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## **INVITATION TO TENDER**

### **APPOINTMENT OF A PANEL OF ATTORNEYS FOR THREE (3) YEARS TO PROVIDE LEGAL SERVICES TO THE INDEPENDENT DEVELOPMENT TRUST**

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**Tender Number: IDT/LEG-02/2023-2025**

**Closing date: 07 June 2023, 12H00**

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#### **ISSUED BY:**

**THE INDEPENDENT DEVELOPMENT TRUST**

**IDT HEAD OFFICE  
CORNER OBERON AND SPRITE STREETS  
GLENWOOD OFFICE PARK  
FAERIE GLEN  
0043**

**TEL: (012) 845 2000 - FAX: (012) 348 1089  
Website: [www.idt.org.za](http://www.idt.org.za)**

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## **1.2 Historical Background and Overview of the IDT**

- a. The IDT was established through an endowment from government in 1990 and was integrated into the public service delivery system with the promulgation of the Public Finance Management Act in 1999. Building on the IDT's effectiveness as a redistributive mechanism, it was constituted as a Public Entity to support Government with the eradication of poverty.
- b. After 1999, the IDT was reconfigured and listed as a Schedule 2 programme implementation agency as prescribed by the Public Finance Management Act (PFMA) (Act 1 of 1999, as amended). Since its establishment, the IDT has delivered a combination of social infrastructure and social development programmes in predominantly rural communities across the country.
- c. The Accounting Authority of the IDT, the Board of Trustees, reports to Parliament through its Executive Authority, the Minister of Public Works and Infrastructure. The nature of the relationship between the Accounting Authority and its Executive Authority is set out in a Shareholder's Compact and implemented through the IDT's Corporate Plan and Budget, which constitute a performance agreement between the Minister and the IDT, and comprise the basis for assessments of the IDT's performance and impact as a Public Entity.
- d. The Legal Services Sub-Unit of the IDT is responsible for the general provision of legal services to the organization. As a Premium Government Developmental Programme Implementation and Management Agency and due to the number of projects the IDT implements and the number of contracts entered into with the service providers, the Legal Services Sub-Unit of the IDT is predominantly occupied.
- e. Human Resource Sub-Unit is from time to time required to defend the organization at the CCMA or Labour Court.
- f. Accordingly, the IDT is seeking to procure the services of qualified and experienced service providers (Law Firms) to assist the IDT in rendering legal and labour services on an Adhoc basis for specific assignments.

## **1.4 Expertise and Skills Required**

- a. The IDT requires the services of qualified Attorneys and Labour Consultants to render legal services in the fields as stated hereunder, to be appointed in each for a three (3) years contractual period.

- b. **NB: Attorneys who are already on IDT's supplier database should also submit their proposal if willing to participate to this bid.**

### **1.5.1 Essential Specialised Field of Law:**

#### **1.5.1.1 Civil Litigation**

Attorneys will attend to Civil Litigation on behalf of the IDT, either in the court of law or through arbitrations. Attorneys are required to have an in-depth practical knowledge of civil litigation procedures through arbitration or in the High Court and Magistrates' Court.

Attorneys are required to have practical knowledge of: -

- a) the entire spectrum of construction and engineering law, and the related regulatory environment, but not limited to the knowledge of the standard forms of contract, including FIDIC, the NEC, the SAICE General Conditions of Contract, PROCSA, Standard Professional Services Contract and the JBCC; and
- b) Construction Industry Development Board (CIDB) and its legislations (Construction Industry Development Board Act, 2000, Construction industry Development Regulations, 2004 (as amended), CIDB's Code of Conduct for all parties engaged in Construction Procurement and CIDB's Inform Practice Notes).

#### **1.5.1.2 Insolvency**

Attorneys will be required to assist the IDT in obtaining legal opinions and/or pursue litigation within the insolvency/liquidation process/business rescue. A thorough knowledge of the nature and effect of insolvency/liquidation/business rescue legislation and case law is required.

