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PREFERRED SUPPLIER LIST OF LAW FIRMS FOR A PERIOD OF 60 MONTHS

<i>Bid Number:</i>	84/2021/LEGAL/LAWFIRMS/PSL
<i>Optional Briefing session:</i>	Online: Microsoft Teams
<i>Optional Briefing session requirements:</i>	NB: Send an e-mail to tenders03@tcta.co.za to preregister and receive meeting invitation
<i>Optional Briefing Session Date and Time:</i>	18 February 2022 @ 11h00 via MS Teams
<i>Clarifications Deadline:</i>	25 February 2021 @ 11h00
<i>Closing Date and Time:</i>	10 March 2022 @11h00
<i>Bid Validity Period:</i>	150 (one hundred and fifty) calendar days commencing from the RFP closing date
<i>Bid Submission Physical Address:</i>	Bid Submissions must be sent to: Proposals must be hand delivered at TCTA's offices located at the address indicated below and addressed to The Receiving Officer, and marked RFP No. 84/2021/LEGAL/LAWFIRMS/PSL on or before the closing date and time: 265 West Avenue Tuinhof Building Stinkhout Wing Centurion
<i>Enquiries:</i>	Name: The Receiver Officer Email Address: Kindly send all clarification questions or enquiries to the receiving officers at tenders03@tcta.co.za.

DATE OF ISSUE: 04 FEBRUARY 2022

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ANNEXURES	SBD	DESCRIPTION
A	N/A	COMPANY EXPERIENCE
B	N/A	PERSONNEL EXPERIENCE
C	1	REQUEST FOR BID
D	4	DECLARATION OF INTEREST
E	8	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES
F	9	CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. DEFINITIONS, ACRONYMS AND ABBREVIATIONS

B-BBEE	Broad Based Black Economic Empowerment in terms of the Broad Based Black Economic Empowerment Act 53 of 2003 (B-BBEE Act).
B-BBEE STATUS LEVEL OF CONTRIBUTOR	The B-BBEE status received by a measured entity issued in terms of section 9(1) of the B-BBEE Act.
BID SUBMISSION	A bidder's written proposal in response to an Invitation for Bids (Request for Bids/Quotations/ Information etc.)
BLACK PEOPLE	Africans, Coloureds and Indians as defined in the Broad Based Black Economic Empowerment Act 53 of 2003
CONSORTIUM OR JOINT VENTURE OR CONSORTIUM	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;
CONSULTANT	A professional person appointed to provide technical and specialist advice or to assist with the design and implementation of projects. The legal status of this person can be an individual, a partnership, a corporation or a company.
CONTRACT	A legal agreement or National Treasury issued Standard Bid Document Number 7 signed by TCTA and a successful bidder. This term does not refer to the actual bid process.
CONTRACT MANAGER	A representative from the Requesting Department that will be responsible for monitoring the day-to-day activities related to the contract
DESIGNATED SECTORS	Sectors, sub-sectors or industries that have been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content.

EME	means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act
PROCUREMENT SPECIALIST	Any person in the Procurement Unit who is responsible for managing a bid process from start to finish
PO	A Purchase Order generated by the Procurement Unit after the conclusion of a successful bid process authorizing the expenditure against an awarded contract.
QSE	means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
RD	A requesting department withing TCTA or its representative
SUPPLIER	A juristic person or legal entity that provides goods or services to TCTA.

2. PREPARATION OF BID SUBMISSIONS

- 2.1.** Bidders are required to comply fully with this Request for Bid including annexures during submission to TCTA.
- 2.2.** In order for a Bid Submission to be acceptable, it must:
 - 2.2.1.** Not be late and it must be delivered to the address stated on the front page. TCTA shall not accept nor be obliged to accept Bid Submissions submitted after the stipulated closing date and time, notwithstanding that such late submission is as a result of circumstances beyond the Bidder's control;
 - 2.2.2.** Clearly reflect the Bid description and bid number on the outer packaging;
 - 2.2.3.** Contain all signed and completed Annexures.
- 2.3.** TCTA reserves the right to reject bids that are not acceptable and to not evaluate them. This section is subject to the provisions in section 9.4 of the Conditions of Bid.
- 2.4.** Bidders must provide 2 (two) copies of the Bid submission and one electronic copy on an unencrypted USB. For avoidance of any doubt, bidders must submit the above requirement which must contain sections for each category the bidder wishes to be considered for.
- 2.5.** This Bid has 4 stages of evaluation summarised in the document below. Each stage reflects the process of evaluation. Bid submissions must be neat and legible and prepared in the same order as the stages of evaluation. Each stage must be clearly marked.

3. BACKGROUND

TCTA is a major public entity listed in Schedule 2 of the Public Finance Management Act 1 of 1999 and a water management institution established by Notice No. 2631 in Government Gazette No. 10545 dated 12 December 1986, as amended by Government Notice No. 277 in Government Gazette No 21017 dated 24 March 2000. TCTA's role in the water sector includes, *inter alia*, the funding and implementation of bulk raw water infrastructure development projects, as directed by the Minister of Water and Sanitation ("the **Minister**") from time to time.

In terms of TCTA's business model, the Minister issues a directive to TCTA requiring it to, amongst other things, fund and implement bulk raw water infrastructure projects on an off-budget basis. In respect of funding, TCTA would source the funding on an off-budget basis to cater for the commercial portion of the project and where required for the social component government would contribute to that portion of the project. Once funding has been sourced and relevant agreements have been concluded, TCTA commences the implementation of bulk raw water infrastructure projects which involves land acquisition, engineering design of bulk raw water infrastructure, construction activities and the debt management to recover all costs expended under the project. All such activities require extensive legal risk management and as a result, as and when required, the services of law firms will be engaged in order to assist with the management of TCTA's legal risks.

TCTA's legal department is responsible for providing objective, value adding and legal advisory services to TCTA. The legal department ensures that TCTA's legal risks are managed adequately to reduce its exposure to litigation.

TCTA seeks to establish a preferred supplier list of law firms from whom assistance will be sought as and when the need for independent legal services arises.

4. SCOPE OF WORK

4.1. Detailed Description of Services

TCTA seeks to pre-qualify law firms, up to a maximum of 7 bidders per listed categories below, to establish a preferred supplier list which shall be engaged on an as and when required basis over a period of 60 months. Therefore, TCTA invites applications from law firms with one or more of the following areas of expertise.

No.	Category
4.1.1	<u>Employment and Labour Law</u> This includes but is not limited to drafting and vetting of and advising on various labour related documents, legislation, and policies. Bidders must also demonstrate experience on dispute resolution, which may include representing TCTA at various employment and labour law forums in industrial relation matters, and to preside over internal disciplinary hearings.
4.1.2	<u>Banking and Finance Law, Project and Infrastructure Finance</u> This includes but is not limited to drafting and vetting of various project and infrastructure finance related agreements and opinions, banking and finance

	related documents and agreements e.g., loan facility agreements, guarantee agreements, commercial paper programmes, bond issues, prospectuses, International Swaps and Derivatives Association agreements (“ISDAs”), and other related documents.
4.1.3	<p><u>Regulatory, Compliance and Administrative Law</u></p> <p>This includes but is not limited to the provision of legal opinion and advisory services in respect of regulatory and compliance matters relating to all administrative actions relating to the water sector including but not limited to, National Water Act, Public Finance Management Act, Financial Intelligence Centre Act, Promotion of Administrative Justice Act, Municipal Systems Acts, Municipal Finance Management Act and procurement related legislation.</p>
4.1.4	<p><u>Corporate and Commercial Law</u></p> <p>This includes the provision of legal opinions and advisory services in respect of general corporate law and commercial law relating to corporate governance, emerging markets, competition law and various commercial contracts. Bidders are expected to demonstrate adept knowledge of the King IV, the Companies Act and all related company legislation nationally and internationally. Bidders must be experts in transactions involving corporate restructuring, international / treaty agreements, institutional agreements and vetting of various commercial agreements and opinions.</p>
4.1.5	<p><u>Information Technology Law</u></p> <p>This includes the provision of legal services to assist TCTA to monitor, evaluate and assess compliance with the legislative and regulatory framework of information technology in the global marketplace. Bidders to demonstrate expertise in handling matters involving data privacy and security, cyber issues, software licensing and intellectual property.</p>
4.1.6	<p><u>Expropriation and Property Law</u></p> <p>This includes but is not limited to drafting and vetting of agreements relating to land acquisition, expropriation of land and land rights, transfer and registration of land and land rights associated therewith. That further includes providing related legal opinion, advisory and drafting related work.</p>
4.1.7	<p><u>Engineering and Construction Law</u></p> <p>This includes but is not limited to drafting and vetting of and advising on various engineering and construction related documents and agreements as well as representing TCTA in dispute and operational matters. In relation to mining, this includes the application for all authorisation related to construction of the works, e.g. opening and closing of barrow pits, water use licences and etc.</p>
4.1.8	<p><u>Environmental Law</u></p> <p>This includes drafting of environmental related opinions, support in compliance and enforcement actions from the regulator and the provision of advisory services on environmental related legislation, including the National Environmental Management Act of 1998.</p>

