



REQUEST FOR PROPOSAL

TENDER INVITATION

CONTRACT NUMBER: CDC/250/23

Request for Proposals for the appointment of Framework of Attorneys for Coega Development Corporation

The Coega Development Corporation (CDC) is headquartered in the City of Gqeberha, Nelson Mandela Bay Municipality, South Africa, with a strategic operational footprint in South Africa and the rest of African Continent. The CDC's vision is to be the leading catalyst for the championing of socio-economic development. This it seeks to achieve through the development and operation of the 9 003-hectare Coega Special Economic Zone (SEZ), a transshipment hub and a leading investment destination in Africa, providing highly skilled competence and capacity for the execution of quality complex infrastructure and related projects throughout South Africa and selected markets on the African continent, and advisory on the development of industrialization and logistics zones. The CDC's advanced capabilities are successful enablers in economic zone development and management, real assets management, infrastructure planning and development for National, Provincial, Local Government Departments and State-owned Entities, technology integration while realising related socio-economic impact areas such as skills and SMME development. The CDC's high-performance ethos is grounded in its commitment to sustainable development, the protection of its people and the planet, and the delivery of infrastructure solutions that support a just social and economic transition to a low-carbon, resource efficient, and climate resilient future. The foundational culture of the CDC's approach, backed by core values, is innovation and continuous improvement.

INVITATION AND SCOPE OF WORK

The CDC is inviting suitably qualified and competent attorney firms to submit proposals in order to form part of the Coega Development Corporation's framework of attorneys for a period of three (3) years, to be used as and when required. The framework of attorneys is required to provide a wide range of legal services which include, but are not limited to:

- (a) Provision of legal advice / opinions on various legal matters;
- (b) Representation of the CDC in dispute resolution and litigation matters;
- (c) Notarisation and registration of deeds;
- (d) Handling of labour / employment matters.

The framework should comprise of specialists with knowledge of various fields of law including, but not limited to:

- (a) Corporate Law;
- (b) Commercial and Civil Litigation;
- (c) Labour and Employment Law;
- (d) Constitutional Law;
- (e) Administrative Law;
- (f) Construction Law;
- (g) Public Finance Law;
- (h) Environmental Law;
- (i) Competition Law;
- (j) Property Law;
- (k) Conveyancing;
- (l) International trade and customs;
- (m) Intellectual Property;
- (n) Tax Law;
- (o) Corporate Governance and Company Secretarial Services.

CONDITIONS OF TENDER

- (a) Bidder(s) must complete and sign the POPI Act consent form.
- (b) Bidder(s) must be registered with the Legal Practice Council (LPC).
- (c) Each Director of the Bidder should have a valid Fidelity Fund Certificate.
- (d) The CDC's Procurement Policy & Procedures shall apply.
- (e) The following legislation shall apply:
 - (i) Public Finance Management Act (PFMA);
 - (ii) National Treasury Regulations;
 - (iii) Preferential Procurement Policy Framework Act, 2000;
 - (iv) Preferential Procurement Regulations, 2022;
 - (v) B-BBEE Act Number 53 of 2003 (as amended by Act number 46 of 2013);
 - (vi) Occupational Health and Safety Act and Regulations, Act (85 of 1993); and
 - (vii) Compensation for Occupational injuries and disease Act (130 of 1993).
- (f) The 80/20 preference point system will be used where points allocation will be as follows:
 - (i) Price - 80;
 - (ii) Specific goal (B-BBEE) - 20.
- (g) Regarding the Price component of the preferential points system, all bidders will be assigned a score of 80 points. This is because the appointed service providers must adhere to the tariff rates published in the government gazette, from time to time, by the Minister of Justice and

Constitutional Development.