#### **1.5.1.3 Commercial Contract Drafting**

Practical knowledge is required of all spheres of commercial and construction law including but not limited to knowledge and application of the standard forms of contract, including FIDIC, the NEC, the SAICE General Conditions of Contract, PROCSA, Standard Professional Services Contract and the JBCC. Develop and coordinate Communication structure, process and procedures

Over and above the above-mentioned standard forms of contract, Attorneys may be required to attend to drafting, negotiation and interpretation of commercial agreements more specifically, but not limited to:

- a) Lease Agreements
- b) Service Level Agreements (SLA)
- c) Memorandum of Agreements (MOA)
- d) Memorandum of Understanding (MOU)
- e) Programme Implementation Agreements (PIA)

#### **1.5.1.4 Labour and Employment Law**

Expertise in labour and employment law matters is required, more specifically:

- a) Ability to prosecute senior-level employees in disciplinary hearings;
- b) Advise on procedural and substantive issues relating to disciplinary hearings conducted;
- c) Advise on disciplinary codes, policies and governing legislation;
- d) Representation at the CCMA, Labour Court and Labour Appeal Court;
- e) Advise and assist in process and compliance with Section 189 of the Labour Relations Act 66 of 1995 procedures;
- f) Negotiation and settlement of labour disputes whether with individual employees or the bargaining unit represented by a union;
- g) Provision of Legal Opinion;
- h) Investigation of alleged misconduct.

#### **1.6 Special Conditions**

- a) Service delivery levels and quality of the work will be a measure of appointment and retention in the panel;
- b) A firm of attorneys assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of the IDT or as may be required by the applicable laws, for instance, in cases where correspondent attorneys may be necessary;
- c) Fees shall be charged in accordance with the IDT's Service Level Agreement, IDT's Tariff of Fees and Milestones mentioned therein. The Service Level Agreement will be signed with the successful bidders;
- d) There will be no guarantee that attorneys will receive instructions if they are appointed onto the IDT's panel;

- e) All instruction(s) to the panel attorneys shall be given, in writing, by duly authorized representative of the IDT.
- f) The IDT shall be entitled in its discretion to remove a firm of attorneys from the panel before the expiry of the said 3 years' period by written notice and recall all the files in the possession of the said law firm.
- g) The firm shall have at least 5 years' experience. In the case of a new firm, the attorneys who will be dealing with the IDT matters shall have at least five years' post admission experience.
- h) The general conditions of tender, contract and order will be applicable to this tender.
- i) Intellectual property rights:
  - i) All copyright and intellectual property rights that may result as consequences of the work to be performed will become the property of the IDT;
  - ii) Firms of attorneys must hand over all documents and information in any format, including copies thereof, that it received from the IDT or that it had access to during the assignment immediately after completion of the assignments to the IDT;
  - iii) Firms of attorneys shall deliver to the IDT, on completion of an assignment, any security devices, passwords or protective mechanisms to the soft versions of documents that were written and the IDT will have the right to amend and change these without obligation whatsoever to the firms of attorneys upon completion of the assignment.
- j) The IDT reserves the right, under exceptional circumstances, to appoint attorneys outside the panel attorneys.

## 1. TENDER DETAILS

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### 1.1 Invitation to Tender

**Tender Number: IDT/LEG-02/2023-2025**

**NB: No Briefing session will be held for this Tender.**

Bids must be submitted and deposited in the Tender Box at the **IDT Head Office, Corner Oberon and Sprite Streets, Glenwood Office Park, Faerie Glen, 0043**. No late Tender will be considered.

Independent Development Trust (**hereinafter “IDT”**) invites you to submit a tender for **APPOINTMENT OF A PANEL OF ATTORNEYS FOR THREE (3) YEARS TO PROVIDE LEGAL SERVICES**.

The IDT intends to appoint a panel of attorneys that is representative of IDT's regional or provincial management structure. Accordingly, bidders must indicate in the table below, with a tick (✓) the province/region in which it carries on business (**The bidder is required to submit a proof of business address e.g. utility bill or lease agreement or proof of ownership or Tax Compliance Pin Letter**):

**Table 1: Region or Province**

| REGION OR PROVINCE | PLEASE TICK (✓) |
|--------------------|-----------------|
| GAUTENG            |                 |
| LIMPOPO            |                 |
| MPUMALANGA         |                 |
| NORTH – WEST       |                 |
| KWA-ZULU NATAL     |                 |
| EASTERN CAPE       |                 |
| WESTERN CAPE       |                 |
| NORTHERN CAPE      |                 |
| FREE STATE         |                 |

Suitably qualified attorneys are invited to submit a proposal for the procurement of the services of qualified and experienced service providers (Law Firms), with demonstrated capability to assist the IDT in the following fields of law:

- Public Private Partnership;
- Project Finance;

- Commercial and Contract Law;
- Civil Litigation;
- Labour and Employment Law;
- Constitutional Law;
- Administrative Law;
- Construction Law;
- Corporate Law;
- Insurance Law;
- Corporate Governance;
- Competition Law;
- Conveyancing;
- Data Privacy Law;
- Environmental Law; and any other specialized field of law that the firm of attorney has expertise in and that is relevant to the working environment of the IDT.