4.1.9	<p><u>Tax Law</u></p> <p>This involves the provision of legal advice on tax related matters that TCTA deals with, including but not limited to corporate tax, VAT, cross border transactions,. Bidders must illustrate experience in dealing with national tax authorities, tax disputes etc.</p>
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4.2. Company Experience Required

Bidders are to refer to and provide the relevant information as required in Annexure A for each category they wish to be considered for, as detailed in the Functional Criteria for each category.

4.3. Personnel Experience Required

Bidders are to refer to and provide the relevant information as required in Annexures B1 to - B4 for each category they wish to be considered for, as detailed in the Functional Criteria for each category.

4.4. Deliverables

Bidders shall be expected to render services required in line with the appointment mandate as required from time to time on quotation basis in line with the terms of reference Appendix A. Bidders shall avail resources nominated in this bid for execution of the mandate. Where for any reason nominated resource is no longer available bidders shall avail a new resource that meets or is better than the nominated resource in respect of experience and expertise.

5. STAGE 1: PRE-QUALIFICATION

- 5.1.** TCTA shall accept bids only from bidders duly registered with the Legal Practice Council
- 5.2.** TCTA shall accept bids only from bidders having the minimum stipulated B-BBEE status level of contributor 3.
- 5.3.** The following document/s must be provided as proof of the above-mentioned criteria:
 - 5.3.1.** Certified Copy B-BBEE Certificate issued by a SANAS accredited Verification Agency or a Sworn Affidavit for EMEs and QSEs that are at least 51% black-owned.
 - 5.3.2.** In case of Joint Ventures, a Consolidated B-BBEE Certificate issued by a SANAS accredited Verification Agency or a Sworn Affidavit for EMEs and QSEs.

A bidder that does not meet the requirements for pre-qualification will be disqualified at this stage and not evaluated further.

6. STAGE 2: RETURNABLES

ALL RETURNABLES ARE REQUIRED FOR PURPOSES OF EVALUATION IRRESPECTIVE OF WHETHER THEY ARE DESIGNATED MANDATORY OR NOT.

No.	Document Type	Description	Status
1.	Compliance	Valid proof of registration/membership with the Legal Practice Council (Bidder). (Whole Bid)	Mandatory
2.	Compliance	Valid letter of good standing from a relevant The Legal Practice Council (Lead Partner or Director) (Per Category)	Non-Mandatory
3.	Compliance	Valid Fidelity Fund Certificate (Lead Partner or Director) (Per Category)	Non-Mandatory
4.	Compliance	Proof of Admission of Proposed Resources: <ul style="list-style-type: none"> • Lead Partner/ Director • Senior Associate • Associate (Per Category)	Non-Mandatory
5.	Compliance	A valid BBBEE Certificate (Original or certified form) issued by SANAS accredited agency. In the instance of an EME or QSE in which case they must submit a validly commissioned affidavit. QSEs that do not meet level 1 or 51% black ownership thresholds are obliged to show compliance with all five of the categories on the BEE scorecard therefore, a B-BBEE certificates must be obtained from verification agencies accredited by SANAS.	Mandatory
<p>Any bidder who fails to submit a non-mandatory document will receive zero (0) where that document is linked to specific functionality criteria. Where the required document is noted as “whole bid” under the description column, bidders shall make only one submission of the document, and where the required document is noted as “per category” bidders shall submit relevant document for each category they wish to be considered for. Failure to provide mandatory documents will result in a disqualification or exclusion of the bid in respect of the specific category where the Bidder has failed to provide the mandatory document. For avoidance of any doubt, this will not result in a disqualification or exclusion of submissions made in respect of other categories.</p>			

6.	Functionality	<p>Bidders Experience -</p> <p>Bidders to complete a separate form for each category as per the Scope of Services (Refer to ANNEXURE A).</p> <p>Reference letters/purchase orders/Letters of appointment: Duly signed letters on official letterhead, from the entities for which work was done.</p> <p>The reference letters/purchase orders/letters of appointment: shall include the details following details: Name of client entity, nature and date of instructions and value of the projects.</p> <p>(Per category)</p>	Non-Mandatory
7.	Functionality	<p>Personnel Experience</p> <p>Bidders to complete a separate form for each category as per the Scope of Services (Refer to ANNEXURES B1 – B4).</p> <p>(Per Category)</p>	Non-Mandatory
8.	Functionality	<p>Listed Categories</p> <p>Bidders to select each category the bidder wishes to be considered for. (Refer to ANNEXURE C)</p>	Non-Mandatory
STATUTORY COMPLIANCE DOCUMENTS			
9.	Standard National Treasury Bidding Documents (SBD)	<ul style="list-style-type: none"> • SBD 1 • SBD 4 • SBD8 • SBD 9 	Non-Mandatory
10.	Administrative	Tax Compliance Status Pin	Non-Mandatory
11.	Administrative	Proof of registration on the National Treasury Central Supplier Database (CSD)	Non-Mandatory

- Any bidder who fails to submit mandatory document shall be disqualified.

- Any bidder who fails to submit a non-mandatory document will receive a score of zero (0) points where that document is required for the evaluation of a specific functionality criteria.

7. STAGE 3: FUNCTIONALITY

TCTA will evaluate the submissions for functional capacity.

Bidders are required to submit completed **Annexures A, B1 to B4**, per category, attached hereto, and provide proof i.e., reference letters/purchase orders/letters of appointment (it being noted that all letters of appointment to be provided must be in relation to a specific instruction and not appointment into a legal preferred supplier list) in support of their Bids. The letters shall include the following details: Name of instructing entity, nature and date of instructions and value or amount involved.

Please submit completed ANNEXURE B for Proposed Resources. The same resource may be proposed in more than one area of expertise if they possess the required expertise. No points will be allocated where Bidders fail to submit the above required information.

Functional Evaluation shall carry a maximum one hundred and fifty (150) points, and Bidders are required to achieve a minimum score of one hundred and five (105) points. A bidder that fails to meet the minimum score of one hundred and five (105) points shall be excluded from further consideration.

TCTA will evaluate the submissions in terms of the functional criteria set out below.