- (h) Bidders with less than 51% black shareholding (QSEs & Generics) are to submit a valid SANAS Accredited B-BBEE Verification Certificate (with the full applicable B-BBEE elements). Bidders with more than 51% black shareholding (EMEs & QSEs) are to submit a sworn affidavit stamped and signed by the Commissioner of Oaths as per the DTIC B-BBEE template.
- (i) Bidder(s) must submit a proof of registration with National Treasury's Centralized Supplier Database (CSD) or provide a National Treasury CSD registration number e.g MAAA0....;
- (j) CDC will only award the tender to a Bidder(s) who is tax compliant. The tax compliance status of the bidder(s) will be verified through CSD and SARS website, therefore prospective Bidder(s) must ensure that they are Tax Compliant throughout the validity period of the bid in review.
- (k) Public servants are prohibited from doing any form of business with organs of state, whether in their own capacity as individuals or through companies in which they are directors. Verification will be done and Bidder(s) will be disqualified should they be found to be in contravention with the regulations.
- (l) Bidder(s) are required to nominate a Lead Legal Practitioner that will be heading the engagement with the CDC. The Lead Legal Practitioner must be a full-time employee of the Bidder. The Bidder is required to indicate who the Lead Legal Practitioner is in the cover letter.
- (m) The Bidder(s) must confirm that as a condition of appointment, they will furnish the CDC within the allocated time, with a valid letter of good standing from the LPC.
- (n) JV's and consortiums will not be allowed to tender.
- (o) All returnable bid documents and proposals to be indexed and paginated.
- (p) All bid documents to be completed in black ink.
- (q) No tippex is allowed. All changes must be scratched out and a signature appended next to each change.
- (r) All copies must be originally certified and all certified copies must not be older than three (3) months from date of submission.
- (s) It is incumbent upon and the responsibility of the Prospective Bidder(s) to submit their full and correct contact details when they download the RFP Document to enable any communication that the CDC might need to issue to all the Prospective Bidders during the bidding process to be realised. The CDC will not be accountable for any such omission or failure by the Prospective Bidder(s).
- (t) Any misrepresentation of information will lead to immediate disqualification of the Bidder's Submission. It is imperative that the duly authorised person conducts quality control on all the documentation to be submitted to the CDC as part of this RFP and signs the submission as a correct and sound documentation that the CDC could put its reliance on.
- (u) The tender validity period shall be eighteen (18) weeks from the closing date.

RFP documents can be downloaded from the CDC website: www.coega.co.za from **Friday, 04 August 2023** at **10h00** at no cost.

Potential bidders will be required to provide their email addresses on the CDC website before downloading the documentation for correspondence purposes. Potential bidders must therefore ensure that the email addresses are correct.

A mandatory Briefing Meeting will be held at **the Auditorium, 136 Tutu BPO Building, Coega, Gqeberha, 6001** on **Monday, 14 August 2023 at 10h00**. The Attendance Register is to be completed in the name of the entity that will tender. One person cannot represent more than one entity.

Queries relating to this RFP may be addressed to Ms. Zine Mtanda, Unit Head: Supply Chain Management strictly via e-mail: tenderscdc25023@coega.co.za between the period of **04 August 2023** to **21 August 2023**. No new queries received after **21 August 2023** will be considered.

The closing date and time for the receipt of complete bid documents is on **Monday, 28 August 2023** at **12h00**. One (1) original of the completed RFP document shall be placed in a sealed envelope clearly marked: **"CDC/250/23 - Appointment of Framework of Attorneys for Coega Development Corporation"**.

Bids are to be placed in the tender box at the CDC's Main Office located at the **Coega Business Centre, Cnr Alcyon Rd and Zibuko Street, Zone 1, Coega SEZ, Gqeberha (Port Elizabeth)**. RFP documents will not be opened in public. No late submissions will be considered.

Incomplete RFP Document and failure to submit mandatory information required in the RFP will result in the submissions being deemed null and void and shall be considered non-responsive. For avoidance of doubt, any requirement with directive language in its wording such as must or shall is mandatory.

Telegraphic, telexed, facsimiled or e-mail submissions will not be accepted.

No telephonic or any other form of communication with any other CDC member of staff, other than the named individual below, relating to this request for bid will be permitted. All enquiries regarding this bid must be in writing only, and must be directed to:

Zine Mtanda: Unit Head: Supply Chain Management e-mail: tenderscdc25023@coega.co.za

The CDC reserves the right not to accept the lowest proposal in part or in whole or any proposal.