**The bidder is required to indicate areas of specialization by indicating with a YES or NO on the below table:**

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**Table 2: Field of law**

| Field of law                | YES / NO |
|-----------------------------|----------|
| Public Private Partnership  |          |
| Project Finance             |          |
| Commercial and Contract Law |          |
| Civil Litigation            |          |
| Labour and Employment Law   |          |
| Constitutional Law          |          |
| Administrative Law          |          |
| Construction Law            |          |
| Corporate Law               |          |
| Insurance Law               |          |
| Corporate Governance        |          |
| Competition Law             |          |
| Environmental Law           |          |
| Data Privacy Law            |          |
| Conveyancing                |          |

### 1.1.1 Phase One – Mandatory Requirements:

Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:

- a) The Firm must submit certified copy of the Firm's Proof of Registration with the Legal Practice Council (“**LPC**”) of South Africa, the certified copy must not be older than three (3) month.
- b) The Firm must submit valid certified copies of the letter of good standing from LPC for all Practitioners included as resources for the Firm in the Tender submission, the certified copy must not be older than three (3) month.
- c) The firm must submit valid certified copies of Fidelity Fund certificates for all Directorship/Partnership, the certified copy must not be older than three (3) months.
- d) The firm must provide the valid certified copy of certificates of admission to practice as a legal Practitioner for all Practitioners included as resources for the Firm in the Tender submission, certified copy must not be older than three (3) months.
- e) The firm must submit fully completed and signed SBD 1 and SBD 4.
- f) All proposed professional legal key personnel (as per organogram) must be registered with the relevant statutory/professional body and must submit a valid certified copy of proof of registration e.g. Legal Practice Council (LPC), the certified copy must not be older than three (3) months.
- g) The bidder is required to submit a proof of business address for each respective province or region they intend to tender for e.g. utility bill or lease agreement or proof of ownership, Tax Compliance Pin Letter.

**Note:**

- i) Any offers above the stated rates will lead to disqualification.
- ii) The bidder/s listed on the National Treasury list of restricted suppliers will be disqualified.
- iii) If any of the bidding entity's Directors is Listed on the Register of Defaulters, the bidder will be disqualified.

***Any bidder/s who failed to meet the above requirements will be disqualified.***

**Non – Mandatory Requirements:**

- i) The bidder is required to submit with his / her bid the proof of Registration on the Central Supplier Database (CSD) and or CSD Number.
- ii) The bidder is required to submit a Tax Compliant Pin Letter issued by the South African Revenue Services (SARS).

**1.1.2 Phase Two – Functionality**

The Bids will be evaluated in terms of specific goals and Functionality in terms of the Criteria outlined in the table below. The bidders are required to score a minimum of 70% on functionality to be listed on IDT panel of Attorneys.

Firm/s will be required to meet a minimum of 70% (Equivalent to 70 Points) on functionality in order to be listed on IDT's Panel of Attorneys for a period of three (3) years. Bidders who failed to meet a minimum of 70% (Equivalent to 70 Points) on functionality will be disqualified.

