efficient litigation process is followed • Provide custody of all pleadings and documents in litigation matters • Provide oral and written legal advice throughout litigation process • Avoid prescriptions, barring and default judgments 	<ul style="list-style-type: none"> • Experience in providing opinions in matters • Knowledge of litigation processes and procedures in various forums including but not limited to the High Court, SCA, Constitutional Court and Magistrate Court • Comprehensive and coherent understanding of all laws and regulations 			
Corporate Governance and Compliance	<ul style="list-style-type: none"> • Advise on governance related issues • Advise on regulatory and compliance related issues 	<ul style="list-style-type: none"> • Comprehensive knowledge or experience in the area of law knowledge of compliance in government entities • Understanding regulatory framework governing public entities 			
Insurance Law	<ul style="list-style-type: none"> • Provide legal opinions on insurance 	<ul style="list-style-type: none"> • Comprehensive understanding on insurance matters 			
Aviation Law	<ul style="list-style-type: none"> • Provide legal opinions and aviation issues 	<ul style="list-style-type: none"> • Comprehensive understanding on aviation matters 			
Maritime and Shipping Law	<ul style="list-style-type: none"> • Provide legal opinions on maritime issues 	<ul style="list-style-type: none"> • Comprehensive understanding on maritime matters 			
Transportation Law	<ul style="list-style-type: none"> • Provide legal opinions on transportation law 	<ul style="list-style-type: none"> • Comprehensive understanding on transportation law matters 			

Procurement Law	<ul style="list-style-type: none"> • Provide advice on public procurement • Assist where necessary with public procurement process 	<ul style="list-style-type: none"> • Comprehensive understanding on public procurement matters 			
Corporate and Commercial law	<ul style="list-style-type: none"> • Advise on projects, transactions of corporate law nature; • Provide legal opinions of a corporate law nature; • Drafting, review and advise on commercial agreements etc. • Advise on legal issues arising from asset, risk and debt management 	<ul style="list-style-type: none"> • Comprehensive understanding and experience in working with transactions of corporate law nature; • Excellent research and drafting skills, for purposes of preparing legal opinions of a corporate law nature • Ability to work and delivery of specific outputs on time • Experience in providing advice in general commercial 			
Export and Import Law	<ul style="list-style-type: none"> • Provide legal opinion on custom and excise matters 	<ul style="list-style-type: none"> • Comprehensive understanding of custom and excise legislation • Knowledge on custom and excise legislation 			
Energy Law	<ul style="list-style-type: none"> • Provide legal opinions on energy law 	<ul style="list-style-type: none"> • Comprehensive understanding on energy law matters 			
Environment, Natural Resources and Climate Change	<ul style="list-style-type: none"> • Provide legal opinions on environment, natural resources and climate change 	<ul style="list-style-type: none"> • Comprehensive understanding on environment, natural resources and climate change 			
Intellectual Property Law	<ul style="list-style-type: none"> • Provide legal opinions on intellectual property 	<ul style="list-style-type: none"> • Comprehensive and understanding on intellectual property matters 			

International Trade Law	<ul style="list-style-type: none"> • Provide legal opinions on international trade 	<ul style="list-style-type: none"> • Comprehensive understanding on international trade matters 			
Pension Law, Medical Aid Schemes and Incentive Scheme	<ul style="list-style-type: none"> • Provide legal advice on pension law and medical aid schemes 	<ul style="list-style-type: none"> • Comprehensive understanding pension fund law legislation and administration of pension funds • Understanding medical aid schemes related issues 			
Property Law, Conveyancing and Notarial Practice	<ul style="list-style-type: none"> • Provide legal opinions on property law and conveyancing notarial practice 	<ul style="list-style-type: none"> • Comprehensive and understanding on property law, conveyancing and notarial practice matters 			
Tax Law	<ul style="list-style-type: none"> • Advise on tax issues 	<ul style="list-style-type: none"> • Comprehensive knowledge and understanding of South African tax regime, including but not limited to principles of taxation, forms of taxation and tax reforms • In some cases, understanding specialized areas of tax legislation, such as insurance taxation, environment taxation, financial products and trusts • Knowledge of Customs and Excise legislation • Understanding international tax • Knowledge of tax specific legislation 			

Communication Information Technology Law	<ul style="list-style-type: none"> • Advise on all aspects of IT law, such as inter alia, service level agreements pertaining to system integration, software, website development etc. 	<ul style="list-style-type: none"> • Comprehensive understanding and experience in IT law communication, General Data Protection Regulations, Law of internet and cyber law 			
Competition Law	<ul style="list-style-type: none"> • Advise on all aspects related to Competition Law 	<ul style="list-style-type: none"> • Comprehensive understanding and experience in Competition in Competition Law 			
Economics Law	<ul style="list-style-type: none"> • Advise on all aspects related to Economics Law 	<ul style="list-style-type: none"> • Comprehensive understanding and experience in Economics Law on consumer related matters, levies, international trade etc. 			