7.1. FUNCTIONALITY EVALUATION CRITERIA

7.1.1. EMPLOYMENT AND LABOUR LAW

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>1.1. Employment and Labour Law A bidder must illustrate a minimum of 3 references in each area of expertise. Points will be allocated as follows:</p> <p>A) Employment and Labour Law (Max 10 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References : 10 points • 5-7 Contactable References: 8 points • 3-4 Contactable Reference: 6 points • 0-2 Contactable References: 0 points <p>B) Litigation and Alternative Dispute Resolution (ADR) in Employment and Labour Law (Max 10 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 10 points • 5-7 Contactable References: 8 points • 3-4 Contactable Reference: 6 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p>	20	
	FIRM EXPERIENCE (B)		
	Experience of the Firm – Employment and Labour Law	10	

	Bidders must furnish values of dispute handled in the Employment and Labour Law area of expertise. Points will be allocated as follows: <ul style="list-style-type: none"> Above R5 million : 10 points R1 million – R5 million: 5 points Less than R1 million: 3 points None: 0 		
2.	RESOURCE EXPERIENCE		
2.1.	Lead Partner/ Director <ul style="list-style-type: none"> >7 years in position of Director: 20 points 5-7 years in position of Director: 15 points 4 years or less in position of Director: 10 points 2 years or less in position of Director: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >9 matters: 20 points 7-9 matters: 15 points 4-6 matters: 10 points 0-3 matters: 0 points 	40	
2.2.	Senior Associate <ul style="list-style-type: none"> >4 years plus in position: 15 points >2-4 years in position: 10 points 1-2 years in position: 5 points 0-1 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >8 matters: 15 points 5-7 matters: 10 points 2-4 matters: 5 points 0-1 matters: 0 points 	30	
2.3.	Associate: <ul style="list-style-type: none"> >4 years plus in position: 15 points >2-4 years in position: 10 points 1-2 years in position: 5 points Less than a year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >7 matters: 15 points 5-7 matters: 10 points 2-4 matters: 5 points 0-1 matters: 0 points 	30	
2.4.	Candidate Attorney: <ul style="list-style-type: none"> >2 years in position: 10 points 1- 2 years in position: 5 points Less than a year in positions: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >2 matters: 10 points 1 matter: 5 points 0 matters: 0 points 	20	
Total		150	

7.1.2. **BANKING AND FINANCE LAW, PROJECT AND INFRASTRUCTURE FINANCE**

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of matters/projects that the Bidder has handled in respect of each of the following area/s of expertise:</p> <p>1.1. Banking and Finance Law; and 1.2. Project and Infrastructure Finance</p> <p>A bidder must illustrate a minimum of 3 references in each area of expertise which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>A) Banking and Finance Law (Max 5 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p>B) Project and Infrastructure Finance (Max 5 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p>C) Litigation and ADR in Banking and Finance Law (Max 5 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p> <p>D) Litigation and ADR in Project and Infrastructure Finance (Max 5 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p>	20	
	FIRM EXPERIENCE (B)		
1.3.	<p>Experience of the Firm – Banking and Finance Law</p> <p>Bidders must furnish values of major transactions handled in the Banking and Finance Law area of expertise. Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Above R999 million : 5 points • R500 million - R999 million: 3 points 	5	

	<ul style="list-style-type: none"> Less than R500 million: 2 points 		
1.4.	Experience of the Firm – Project and Infrastructure Finance Bidders must furnish values of major transactions handled in the Project and Infrastructure Finance area of expertise. Points will be allocated as follows: <ul style="list-style-type: none"> Above R999 million : 5 points R500 million - R999 million: 3 points Less than R500 million: 2 points None: 0 	5	
2.	RESOURCE EXPERIENCE		
2.1.	Lead Partner/ Director: <ul style="list-style-type: none"> >7 years plus in position of Director: 20 points >4-7 years in position of Director: 15 points 2-4 years in position of Director: 10 points 0-1 years in position of Director: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >9 matters: 20 points 7-9 matters: 15 points 4-6 matters: 10 points 0-3 matters: 0 points 	40	
2.2.	Senior Associate: <ul style="list-style-type: none"> >4 years plus in position: 15 points >2-4 years in position: 10 points 1-2 years in position: 5 points 0-1 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >7 matters: 15 points 5-7 matters: 10 points 2-4 matters: 5 points 0-1 matters: 0 points 	30	
2.3.	Associate: <ul style="list-style-type: none"> >4 years plus in position: 15 points >2-4 years in position: 10 points 1-2 years in position: 5 points 0 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >7 matters: 15 points 5-7 matters: 10 points 2-4 matters: 5 points 0-1 matters: 0 points 	30	
2.5.	Candidate Attorney: <ul style="list-style-type: none"> >2 years in position: 10 points 1- 2 years in position: 5 points 0 years in positions: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >1 matter: 10 points 1 matter: 5 points 0 matter: 0 points 	20	
Total		150	

7.1.3. **REGULATORY, COMPLIANCE AND ADMINISTRATIVE LAW**

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of cases or matters that the Bidder has handled in respect of each of the following area/s of expertise: 1.1 Regulatory and Compliance; and 1.2 Administrative Law</p> <p>A bidder must illustrate a minimum of 3 reference in each area of expertise which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>A) <u>Regulatory and Compliance (Max 10 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 10 points • 5-7 Contactable References: 8 points • 3-4 Contactable Reference: 6 points • 0 – 2 Contactable References: 0 points <p>B) <u>Administrative Law (Max 10 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 10 points • 5-7 Contactable References: 8 points • 3-4 Contactable Reference: 6 points • 0 – 2 Contactable References: 0 points <p>C) <u>Litigation and ADR in Regulatory and Compliance (Max 5 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p> <p>D) <u>Litigation and ADR in Administrative Law (Max 5 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p>	30	
2.	RESOURCE EXPERIENCE		
2.1.	<p>Lead Partner/ Director:</p> <ul style="list-style-type: none"> • >7 years plus in position of Director: 20 points • >4-7 years in position of Director: 15 points • 2-4 years in position of Director: 10 points • 0-1 years in position of Director: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >9 matters: 20 points • 7-9 matters: 15 points 	40	

	<ul style="list-style-type: none"> • 4-6 matters: 10 points • 0-3 matters: 0 points 		
2.2.	Senior Associate: <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0-1 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.3.	Associate: <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.4.	Candidate Attorney: <ul style="list-style-type: none"> • >2 years in position: 10 points • 1- 2 years in position: 5 points • 0 years in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >2 matters: 10 points • 1 matter: 5 points • 0 matters: 0 points 	20	
Total		150	

7.1.4. CORPORATE AND COMMERCIAL LAW

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of matters/projects that the Bidder has handled in respect of each of the following area/s of expertise:</p> <p>1.1. Corporate Law; and 1.2. Commercial Law.</p> <p>A bidder must illustrate a minimum of 3 references in each area of expertise which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>A) <u>Corporate Law (Max 5 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points 	20	

	<p>B) <u>Commercial Law (Max 5 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p>C) <u>Litigation and ADR in Corporate Law (Max 5 Points)</u></p> <ul style="list-style-type: none"> • > Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p> <p>D) <u>Litigation and ADR in Commercial Law (Max 5 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p>		
	FIRM EXPERIENCE (B)		
1.3.	<p>Experience of the Firm – Corporate Law</p> <p>Bidders must furnish values of major transactions/projects handled in the Corporate Law area of expertise. Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Above R999 million : 5 points • R500 million - R999 million: 3 points • Less than R500 million: 2 points • None: 0 points 	5	
1.4.	<p>Experience of the Firm – Commercial Law</p> <p>Bidders must furnish values of major transactions/projects handled in the Commercial Law area of expertise. Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Above R1 million: 5 points • R500 million - R999 million: 3 points • Less than R500 million: 2 points • None: 0 points 	5	
2.	RESOURCE EXPERIENCE		
2.1.	<p>Lead Partner/ Director:</p> <ul style="list-style-type: none"> • >7 years plus in position of Director: 20 points • 5-7 years in position of Director: 15 points • 2-4 years in position of Director: 10 points • 0-1 years in position of Director: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >9 matters: 20 points • 7-9 matters: 15 points • 4-6 matters: 10 points • 0-3 matters: 0 points 	40	
2.2.	Senior Associate:	30	

	<ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0-1 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 		
2.3.	Associate: <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.4.	Candidate Attorney: <ul style="list-style-type: none"> • >2 years in position: 10 points • 1- 2 years in position: 5 points • 0 years in positions: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >2 matters: 10 points • 1 matter: 5 points • 0 matters: 0 points 	20	
Total		150	

7.1.5. INFORMATION TECHNOLOGY LAW (IT LAW)

This includes the provision of legal services to assist TCTA to monitor, evaluate and assess compliance with the legislative and regulatory framework of information technology in the global marketplace. Bidders to demonstrate expertise in handling matters involving data privacy and security, cyber issues, software licensing and intellectual property.

Bidders are to demonstrate Litigation and ADR experience in relation to this category of law.