| VARIABLES                                        | CRITERIA                                                                             | DESCRIPTION OF CRITERIA                                                                                                                                                                                                                                                                                                          | POINTS |    |
|--------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----|
| Capacity<br><br>(Bidder's Organogram Profile)    | CAPACITY POINTS                                                                      |                                                                                                                                                                                                                                                                                                                                  | 30     |    |
|                                                  | Number of specialisations in the fields of law (refer to table on page 2) =10 points |                                                                                                                                                                                                                                                                                                                                  | 10     |    |
|                                                  | 1-3 Areas of specialization =3 Points                                                | <ul style="list-style-type: none"><li>The bidder is required to indicate areas of specialization by ticking on the table provided on page 2 (Table 1).</li><li>The bidder is required to submit a company/firm profile outlining its services (company profile with organogram) and <b>number of years in practice</b></li></ul> | 3      | 10 |
|                                                  | 4-7 Areas of specialization =5 Points                                                |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
|                                                  | 8-10 Areas of Specialization= 7 Points                                               |                                                                                                                                                                                                                                                                                                                                  | 7      |    |
|                                                  | 11 and above Areas of specialization = 10 Points.                                    |                                                                                                                                                                                                                                                                                                                                  | 10     |    |
|                                                  | Capacity in terms of key personnel of the Firm= 20                                   |                                                                                                                                                                                                                                                                                                                                  | 20     | 20 |
|                                                  | Directors/ Partners = 5 Points                                                       | Bidder/s must submit a Company Profile with an Organogram.                                                                                                                                                                                                                                                                       | 5      |    |
|                                                  | At least one (1) Director/Partner = 5 Points                                         |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
|                                                  | Senior Associates = 5 Points                                                         |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
|                                                  | 1x Senior Associate= 2 Points                                                        |                                                                                                                                                                                                                                                                                                                                  | 2      |    |
|                                                  | 2x Senior Associates=3 Points                                                        |                                                                                                                                                                                                                                                                                                                                  | 3      |    |
|                                                  | 3x Senior Associates or more =5 Points                                               |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
|                                                  | Professional Assistants = 5 Points                                                   |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
|                                                  | 1x Professional Assistant =2 Points                                                  |                                                                                                                                                                                                                                                                                                                                  | 2      |    |
|                                                  | 2x Professional Assistants= 3 Points                                                 |                                                                                                                                                                                                                                                                                                                                  | 3      |    |
|                                                  | 3x Professional Assistants and more= 5 Points                                        |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
|                                                  | Candidate Attorneys = 5 Points                                                       |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
|                                                  | 1x Candidate Attorney= 2 Points                                                      |                                                                                                                                                                                                                                                                                                                                  | 2      |    |
|                                                  | 2x Candidate Attorneys= 3 Points                                                     |                                                                                                                                                                                                                                                                                                                                  | 3      |    |
|                                                  | 3x Candidate Attorneys and more= 5 Points                                            |                                                                                                                                                                                                                                                                                                                                  | 5      |    |
| Litigation Strategy<br><br>(litigation strategy) | LITIGATION STRATEGY POINTS                                                           |                                                                                                                                                                                                                                                                                                                                  | 20     |    |
|                                                  | Litigation Strategy = 2 Points                                                       | The bidder/s must provide and demonstrate how it prepares a litigation strategy or what methodology it would use in order to assist the IDT in dealing with or handling its litigation matters                                                                                                                                   | 2      | 20 |
|                                                  | Strategy must include an Analysis for Prospect of Success = 4 Points                 |                                                                                                                                                                                                                                                                                                                                  | 4      |    |
|                                                  | Strategy must include Evaluation for the possibility of settlement = 6 Points        |                                                                                                                                                                                                                                                                                                                                  | 6      |    |
|                                                  | Strategy must include Cost saving plan = 8 Points                                    |                                                                                                                                                                                                                                                                                                                                  | 8      |    |

|                                      |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |    |    |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|
|                                      |                                                                                                                                                                                | in a cost-effective, pragmatic and efficient manner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |    |    |
| Communication and Reporting Strategy | COMMUNICATION AND REPORTING POINTS                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |    | 15 |
|                                      | Communication Plan with reporting timeframes = 5 Points                                                                                                                        | The bidder/s must submit a communication plan and reporting strategy that clearly spells out how often and how the successful bidders will communicate and report on the progress made on matters handled on behalf of the IDT. The bidder/s must indicate how proactive measures will be communicated and implemented, to assist the IDT in achieving its objectives and/or mandate. Bidders must further indicate how new developments in law, that may have an impact on the mandate of the IDT, will be communicated to the IDT. Lastly, Bidders must indicate (provide at a minimum a sample contract clause and Chinese wall policy) how the bidder will handle any potential conflict of interest, when assisting the IDT. | 5  | 15 |
|                                      | Communication and Reporting Strategy indicates how new development impacting the IDT will be communicated = 5 Points                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5  |    |
|                                      | Communication and Reporting Strategy indicates how potential conflict of interest will be handled including sample contract clause and Chinese wall Policy Provided = 5 Points |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5  |    |
| Firm Experience                      | FIRM KNOWLEDGE AND EXPERIENCE POINTS                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |    | 20 |
| (Bidder's Relevant Firm Experience)  | Experience: Number of years in practice                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5  | 5  |
|                                      | More than 4 years in practice = 5 Point                                                                                                                                        | The bidder is required to submit a company/firm profile outlining its services (company profile with organogram) and number of years in practice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 5  |    |
|                                      | 3 - 4 Years in practice = 3 Point                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3  |    |
|                                      | 1- 2 Years in practice = 1 Point                                                                                                                                               | The bidder is required to submit Curriculum Vitae ( CVs) of key personnel (included as resources)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1  |    |
|                                      | Experience: Number of reference letters                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15 | 15 |
|                                      | 6 or more reference letters = 15 Points                                                                                                                                        | Points will be allocated for previous client references. The bidder must submit reference letter/s from previous clients where legal services were provided in the last five years, specifying the nature of work completed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 15 |    |
|                                      | 4 - 5 Reference Letters = 10 Points                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10 |    |
|                                      | 1- 3 Reference Letters = 5 Points                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5  |    |
|                                      | 1 Reference Letter = 3 Points                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3  |    |