4 REPORTING RELATIONSHIP

The respective firms of attorneys will report to the Senior Manager: Legal Services of the NRCS.

5 DURATION

The duration of the project is sixty (60) months from the date of the appointment and subject to SBD Contract Form 7.2, failing which the NRCS reserves the right to cancel the contract.

6 SPECIAL CONDITION OF TENDER

6.1 The NRCS may, at its sole discretion, award an assignment or any part thereof to more than one panel member.

6.2 Failure to comply with any condition of this request for a proposal will invalidate the bid proposal.

6.3 The firms of attorneys must declare any interest it has in an assignment as well as declare any possible conflict of interest with the NRCS in the pursuance of the proposed assignment.

6.4 Bidders are required to identify and to disclose as soon as possible any conflict of interest or potential conflict of interest to the NRCS. Bidders should contact the NRCS for clarity on whether a conflict of interest actually exists or not. The existence of a conflict of interest or a failure by a bidder to timeously disclose any such conflict or part conflict, may result in the bidder's bid being disqualified.

6.5 NRCS Documentation and Information:

6.5.1 All copyright and intellectual property rights that may result as consequences of the assignment to be performed will become the property of the NRCS.

6.5.2 Firms of attorneys must hand over all documents and information in any format, including copies thereof, that it received from the NRCS or that it had access to during the assignment immediately after completion of the assignments to the NRCS.

6.5.3 Firms of attorneys shall deliver to the NRCS, on completion of an assignment, any security devices, passwords or protective mechanisms to the soft versions of documents that were written and the NRCS will have the right to amend and change these without obligation whatsoever to the firms of attorneys upon completion of the assignment.

6.6 Supplier Performance Management

6.6.1 Supplier Performance Management is viewed by NRCS as a critical component in ensuring value for money for services rendered and good supplier relations between NRCS or and all its suppliers.

6.6.2 The NRCS will require proof of admission as a conveyancer before a new instruction is given to a firm of attorneys in relation to conveyancing matters

6.7 Disclaimers:

6.7.1 Negotiate with all or some of the shortlisted bidders in relation to market price related

6.7.2 Cancel this tender

6.7.3 The NRCS does not take any responsibility for expenses or loss, which may be incurred by any bidder in preparation of this bid

6.8 Binding Arbitration Provision

6.8.1 It is a condition of participation in this bid (RFP) process between the bidder and the NRCS that should any dispute or difference arise between the parties, this shall be resolved by a single Arbitrator -

6.8.1.1 Concerning the purport or effect of the RFP documents or of anything required to be done or performed there under.

6.8.1.2 Concerning any aspect of the RFP process to anything done or decided there under: or

6.8.1.3 Concerning the validity of the award of the RFP to any bidder or the failure to award same to any Bidder, then such dispute or difference shall be finally resolved by arbitration.

6.8.2 Such arbitration shall be by a single arbitrator who shall be -

6.8.2.1 Selected by agreement between the parties, or failing such agreement nominated on the application of any party by the Arbitration Foundation of Southern Africa (AFSA); and

6.8.2.2 The arbitrator shall have power to open up, review and revise any certificate, opinion, decision, requisition or notice relating to all matters in dispute submitted to him/her and to determine all such matters in the same manner as if no such certificate, opinion, decision, requisition or notice had been issued.

6.8.3 Upon every or any such reference, the costs of an incidental to the reference and award shall be at the discretion of the arbitrator, who may determine the amount of the costs, or direct them to be taxed as between attorney and client or as between party and party and shall direct by whom and to whom and in what manner they shall be borne and paid.

6.8.4 The award of the arbitrator shall be final and binding on the parties and any party shall be entitled to apply to the Courts to have such award made an order of court.

6.8.5 Save as set out in this clause, the arbitration shall be conducted in accordance with the rules of the Arbitration Foundation of Southern Africa.

6.8.6 The arbitration shall be held in Johannesburg in the English language.

6.8.7 However, nothing in this clause shall preclude any party to the arbitration from seeking interlocutory relief in any court having jurisdiction pending the institution of a review or other appropriate proceedings for legal redress.