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of matters/transactions that the Bidder or its proposed resource has handled in respect of IT Law.</p> <p>A bidder must illustrate a minimum of 3 reference in IT Law which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>A) IT Law (Max 15 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 15 points • 5-7 Contactable References: 10 points 	30	

	<ul style="list-style-type: none"> • 3-4 Contactable Reference: 8 points • 0-2 Contactable References: 0 points <p>B) <u>Litigation and ADR in IT Law (Max 15 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 15 points • 5-7 Contactable References: 10 points • 3-4 Contactable Reference: 8 points • 0 – 2 Contactable References: 0 points 		
2.	RESOURCE EXPERIENCE		
2.1.	<p>Lead Partner/ Director:</p> <ul style="list-style-type: none"> • >7 years plus in position of Director: 20 points • >4-7 years in position of Director: 15 points • 2-4 years in position of Director: 10 points • 0-1 years in position of Director: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >9 matters: 20 points • 7-9 matters: 15 points • 4-6 matters: 10 points • 0-3 matters: 0 points 	40	
2.2.	<p>Senior Associate:</p> <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0-1 year in position: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.3.	<p>Associate:</p> <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0 year in position: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.4.	<p>Candidate Attorney:</p> <ul style="list-style-type: none"> • >2 years in position: 10 points • 1- 2 years in position: 5 points • 0 years in positions: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >2 matters: 10 points • 1 matter: 5 points • 0 matters: 0 points 	20	
Total		150	

7.1.6. EXPROPRIATION AND PROPERTY LAW

This includes but is not limited to drafting and vetting of agreements relating to the acquisition, expropriation of land and land rights, transfer and registration of land and land rights associated therewith. Bidders are expected to demonstrate expert knowledge in property and conveyancing law through, amongst others, expert legal opinions registration of immovable properties, drafting, negotiations in related work.

Bidders are to demonstrate Litigation and ADR experience in relation to this category of law.

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of matters/projects that the Bidder or its proposed resource has handled in respect of either of the following area/s of expertise:</p> <p>1.1. General Property Law; and 1.2. Conveyancing.</p> <p>A bidder must illustrate a minimum of 3 references in the chosen area(s) of expertise which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>A) General Property Law (Max 5 Points)</p> <ul style="list-style-type: none"> >7 Contactable References: 5 points 5-7 Contactable References: 4 points 3-4 Contactable Reference: 3 points 0 – 2 Contactable References: 0 points <p>B) Conveyancing (Max 5 Points)</p> <ul style="list-style-type: none"> >7 Contactable References: 5 points 5-7 Contactable References: 4 points 3-4 Contactable Reference: 3 points 0 – 2 Contactable References: 0 points <p>C) Litigation and ADR in General Property Law (Max 5 Points)</p> <ul style="list-style-type: none"> >7 Contactable References: 5 points 5-7 Contactable References: 4 points 3-4 Contactable Reference: 3 points 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p> <p>D) Litigation and ADR in Conveyancing (Max 5 Points)</p> <ul style="list-style-type: none"> >7 Contactable References: 5 points 5-7 Contactable References: 4 points 3-4 Contactable Reference: 3 points 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p>	20	
1.3.	Experience of the firm – General Property Law.	10	

	Bidders must furnish values of major transactions/matters handled in the Property Law area of expertise. Points will be allocated as follows: <ul style="list-style-type: none"> Above R9.9 million : 5 points R5 million - R9,9 million: 3 points Less than R5 million: 2 points None: 0 		
1.4.	Experience of the firm – Conveyancing Law. Bidders must furnish values of major transactions/matters handled in the Conveyancing Law area of expertise. Points will be allocated as follows: <ul style="list-style-type: none"> Above R9,9 million: 5 points R5 million - R9,9 million: 3 points Less than R5 million: 2 points None: 0 		
2.	RESOURCE EXPERIENCE		
2.1.	Lead Partner/ Director: <ul style="list-style-type: none"> >7 years plus in position of Director: 20 points >4-7 years in position of Director: 15 points 2-4 years in position of Director: 10 points 0-1 years in position of Director: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >9 matters: 20 points 7-9 matters: 15 points 4-6 matters: 10 points 0-3 matters: 0 points 	40	
2.2.	Senior Associate: <ul style="list-style-type: none"> >4 years plus in position: 15 points >2-4 years in position: 10 points 1-2 years in position: 5 points 0 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >7 matters: 15 points 5-7 matters: 10 points 2-4 matters: 5 points 0-1 matters: 0 points 	30	
2.3.	Associate: <ul style="list-style-type: none"> >4 years plus in position: 15 points >2-4 years in position: 10 points 1-2 years in position: 5 points 0 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> >7 matters: 15 points 5-7 matters: 10 points 2-4 matters: 5 points 0-1 matters: 0 points 	30	
2.4.	Candidate Attorney: <ul style="list-style-type: none"> >2 years in position: 10 points 1- 2 years in position: 5 points 0 years in position: 0 points 	20	

	Matters handled in this category of law: <ul style="list-style-type: none"> • >2 matters: 10 points • 1 matter: 5 points • 0 matters: 0 points 		
Total		150	

7.1.7. **ENGINEERING AND CONSTRUCTION LAW AND MINING LAW**

Engineering and Construction Law

This includes but is not limited to drafting and vetting of and advising on various engineering and construction related documents and agreements as well as representing TCTA in dispute and operational matters.

Mining Law

In relation to mining, this includes provision of opinions and advisory services on mining issues. Bidders to demonstrate adept knowledge of the mining legislative framework and regulations legislation including but not limited to Mineral and Petroleum Resources Development Act 28 of 2002.

Bidders are to demonstrate Litigation and ADR experience in relation to the abovementioned categories of law.

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of matters/projects that the Bidder or its proposed resource has handled in respect of either of the following area/s of expertise:</p> <p>1.1. Engineering and Construction Law; and 1.2. Mining Law.</p> <p>A bidder must illustrate a minimum 3 references in the chosen area(s) of expertise which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>A) <u>Engineering and Construction Law (Max 8 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 8 points • 5-7 Contactable References: 6 points • 3-4 Contactable Reference: 4 points • 0-2 Contactable References: 0 points <p>B) <u>Mining Law (Max 4 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 4 points • 5-7 Contactable References: 3 points • 3-4 Contactable Reference: 2 points • 0-2 Contactable References: 0 points <p>C) <u>Litigation and ADR in Engineering and Construction Law (Max 4 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 4 points 	20	

	<ul style="list-style-type: none"> • 5-7 Contactable References: 3 points • 3-4 Contactable Reference: 2 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p> <p>D) <u>Litigation and ADR in Mining Law (Max 4 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 4 points • 5-7 Contactable References: 3 points • 3-4 Contactable Reference: 2 points • 0- 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p>		
	FIRM EXPERIENCE (B)		
1.3.	<p>Experience of the firm – Engineering conditions of contract (FIDEC)</p> <p>Bidders must furnish values of disputes handled in the Engineering and Construction Law area of expertise. Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Above R999 million and above: 6 points • R500 million - R999 million: 4 points • Less than R500 million: 2 points • None: 0 	6	
1.4.	<p>Experience of the firm – Borrow Pits</p> <p>Bidders must furnish major transactions/projects handled in the borrow pits area of expertise. Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Above R999 million: 4 points • R500 million - R999 million: 3 points • Less than R500 million: 2 points • None: 0 	4	
2.	RESOURCE EXPERIENCE		
2.1.	<p>Lead Partner/ Director:</p> <ul style="list-style-type: none"> • >7 years plus in position of Director: 20 points • >4-7 years in position of Director: 15 points • 2-4 years in position of Director: 10 points • 0-1 years in position of Director: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >9 matters: 20 points • 7-9 matters: 15 points • 4-6 matters: 10 points • 0-3 matters: 0 points 	40	
2.2.	<p>Senior Associate:</p> <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0-1 year in position: 0 points <p>Matters handled in this category of law:</p>	30	

	<ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 		
2.3.	Associate: <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.4.	Candidate Attorney: <ul style="list-style-type: none"> • >2 years in position: 10 points • 1- 2 years in position: 5 points • 0 years in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >2 matters: 10 points • 1 matter: 5 points • 0 matters: 0 points 	20	
Total		150	

7.1.8. ENVIRONMENTAL LAW AND WATER LAW

Environmental Law

This includes drafting of environmental related opinions, support in compliance and enforcement actions from the regulator and the provision of advisory services on environmental related legislation.