|                         |                                                                          |                                                                                                                                                                                                                                 |   |     |
|-------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----|
|                         |                                                                          | The reference letter/s must be on the relevant company's letterhead, signed and dated.                                                                                                                                          |   |     |
| Knowledge and Expertise | KNOWLEDGE AND EXPERTISE POINTS                                           |                                                                                                                                                                                                                                 |   | 5   |
|                         | Certificate/s of admission to practice as a legal practitioner = 1 point | The bidder/s must submit at least one reference letter from previous clients where general litigation, Labour/ employment law and advisory services were provided in the last five years.                                       | 1 | 5   |
|                         | Reference letter(s) specifies general litigation = 2 points              |                                                                                                                                                                                                                                 | 2 |     |
|                         | Reference letter(s) specifies labour/employment = 1 point                |                                                                                                                                                                                                                                 | 1 |     |
|                         | Reference letter(s) specifies advisory services = 1 point                |                                                                                                                                                                                                                                 | 1 |     |
| Specific Goals          | SPECIFIC GOALS POINTS                                                    |                                                                                                                                                                                                                                 |   | 10  |
|                         | Women= 3 Points                                                          | Bidder/s must submit valid certified copy of an Identity Document (certified copy must not be older than three (3) months), A CSD full Report, A letter to confirm disability issued by a Medical Doctor or Hospital or Clinic. | 3 | 10  |
|                         | Youth = 3 Points                                                         |                                                                                                                                                                                                                                 | 3 |     |
|                         | People with disability= 2 Points                                         |                                                                                                                                                                                                                                 | 2 |     |
|                         | Black People= 2 Points                                                   |                                                                                                                                                                                                                                 | 2 |     |
| TOTAL                   |                                                                          |                                                                                                                                                                                                                                 |   | 100 |

**Bidders must score a minimum of 70% on functionality to be listed on IDT Panel of Attorneys.**

The Tender document will be available on the IDT's website- [www.idt.org.za](http://www.idt.org.za) and E-Tender Portal (National Treasury), from **16 MAY 2023, 12H00**.

The IDT has delegated the responsibility for this tender to IDT's *Representative* whose name and contact details are given in the Tender Data. We deem that a submission of a tender by you in response to this Invitation constitutes your acceptance of the IDT Standard Conditions of Tender.

Enquiries should be directed to:

Mr. Tshepo Rapetswa, Tel. (012) 845 2000 or e-mail: [Legaltender1@idt.org.za](mailto:Legaltender1@idt.org.za)

## 1.2 Tender Data

The IDT Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the event of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