6.8.8 Such arbitration shall be commenced and concluded within 60 days of the dispute having noted.

6.9 The NRCS reserves the right to reject: -

6.9.1 Incomplete bids

6.9.2 Late bids

6.9.3 Conditional bids

6.9.4 Bids that are non-compliant with the procedural and administrative requirements.

6.10 The NRCS adopts a fair and reasonable remuneration framework for consultants, taking into account:

6.10.1 The “Guideline on Hourly Fee Rates for Consultants”, as issued by the Department of Public Service and Administration (DPSA); or

6.10.2 Remuneration guidelines issued by professional service organizations or regulatory bodies, as may be relevant.

6.11 Should the resource provided by the preferred bidder to render services to the NRCS resign etc. the appointed bidder shall be expected to replace the resource with similar skills.

6.12 The General Conditions of Contract (GCC) must be signed or initial on each page by the bidder as included in the bid document.

6.13 The NRCS will not award the bid to any prospective bidder who has not registered on the Central Database Supplier (CSD) as regulated until they are registered on the CSD.

6.14 Proof of registration with the relevant Provincial Legal Council Practice and Proof of current and valid Legal Practitioners Fidelity Fund Certificate to be provided to the NRCS upon request before the Law Firm is given an instruction.

6.15 The Legal Panel will operate on a rotational basis on an ad hoc basis and as per the fixed price provided by the bidder/s.

6.16 Should the resource(s) provided to render the services to the NRCS resigns or any other acts of God, the appointed bidder to provide the same resource(s). The NRCS reserves the right to verify the resources provided at any given time.

6.17 The NRCS may negotiate with all or some of the bidders in relation to the prices quoted. NRCS reserves the right not to appoint any bidders whose prices are not market related.

6.18 Travelling costs will be at the expense of the appointed preferred bidder of which reimbursements shall be in line with the NRCS Travel Policy.

6.19 Travelling costs and time spent or incurred between the service provider offices and the NRCS or home and office of the consultant including their staff shall not be for the account of the NRCS.

6.20 Supporting documents for all disbursement incurred must be submitted to the NRCS together with the invoices.

6.21 The NRCS will not award the bid to any prospective bidder who has not registered on the Central Database Supplier as regulated.

6.22 All bidders should initial every page of the bid document, including the GCC.

6.23 All SBD forms to be fully completed and signed failure to do will lead to a disqualification as the forms are mandatory compliance forms.

6.24 In terms where the preferred bidder tax matters are not in order 7 (seven) days will be given to the bidder to rectify their tax matters failure to do the bidder will be disqualified from the bid process as indicated in the National Treasury Prescript No 9 of 2017/2018.

6.21 The bidder's team must comprise of at least one team member other than the team lead and provide a comprehensive CV of the team member(s) legal practitioner outlining work experience post admission

6.22 The NRCS seeks to appoint 10 service providers however, reserves the right to appoint less than 10 service providers should circumstances require.

7 Procurement policies and procedures

7. 1 The general conditions of tender, contract and order will be applicable to this bid.

8 MANADATORY REQUIREMENTS

8.1. Bidders are required to furnish NRCS with the following:

- a. Proof that supplier is registered on the Central Supplier Database (CSD),
- The following key information will be accessed and verified on CSD, namely
 - i. Business registration, including details of directorship and membership.
- b. Completed and signed SBD forms; SBD 1, SBD 3.3, SBD 4, SBD 6.1

Please note that failure to adhere to the following requirements will lead to an immediate disqualification:

8.2. Proof of registration with the Legal Practice Council

8.3 Proof of current and valid Legal Practitioners Fidelity Fund

8.4 Latest and valid Letter of Good standing for the Director/Partner and Associate

8.5 Bidders must complete a table of the scope of work above, which the bidders need to show which fields of law they can provide services as required:

8.6 Bids submitted without a price or with incomplete, or with a price which is not in the prescribed format will be deemed non-responsive. (Table 10.6 and 10.8)

8.7. Late Submissions will not be accepted.

9 EVALUATION CRITERIA (FUNCTIONALITY)

For the purpose of comparison and in order to ensure a meaningful evaluation, bidders must submit detailed information in substantiation of compliance to the evaluation criteria mentioned.

Minimum Required Score for functionality is: **75 points out of 100 points and any bidder scoring less than 75 points will not be considered to be part of the NRCS Legal Panel.**

Criteria	Description	Maximum Possible Score
Experience of the leading Partner/ Director/ Practitioner	<p>The bidder must provide a comprehensive CV on the CV template attached to the TOR of the Lead legal practitioner outlining work experience post admission .</p> <p>Bidder must attach a copy of an LLB Degree or B-Proc</p> <p><u>Experience of leading Partner/ Director/ Practitioner (s)</u></p> <p><u>Points will be allocated as follows:</u></p> <ul style="list-style-type: none">•Submission of a comprehensive CV, copy of LLB Degree or B-Proc for the leading Partner/ Director/ Practitioner (s) plus ≤ 16 and above years of post admission experience = 5 points•Submission of a comprehensive CV, copy of LLB Degree or B-Proc for the leading Partner/ Director/ Practitioner (s) plus $10 \leq 16$ years of post-admission of experience post admission = 4 points•Submission of a comprehensive CV, copy of LLB Degree or B-Proc for the leading Partner/ Director/ Practitioner (s) plus $5 \leq 10$ years of post-admission experience post admission = 3 points•Submission of a comprehensive CV, copy of LLB Degree or B-Proc for the leading Partner/ Director/ Practitioner (s) plus $1 \leq 5$ years of post-admission experience post admission = 2 points	20 Points