Water Law

This includes drafting of opinions, directives and contracts relating to aspects of water law such as National Water Act of 1998 and its related regulations e.g., pricing strategy, National Water Services Act.

Bidders are to demonstrate Litigation and ADR experience in relation to the abovementioned categories of law.

No	Evaluation Criteria	Maximum Points	Score Allocation
1.	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of matters/projects that the Bidder or its proposed resource has handled in respect of either of the following area/s of expertise:</p> <p>1.1. Water Law; and 1.2. Environmental Law</p>	20	

	<p>A bidder must illustrate a <u>minimum of 3</u> references <u>in the chosen area(s)</u> of expertise which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>A) Water Law (Max 5 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0-2 Contactable References: 0 points <p>B) Environmental Law (Max 5 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0-2 Contactable References: 0 points <p>C) <u>Litigation and ADR in Water Law (Max 5 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0 – 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p> <p>D) <u>Litigation and ADR in Environmental Law (Max 5 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 5 points • 5-7 Contactable References: 4 points • 3-4 Contactable Reference: 3 points • 0- 2 Contactable References: 0 points <p><i>(Points will be allocated proportionately to documents provided in respect of each of Litigation and ADR.)</i></p>		
1.3.	<p>Experience of the firm – Environmental Law</p> <p>Bidders must furnish values of major transactions/projects handled in the Environmental Law area of expertise. Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Above R999 million : 10 points • R500 million - R999 million: 8 points • Less than R500 million: 6 points • None: 0 	10	
2.	RESOURCE EXPERIENCE		
2.1.	<p>Lead Partner/ Director:</p> <ul style="list-style-type: none"> • >7 years plus in position of Director: 20 points • >4-7 years in position of Director: 15 points • 2-4 years in position of Director: 10 points • 0-1 years in position of Director: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >9 matters: 20 points • 7-9 matters: 15 points • 4-6 matters: 10 points • 0-3 matters: 0 points 	40	

2.2.	Senior Associate: <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0-1 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.3.	Associate years: <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0 year in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.4.	Candidate Attorney: <ul style="list-style-type: none"> • >2 years in position: 10 points • 1- 2 years in position: 5 points • 0 years in position: 0 points Matters handled in this category of law: <ul style="list-style-type: none"> • >2 matters: 10 points • 1 matter: 5 points • 0 matters: 0 points 	20	
Total		150	

7.1.9. TAX LAW

This involves the provision of legal advice on tax related matters that TCTA deals with, including but not limited to corporate tax, VAT, mergers and acquisitions, cross border transactions, corporate reorganisation. Bidders must illustrate experience in dealing with national tax authorities, tax disputes etc.

Bidders are to demonstrate Litigation and ADR experience in relation to this category of law.

No	Evaluation Criteria	Maximum Points	Score Allocation
1	FIRM EXPERIENCE (A)		
	<p>The Bidding firm must provide details of matters/transactions that the Bidder or its proposed resource has handled in respect of Tax Law.</p> <p>A bidder must illustrate a minimum of 3 reference in Tax Law which must be submitted in support of Bid. Points will be allocated as follows:</p> <p>C) Tax Law (Max 10 Points)</p> <ul style="list-style-type: none"> • >7 Contactable References: 10 points • 5-7 Contactable References: 8 points 	20	

	<ul style="list-style-type: none"> • 3-4 Contactable Reference: 6 points • 0-2 Contactable References: 0 points <p>D) <u>Litigation and ADR in Tax Law (Max 10 Points)</u></p> <ul style="list-style-type: none"> • >7 Contactable References: 10 points • 5-7 Contactable References: 8 points • 3-4 Contactable Reference: 6 points • 0 – 2 Contactable References: 0 points 		
	FIRM EXPERIENCE (B)		
	<p>Experience of the Firm – Tax Law</p> <p>Bidders must furnish values of dispute matter handled in Tax Law. Points will be allocated as follows:</p> <ul style="list-style-type: none"> • Above R9,9 million : 10 points • R5 million - R9,9 million: 5 points • Less than R5 million: 3 points • None: 0 	10	
2	RESOURCE EXPERIENCE		
2.1	<p>Lead Partner/ Director:</p> <ul style="list-style-type: none"> • >7 years plus in position of Director: 20 points • >4-7 years in position of Director: 15 points • 2-4 years in position of Director: 10 points • 0-1 years in position of Director: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >9 matters: 20 points • 7-9 matters: 15 points • 4-6 matters: 10 points • 0-3 matters: 0 points 	40	
2.2	<p>Senior Associate:</p> <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0-1 year in position: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.3	<p>Associate:</p> <ul style="list-style-type: none"> • >4 years plus in position: 15 points • >2-4 years in position: 10 points • 1-2 years in position: 5 points • 0 year in position: 0 points <p>Matters handled in this category of law:</p> <ul style="list-style-type: none"> • >7 matters: 15 points • 5-7 matters: 10 points • 2-4 matters: 5 points • 0-1 matters: 0 points 	30	
2.4	<p>Candidate Attorney:</p> <ul style="list-style-type: none"> • >2 years in position: 10 points • 1- 2 years in position: 5 points • 0 years in positions: 0 points 	20	

	Matters handled in this category of law: <ul style="list-style-type: none"> • >2 matters: 10 points • 1 matter: 5 points • 0 matters: 0 points 		
Total		150	

All bidders who meet the minimum threshold of 105 on the technical evaluation criteria, in each category will be ranked to be admitted into the preferred supplier list up to a maximum of seven (7) bidders per category listed in 4.1 above.

The preferred supplier list will be appointed in line with the preferred supplier list terms of reference attached as **Appendix A**. The request for quotations will be evaluated in terms of the Preferential Procurement Policy Framework Act, No.5 of 2000 (PPPFA).

8. STAGE 4: SUPPLIER VETTING

TCTA reserves the right to disqualify a successful bidder who/whose:

- 8.1.1. Submits fraudulent information or information that they do not have to authority to submit;
- 8.1.2. Is listed on National Treasury's list of Blacklisted Suppliers or Defaulters or similar;
- 8.1.3. Poses a risk in terms of any vetting process conducted either by TCTA internally or the National Intelligence Agency;
- 8.1.4. Has a director and/or shareholder who is employed by any organ of state. This does not apply to any organ of state acting as a bidder; and
- 8.1.5. Tax affairs are not in order at the time of award after being requested to resolve the non-compliance status with SARS within the prescribed period.

9. CONDITIONS OF BID

Any bid submission that does not meet the conditions of bid may be rejected and not evaluated at all. Such a bid submission will not be acceptable.

9.1. Costs of Bidding

- 9.1.1. Bidders shall bear their own costs, disbursements and expenses associated with the preparation and submission of the Bid Submissions, including submission of any additional information requested by TCTA or attending the compulsory briefing session.
- 9.1.2. TCTA shall not under any circumstances be liable nor assume liability to any Bidder for costs, disbursements and/or expenses incurred by Bidders regardless of the outcome of the Bid process or by virtue of cancellation and/or postponement of the Bid process. Where applicable a non-refundable fee for documents may be charged.

9.2. Clarifications

- 9.2.1. All questions or queries regarding the Request for Bid must be directed to the person stated on the front page of this document, stating the relevant Bid number in the subject field, at least five business days before the stipulated closing date and time of the Request for Bid. No e-mails, faxes and/or telephone calls should be directed to any other employees of TCTA.
- 9.2.2. TCTA shall not be liable nor assume liability for any failure to respond to any questions and/or queries raised by potential Bidders.
- 9.2.3. Should a Bidder fail to complete the annexures TCTA may call upon the Bidder to complete and submit such annexures except where such annexures are indicated as mandatory or are required for purposes of functional and preferential points evaluation. TCTA reserves the right to request clarity and to clarify and ambiguities in the documents that have already been submitted. If a Bidder fails to submit any of the requested documents and / or annexures duly completed within 5 (five) working days of being called upon to do so, then the TCTA may disqualify the Bidder.

9.3. Amendments

- 9.3.1. TCTA reserves the right, in its sole and absolute discretion, to amend any terms and conditions of the Request for Bid and/or to stipulate additional requirements, provided that such amended terms and conditions and/or additional requirements are placed on TCTA's website at least 3 (three) business days prior to the stipulated closing date and time.
- 9.3.2. Any amended terms and conditions and/or stipulation of additional requirements by TCTA shall be deemed to form part of this Request for Bid.
- 9.3.3. TCTA shall not be liable, nor assume liability of any nature whatsoever, for the failure of a Bidder to receive information if sent to the e-mail, fax or postal address supplied.
- 9.3.4. TCTA reserves the right to stipulate additional Bid requirements as it deems appropriate in its sole and absolute discretion.
- 9.3.5. TCTA shall not be liable nor assume liability to any potential Bidder/s for any failure by such Bidder/s to receive any request for additional information.
- 9.3.6. In the event that TCTA amends its Bid requirements or requests additional information, any Bidder shall be entitled to withdraw its Bid Submission submitted by it prior to the stipulated closing date and time and re-submit a replacement Bid Submission by not later than the stipulated closing date and time.

9.4. Modification, Alteration or Substitution and/or Withdrawal of a Bid Submission

- 9.4.1. Any Bidder shall be entitled to withdraw or modify its Bid Submission at any time prior to the stipulated closing date and time.
- 9.4.2. Any amendment or alteration to the Bid documents must be received before the closing date and time of the Bid as stipulated in the Special conditions of Bid. The

words “Amendment to Bid” and the description of the Bid must be clearly reflected on the envelope containing the documents or courier packaging.

- 9.4.3. No modification, alteration or substitution of Bid Submissions will be permitted after the stipulated closing date and time.
- 9.4.4. TCTA reserves the right to request Bids for clarification needed to evaluate their Bids, however, such request for clarification shall not allow or entitle Bidders to change the substance or price of their Bids after Bid opening. Any request for clarification and the Bidder’s responses will be made in writing.

9.5. Validity Period

- 9.5.1. All Bid Submissions must remain valid from the stipulated closing date and time of the Request for Bid for the period stated in this Bid. Each Bid Submission will constitute an irrevocable offer which remains open for acceptance by TCTA during the validity period.
- 9.5.2. If TCTA issues a request to extend the validity period, failure to respond to such a request shall be deemed to be an approval to extend the bid validity period on the same terms and conditions as per your original bid submission.
- 9.5.3. If a bidder rejects the extension of validity period with no further comments. The bidder’s rejection shall be accepted as a withdrawal from the bid process.
- 9.5.4. If a bidder rejects the extension of the validity period and requests an adjustment to their bid price. Such adjustment must be in line with the Consumer Price Index applicable at the time of request for extension and/or a recognised industry pricing guide. Adjustments outside of these parameters or for any other reason will not be acceptable and the bidders original bid price shall be deemed to be applicable for the extended validity period.

9.6. Confidentiality

- 9.6.1. All Bid Submissions received by TCTA will remain in TCTA’s possession. Save as may be required by law or by any court of competent jurisdiction or similar body having appropriate jurisdiction, no information contained in or relating to any Bid Submissions will be disclosed to any other parties.
- 9.6.2. The Bidder hereby consents to the use and distribution of their personal information in terms of the above.

9.7. Right Not to Award

TCTA reserves the right, at its sole discretion, not to award to any of the Bidders or to cancel a Bid in line with regulation 13 of the Preferential Procurement Regulations, 2017:

- 9.7.1. Due to changed circumstances; there is no longer a need for the goods, or the services specified in the invitation;
- 9.7.2. Funds are no longer available to cover the total envisaged expenditure;
- 9.7.3. No acceptable Bid is received; or

- 9.7.4. There are material irregularities in the Bid process

9.8. Terms and Conditions of Contract

- 9.8.1. Once the successful bidder is issued with a Letter of Award, a pre-liminary contract will be deemed to have been concluded between TCTA and the successful Bidder, which contract will include the following documents:
- 9.8.1.1. The contents of this Request for Bid, including all annexures hereto and any additional requirements as may have been stipulated by TCTA;
 - 9.8.1.2. The relevant Bid Submissions;
 - 9.8.1.3. The letter of acceptance to the successful Bidder/s; and
 - 9.8.1.4. Any correspondence between TCTA and the relevant Bidder/s including all additional documents submitted by the relevant Bidder/s and accepted by TCTA for clarification purposes; and
 - 9.8.1.5. The terms and conditions of any agreement/s proposed to be entered into by TCTA with the successful Bidder/s.
- 9.8.2. The Bidder will be deemed to have accepted the terms and conditions of an agreement and/or terms of reference attached to and issued with this Request for Bid. The terms and conditions of the attached agreement are non-negotiable
- 9.8.3. In the event that TCTA and the relevant Bidder are unable to reach consensus on the terms and/or conditions of the final written agreement, then TCTA reserves the right to cancel the award of the Bid, without liability of any nature, and to conclude an agreement with any other Bidder as may be necessary to meet TCTA's requirements.
- 9.8.4. Variations and Contract Price Adjustments
- 9.8.4.1. No variations to the contract price or contract price adjustments will be accepted within 6 months from the date of award, unless otherwise stipulated in the Letter of Award.
 - 9.8.4.2. Notwithstanding the above, the increases to the contract value in terms of contract price adjustments (CPA), if expressly included as a condition in the Contract, shall be dealt with as follows:
 - 9.8.4.3. If the original award/contract made provision for the increase:
 - 9.8.4.3.1. The Contract Manager must prepare a notice of increase based on CPA to the service provider,
 - 9.8.4.3.2. Once the Contract Manager and the Procurement Specialist have signed the letter, the Procurement Specialist must issue the notice to the supplier;
 - 9.8.4.3.3. Such a letter must be sent at least 2 weeks prior to the effective date of the increase;

- 9.8.4.4. If the original award/legal agreement did not make provision for the increase:
- 9.8.4.4.1. The supplier must request the CPA increase in writing quoting the relevant contract name and PO Number and send the request to the Contract Manager;
 - 9.8.4.4.2. The Contract Manager must prepare a requisition for the variation to the relevant Procurement Specialist;
 - 9.8.4.4.3. The Procurement Specialist must together with the Contract Manager prepare a submission for variation of the contract;
 - 9.8.4.4.4. The relevant authority must approve the submission and once done; the Procurement Specialist must request an addendum to the contract from the Legal Department;
 - 9.8.4.4.5. Once an addendum has been prepared, the Contract Manager must ensure that both parties sign the addendum;
 - 9.8.4.4.6. The original addendum must be provided to the Procurement Specialist for safekeeping and a copy can be emailed to the supplier notifying them of the increase.
 - 9.8.4.4.7. The Procurement Specialist must notify the Procurement Administrator to adjust the contract register accordingly within 48 hours of receiving the signed addendum.

9.8.5. Performance Management

- 9.8.5.1. This contract shall be subject to performance management in line with TCTA's Contract Management Policy and Procedure as amended from time to time. Failure to provide satisfactory goods or services may result in the bidder's blacklisting within TCTA or other organs of state.
- 9.8.5.2. If the final signed contract between the parties does not stipulate the number of times performance management meetings shall be held, they must be held as outlined below.

More than 3 years	once every month;
1 year to 3 years	once every 3 (three) months
6 months to 1 year	at least twice in the contract's duration
Less than 6 months	at least once in the contract's duration

9.8.6. Communication

The successful bidder must forward all communication in respect to this contract to the Contract Manager stipulated in the Letter to Award.

9.9. Subcontracting after award

The successful bidder:

- 9.9.1. May only subcontract this scope of work no less than 6 (six) months after award;
- 9.9.2. May only subcontract with the prior written approval from the Contract Manager appointed by TCTA.
- 9.9.3. May only sub-contract more than 25% of the contract to a third party that has a B-BBEE status level that is more or equal to that of the successful bidder unless the third party is an EME capable of executing the contract.