	Submission of a comprehensive CV, copy of LLB degree or B-Proc for the leading Partner/ Director/ Practitioner (s) with less than 1 year of post admission experience = 1 points	
Experience and Work performance on previous projects successfully completed similar in nature (in terms of scope) over the last five consecutive years	<p>The bidder must provide reference letters from previous clients on their company letterhead and signed by the client.</p> <p>Five or more successfully completed projects = 5 points</p> <p>Four successfully completed projects = 4 points</p> <p>Three successfully complete projects = 3 points</p> <p>Two successfully completed projects = 2 points</p> <p>One successfully completed projects = 1 point</p>	30 Points
Capacity to handle the project.	<p>The capacity of the bidder to handle and manage the work/project. The bidder must also demonstrate clearly how a project and deliverable will be executed against timeframes. Points will be allocated for several key personnel provided relevant to the bid e.g. Attorney Practitioner.</p> <p>Bidders must provide CVs and qualifications of relevant key personnel</p> <p>Six or more attorneys = 5 points</p> <p>Five attorneys = 4 points</p> <p>Four attorneys = 3 points</p> <p>Three attorneys = 2 points</p> <p>Two attorneys = 1 point</p>	50 Points
Threshold Points	75 points	
Total	100 points	

10. PRICING SCHEDULE

(REFER TO SBD3.3)

Bid No: NRCS 002/2025/2026 PANEL OF LEGAL FIRMS

COMPULSORY CV TEMPLATE

Proposed role in the project: -----

1. Surname -----
2. First names: -----
3. Date of birth: -----
4. Nationality -----
5. Education -----

Institution	Date obtained	Degree(s) or Diploma(s) obtained

6. Membership of professional bodies -----
7. Present position: -----
8. Years within the organization: -----
9. Professional experience -----

Date (From - To) (mm/yy)	
Organization	
Location	
Position	
Description of duties	

Date (From - To) (mm/yy)	
Organization	
Location	
Position	
Description of duties	

10. Other relevant information (e.g. Publications) -----
11. References -----

“all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

11. SUBMISSION OF DISC/CD OR USB FLASH DRIVE

The above must contain an electronic version and a true copy of the technical proposals.

12. PACKING OF BID DOCUMENTS

Description: **Panel of attorneys be appointed for a period of 60 months as required from time to time. (NRCS 002/2025-2026)**

Bid closing date and time: **23 SEPTEMBER 2025 at 11H00 (Submission of late bids will not be accepted)**

The bid proposal envelope shall contain one original hard copy document, clearly marked “original”, and three (3) hard copies, clearly marked “Copy”.

The bids are to be delivered at the following address: **SABS Campus 1 Dr Lategan Road, Groenkloof, Pretoria NRCS tender box.**

Sealed documents individually marked the above reference and description, must be placed in the Tender box marked NRCS situated at ground floor, SABS Campus by the closing date and time. All Suppliers are encouraged to make their submission before the closing date and time. Bids will be publicly opened at the SABS Campus 1 Dr Lategan Road, Groenkloof, Pretoria.

No tenders will be accepted after the closing time. No tender per facsimile, posted or e-mailed will be accepted.

Bidders can courier the bid proposal, the onus is on the bidder to ensure that their bid proposal is received by the due date and time by the NRCS.

13. BID DOCUMENT CHECKLIST

A completed and signed bid document must be submitted in a file. The bid/tender documentation must be placed into a file with dividers between every schedule. The schedule must be numbered as follows:

Schedule	Description	Submitted (Yes/No) (include page numbers)
Schedule 1	Executive summary , Company Profile , signed Joint venture (JV) agreements (where bidders are in JV)	
Schedule 2	Latest company registration certificate from the Companies and Intellectual Property Commission (CIPC) / Proof of company registration and Proof of CSD registration	
Schedule 3	Certified ID copies of the directors / trustees / shareholders and their shareholding percentages	
Schedule 4	Valid Proof of B-BBEE status levels verification certificate or a certified copy thereof, substantiating your B-BBEE rating	
Schedule 5	Documentation substantiating the Evaluation Criteria	