9.10. Cession of Rights

- 9.10.1. The successful bidder may cede their rights to a third-party provided that:
 - 9.10.1.1. The cession does not take place less than 6 (six) months from the date of award;
 - 9.10.1.2. The third-party is registered on the CSD and its Tax affairs are compliant;
 - 9.10.1.3. The third-party has a BBBEE status level of contributor equal to or higher than that of the successful bidder;
 - 9.10.1.4. The parties prepare a draft a cession agreement that meets all the legal requirements on a template of their own choosing and at their own legal costs; and
 - 9.10.1.5. The cession agreement is submitted for vetting by TCTA prior to signature.
- 9.10.2. TCTA may reject the cession should it not meet the requirements set out above and provide reasons to the supplier.

9.11. Notification of Unsuccessful Bidders

If no correspondence or communication is received from TCTA within the validity period, the relevant Bid Submissions submitted will be deemed to be unsuccessful.

9.12. Supplier Code of Conduct

- 9.12.1. All suppliers and their representatives shall conduct their business activities in full compliance with the applicable laws and regulations of the Republic of South Africa while conducting business with and/or on behalf of the TCTA. In addition to any specific obligations under the supplier's agreement with TCTA, all suppliers shall, without limitation:

- 9.12.1.1. Comply with the anti-corruption laws of the Republic of South Africa and any other country in which it does business, including the Prevention and Combating of Corrupt Activities Act.
- 9.12.1.2. Conduct business in full compliance with antitrust and fair competition laws within the Republic of South Africa.
- 9.12.1.3. Comply with all applicable environmental laws and regulations regarding hazardous materials, air emissions, waste and wastewater discharges, including the manufacture, transportation, storage, disposal and release to the environment of such materials.
- 9.12.1.4. Be honest, direct and truthful in discussions with regulatory agency representatives and government officials.
- 9.12.2. Suppliers and their representatives shall conduct their business interactions and activities with integrity and in accordance with their obligations under their specific agreements. In addition to those obligations, all our suppliers shall, without limitation:
 - 9.12.2.1. Honestly and accurately record and report all business information and comply with all applicable laws regarding their completion and accuracy.
 - 9.12.2.2. Create, retain and dispose of business records in full compliance with all applicable legal and regulatory requirements.
 - 9.12.2.3. Protect and responsibly use both the physical and intellectual assets of TCTA, including its property, data and equipment when authorized to use such assets.
 - 9.12.2.4. Use TCTA provided information technology and systems (including email) only for authorized business-related purposes. TCTA strictly prohibits suppliers and their representatives from using Company-provided technology and systems to create, access, store, print, solicit or send any material that is intimidating, harassing, threatening, abusive, sexually explicit or otherwise offensive or inappropriate and/or send any false, derogatory or malicious communications using provided information assets and systems.
 - 9.12.2.5. Comply with the intellectual property ownership rights of TCTA and others including but not limited to copyrights, patents, trademarks and trade secrets. Use software, hardware and content only in accordance with their associated license or terms of use.
 - 9.12.2.6. Speak to the press on TCTA's behalf only if supplier and/or representative is expressly authorized in writing to do so by TCTA.
- 9.12.3. TCTA expects its suppliers to share its commitment to human rights and equal opportunity in the workplace. TCTA suppliers shall conduct their employment practices in full compliance with all applicable laws and regulations, and shall, without limitation:
 - 9.12.3.1. Cooperate with TCTA's commitment to a workforce free of harassment and unlawful discrimination. We believe that supplier companies

should not engage in discrimination in hiring, compensation, access to training, promotion, termination or retirement based on religion, age, disability, gender, marital status, sexual orientation, union membership, political affiliation or any other category protected by applicable law.

- 9.12.3.2. Comply in all respects with the Employment equity act, in line with TCTA's commitment to redress the racial makeup of the South African economy,
- 9.12.3.3. Provide a safe and healthy work environment and fully comply with all applicable safety and health laws, regulations and practices. Adequate steps shall be taken to minimize the causes of hazards inherent in the working environment. While on TCTA property, suppliers shall comply with all rules and regulations concerning the operation of the property and the interaction with other individuals with access to the property, whether TCTA, its clients, or other suppliers, employees or guests.
- 9.12.3.4. Prohibit the use, possession, distribution and sale of illegal drugs while on TCTA owned, leased or managed property.
- 9.12.3.5. Use only voluntary labour. The use of forced labour whether in the form of indentured labour, bonded labour, or prison labour by a Company supplier or its subcontractors is prohibited.
- 9.12.3.6. Workers should not be required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice without penalty.
- 9.12.3.7. Comply with all local minimum working age laws and requirements and not utilize child Employees shall not be under the legal minimum working age of the respective region or shall not be less than 16 years of age (whichever is higher). We only support the development of legitimate workplace apprenticeship programs for the educational benefit of younger people and will not do business with those who abuse such systems.
- 9.12.3.8. Not engage in physical discipline or abuse. Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation is prohibited.
- 9.12.3.9. Pay living wages under humane conditions. All workers shall be provided with clear, written information about their employment conditions with respect to wages before they enter employment and as needed throughout their term of employment. Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the express permission of the worker concerned. All disciplinary measures should be recorded. Wages and benefits paid for a standard working week meet, at a minimum, national legal standards.

- 9.12.3.10. Not require workers to work more than the maximum hours of daily labour set by the Department of Labour; ensure that overtime is paid in accordance with applicable laws and
- 9.12.3.11. Keep employee records in accordance with acts and prescripts issued by the Department of Labour.
- 9.12.4. TCTA expects its suppliers to share the same social responsibility of growing business in a sustainable fashion. At TCTA, we believe that environmental stewardship and local business development are of utmost importance, and we constantly seek new ways to fulfil our responsibilities to the environment.
- 9.12.5. Adopt an environmentally friendly policy and share our commitment to sustainability. Comply with all applicable environmental laws and regulations.
- 9.12.6. TCTA expects its suppliers to share its commitment to Broad Based Black Economic Empowerment and supplier diversity. TCTA suppliers shall implement supplier diversity programs that meet the requirements of the Broad Based Black Economic Empowerment Codes of Good Conduct. At all times the supplier undertakes to ensure that they are in possession of a valid BBEE certificate.
- 9.12.7. TCTA will not tolerate any retribution or retaliation taken against any individual who has in good faith sought out advice or has reported questionable behaviour or a possible violation.

9.13. Prohibition of Bribery, Fraudulent and Corrupt Practices

- 9.13.1. No Bidders shall directly or indirectly commit, or attempt to commit, for the benefit of the Bidder or any other person, any of the following:
- 9.13.2. Influencing, or attempting to influence, any TCTA's employees or agents in respect of the award of a Bid or the outcome of the Bid process in relation to any contract for the provision of goods or services; and/or
- 9.13.3. Offering, or giving gratification to, and/or inducing, or attempting to induce, as defined in the Prevention and Combating of Corrupt Activities Act No. 12 of 2004, as amended from time to time, any of TCTA's employees or agents, in favour of or for the benefit of the Bidder and/or any other party; and/or
- 9.13.4. Bribing, or attempting to bribe, any TCTA's employees or agents in order to influence the outcome of a Bid process in favour of or for the benefit of the Bidder and/or any other party.
- 9.13.5. TCTA shall be entitled to disqualify any Bidder/s if it has reason to believe that any conduct relating to that set out in Condition 16.1 above has occurred.

9.14. Fronting

- 9.14.1. The TCTA supports the spirit of Broad-Based Economic Empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background TCTA condemns any form of fronting.

- 9.14.2. TCTA, in ensuring that Bidders conduct themselves in an honest manner will, as part of the bid evaluation process, conduct or initiate the necessary probity investigation to determine the accuracy of the representation made in the bid document. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry be established during such enquiry / investigation, the onus will be on the Bidder to prove that fronting does not exist.
- 9.14.3. Failure to do so within a period of 14 days from the date of notification may invalidate the Bid/contract and may also result in the restriction of the Bidder, by National Treasury, to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the National Treasury may have against the bidder concerned.

9.15. Joint venture or consortium

- 9.15.1. TCTA encourages the formation of a joint venture or consortium as a condition for the award of a contract, in order to promote the participation of Black Owned Enterprises. In this case, the TCTA has both a moral obligation and a vested interest in ensuring that both the Black Owned Enterprises and its established joint venture or consortium partner are treated reasonably and equitably in terms of a sound, written agreement.
- 9.15.2. The members of a joint venture or consortium formed in response to transformation policies should share in at least the following aspects of the joint venture or consortium's activities in a meaningful and equitable manner:
 - 9.15.2.1. Control
 - 9.15.2.2. Management
 - 9.15.2.3. Operations
- 9.15.3. The joint venture or consortium agreement:
 - 9.15.3.1. Must clearly and comprehensively set out the contributions to be made by each member towards the activities of the joint venture or consortium in securing and executing the contract and should allocate monetary values to such contributions.
 - 9.15.3.2. Must record the percentage participation by each member.
 - 9.15.3.3. Must provide for meaningful input by all members to the policy making and management activities of the joint venture or consortium;
 - 9.15.3.4. Must provide for the establishment of a management body for the joint venture or consortium;
 - 9.15.3.5. Must provide measures to limit, as far as possible, losses to the joint venture or consortium by the default of a member;
 - 9.15.3.6. Must promote consensus between the members whilst ensuring that the activities of the joint venture or consortium will not be unduly hindered by failure to achieve it;

- 9.15.3.7. Must provide for rapid, affordable and easy interim dispute resolution and for effective final dispute resolution, if required; and
- 9.15.3.8. Must be sufficiently flexible to allow for joint venture or consortiums which differ in nature, objectives, inputs by members, management systems, etc;
- 9.15.3.9. Must submit on annual basis consolidated BBBEE scorecard for the Joint Venture failure which TCTA will implement contractual remedies.
- 9.15.4. Right to review the joint venture or consortium agreement

TCTA reserves the right to review the joint venture or consortium agreement between the parties to ensure that the minimum conditions set out above are adhered to and that the Black Owned Enterprise partner is not disadvantaged by conditions of the resultant agreement.
- 9.15.5. Amendment of the joint venture or consortium agreement

The composition or the constitution of the joint venture or consortium shall not be altered without the prior consent of the Employer.

9.16. Payment Process

- 9.16.1. Monthly invoicing and payment of fees and disbursements will take place based on the actual services rendered, and payment of invoices shall be affected within 30 days from date of receipt.
- 9.16.2. Invoices must be submitted with supporting documents, where requested. No invoice shall be accepted for goods/services that are not received unless otherwise stipulated in the contract between the parties.
- 9.16.3. No payment shall be made unless the following information has been presented to TCTA to its satisfaction:
 - 9.16.3.1. VAT registration certificate, if the successful Bidder is a VAT vendor;
 - 9.16.3.2. Without deduction of PAYE and/or SITE, if the successful Tenderer is not registered for VAT; or
 - 9.16.3.3. Statement setting out details of services rendered, accompanying invoice.
 - 9.16.3.4. Statement of account detailing cumulative costs claimed from contract inception against the contract amount.
- 9.16.4. All invoices shall contain a Purchase Order number, TCTA and successful Bidder's VAT number, if registered for VAT, successful Bidder's name, date of invoice, amount due, services rendered, due date, and any other relevant details. TCTA's VAT number is 4360104923.
- 9.16.5. Payment will only be made against original invoices which complies with the requirements of the VAT Act. Failure to remit fully compliant invoice will result in late payment, without forfeiture of any settlement discounts that may be due to TCTA.

ANNEXURES A & B: TEMPLATES FOR BIDDER AND PERSONNEL EXPERIENCE

NOTE to Bidders:

It is **RECOMMENDED** that all Bidders complete the ANNEXURES A and B for each proposed category in the Word editable template that TCTA will provide as indicated below.

ANNEXURE A

COMPANY EXPERIENCE

AREA OF EXPERTISE: -----

No	Client Name	The Value of transactions/projects handled in the areas of practice the bidder bid for:	Start and End Date	Contact Person	Email Address	Contact Numbers
1						
2						
3						
4						
5						
6						
7						
8						

SIGNATURE: NAME OF BIDDER.....
(of person authorised to sign on behalf of the Bidder)

ANNEXURE B1

LEAD PARTNER / DIRECTOR EXPERIENCE

CATEGORY OF LAW:

Name:

Year of admission:

Number of years of experience as lead partner / director:

Client name	Matter/Transaction/ Project name	Description matter/transaction/project handled of	Commencement and Completion dates	Contact person	Contact number and email address

SIGNATURE: NAME OF BIDDER.....

(of person authorised to sign on behalf of the Bidder)

ANNEXURE B2

SENIOR ASSOCIATE EXPERIENCE

CATEGORY OF LAW: -----

Name: -----

Year of admission: _____

Number of years of experience as Senior Associate: _____

Client name	Matter/Transaction/ Project name	Description of matter/transaction/project handled	Commencement and Completion dates	Contact person	Contact number and email address

SIGNATURE: **NAME OF BIDDER:**.....

(of person authorised to sign on behalf of the Bidder)

ANNEXURE B3

ASSOCIATE EXPERIENCE

CATEGORY OF LAW:

Name:

Year of admission:

Number of years of experience as Associate:

Client name	Matter/Transaction/ Project name	Description matter/transaction/project handled	of Commencement and Completion dates	Contact person	Contact number and email address

SIGNATURE: NAME OF BIDDER.....

(of person authorised to sign on behalf of the Bidder)

ANNEXURE B4

CANDIDATE ATTORNEY EXPERIENCE

CATEGORY OF LAW: -----

Name: -----

Number of years of experience as Candidate Attorney: _____

Client name	Matter/Transaction/ Project name	Description of matter/transaction/project handled	Commencement and Completion dates	Contact person	Contact number and email address

SIGNATURE: **NAME OF BIDDER:**.....

(of person authorised to sign on behalf of the Bidder)

ANNEXURE C : CATEGORY LIST

#	CATEGORY LIST	SELECT CATEGORY	NAME OF PROPOSED RESOURCES
1	Employment and Labour Law		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:
2	Banking and Finance Law, Project and Infrastructure Finance		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:
3	Regulatory, Compliance and Administrative Law		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:
4	Corporate and Commercial Law		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:
5	Intellectual Property Law		Lead Partner/Director
			Senior Associate

#	CATEGORY LIST	SELECT CATEGORY	NAME OF PROPOSED RESOURCES
			Associate
			Candidate Attorney
6	Expropriation Law and Property Law		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:
7	Engineering Construction Law and Mining Law		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:
8	Environmental Law and Water Law		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:
9	Tax Law		Lead Partner/ Director:
			Senior Associate:
			Associate:
			Candidate Attorney:

**PART A
REQUEST FOR BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
-------------	--	---------------	--	---------------	--

DESCRIPTION	
-------------	--

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO	TECHNICAL ENQUIRIES MAY BE DIRECTED TO:
---	--

CONTACT PERSON		CONTACT PERSON	
----------------	--	----------------	--

TELEPHONE NUMBER		TELEPHONE NUMBER	
------------------	--	------------------	--

FACSIMILE NUMBER		FACSIMILE NUMBER	
------------------	--	------------------	--

E-MAIL ADDRESS		E-MAIL ADDRESS	
----------------	--	----------------	--

SUPPLIER INFORMATION

NAME OF BIDDER			
----------------	--	--	--

POSTAL ADDRESS			
----------------	--	--	--

STREET ADDRESS			
----------------	--	--	--

TELEPHONE NUMBER	CODE		NUMBER	
------------------	------	--	--------	--

TELEPHONE NUMBER				
------------------	--	--	--	--

FACSIMILE NUMBER	CODE		NUMBER	
------------------	------	--	--------	--

E-MAIL ADDRESS				
----------------	--	--	--	--

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
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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 SOUTH AFRICA OR THE GOODS SERVICES WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	2. 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			

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. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **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 WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURE OR CONSORTIUMS / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 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 PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE:

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 Request for 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.

² "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 **YES / NO**
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?

2.9.1 If so, furnish particulars.

.....
.....
.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
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?

2.10.1 If so, furnish particulars.

.....
.....
.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....
.....
.....

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

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

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

May 2011

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION
MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE
FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. 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.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf

of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a) has been requested to submit a bid in response to this bid invitation;

(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. 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 consortium or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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 Joint venture or consortium 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.

10. 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.

.....

.....

Signature

Date

.....

.....

Position

Name of Bidder

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