| Clause number | 1.3 Tender Data                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.3.1         | <p>The <i>Employer</i> is <b>Independent Development Trust</b></p> <p>The IDT <i>Representative</i> is:<br/>Mr. Tshepo Rapetswa, Tel. (012) 845 2000 or e-mail: <a href="mailto:LegalTender1@idt.org.za">LegalTender1@idt.org.za</a></p> <p>IDT Head Office<br/>Corner Oberon and Sprite Streets<br/>Glenwood Office Park<br/>Faerie Glen<br/>0043</p> <p>Tel: (012) 845 2000<br/>Website: <a href="http://www.idt.org.za">www.idt.org.za</a></p> <p><b>THE TENDER BOX, MAIN RECEPTION AT THE PHYSICAL ADDRESS GIVEN ABOVE</b></p>                                                                                                                                                                                                                                                                              |
| 1.3.2         | <p>Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:</p> <ul style="list-style-type: none"><li>a) The Firm must submit valid certified copies of the letter of good standing from LPC <u>for all Practitioners</u> included as resources for the Firm in the Tender submission.</li><li>b) The firm must submit valid certified copies of Fidelity Fund certificates for all Directorship/Partnership, the certified copy must not be older than three (3) months.</li><li>c) The firm must provide certificates of admission to practice as a legal practitioner for all Professional legal practitioners.</li><li>d) The firm must submit fully completed and signed SBD 1 and 4.</li><li>e) Completed Form of Offer, fully signed and witnessed.</li></ul> |

| Clause number                      | 1.3 Tender Data                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--|----------|---------------------------|------------------|-----------|------------------|-----------|-----------|-----------|--------------------|---------|
|                                    | <p>f) All proposed Professional legal key personnel (as per organogram) must be registered with the relevant statutory/professional body and bidders must submit proof of registration e.g., Legal Practice Council (LPC).</p> <p><b>Note:</b></p> <p>a) Any offer above the state rates will lead to disqualification.</p> <p>b) The bidder/s listed on the National Treasury list of restricted suppliers will be disqualified.</p> <p>c) If any of the bidding entity's Directors is Listed on the Register of Defaulters, the bidder will be disqualified.</p> <p><b><i>Any bidder/s who failed to meet the above requirements will be disqualified.</i></b></p>                                                                                                                                                                                                                                                                                    |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| 1.3.3                              | A compulsory briefing session will not be held.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| 1.3.4                              | Prospective bidders are encouraged to submit their requests for clarification in writing before the closing date. However the Employer shall respond to requests for clarification received up to 7 calendar days prior to tender closure ( <b>06 June 2023, 12H00</b> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| 1.3.5                              | <p>The tender shall be for the entire services for:</p> <p><b>APPOINTMENT OF A PANEL OF ATTORNEYS FOR THREE (3) YEARS TO PROVIDE LEGAL SERVICES</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| 1.3.6                              | <p>The tender shall be submitted as an original, failure to comply will result in disqualification of the tender. The tender document must be a hard copy file (one file marked "original") divided into folders as follows:</p> <ul style="list-style-type: none"> <li>As per the List of Returnable Documents.</li> <li>Financial Schedule as per the pricing below.</li> </ul> <p><b>FIXED ATTORNEYS FEES FOR 3 YEAR PERIOD OF PANEL</b></p> <table border="1"> <thead> <tr> <th colspan="2">PRICING SCHEDULE: FEES FOR MATTERS</th></tr> <tr> <th>Position</th><th>Rate per hour (Excl. VAT)</th></tr> </thead> <tbody> <tr> <td>Director/Partner</td><td>R2 166.15</td></tr> <tr> <td>Senior Associate</td><td>R1 830.13</td></tr> <tr> <td>Associate</td><td>R1 464.10</td></tr> <tr> <td>Candidate Attorney</td><td>R865.15</td></tr> </tbody> </table> <p><b>NB: Please submit Pricing Schedule as indicated above on your letter Head.</b></p> | PRICING SCHEDULE: FEES FOR MATTERS |  | Position | Rate per hour (Excl. VAT) | Director/Partner | R2 166.15 | Senior Associate | R1 830.13 | Associate | R1 464.10 | Candidate Attorney | R865.15 |
| PRICING SCHEDULE: FEES FOR MATTERS |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| Position                           | Rate per hour (Excl. VAT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| Director/Partner                   | R2 166.15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| Senior Associate                   | R1 830.13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| Associate                          | R1 464.10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| Candidate Attorney                 | R865.15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| 1.3.7                              | The Tender Validity period is <b>120 days from the closing date.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |
| 1.3.8                              | Bids will be evaluated on Functionality and in terms of IDT SCM Policies and Procedures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |  |          |                           |                  |           |                  |           |           |           |                    |         |

**NB: Please submit Pricing Schedule as indicated above on your letter Head.**

|                                                                                    |  |
|------------------------------------------------------------------------------------|--|
| <b>CVs of Proposed Key Persons, Qualifications &amp; Competencies of Key Staff</b> |  |
|------------------------------------------------------------------------------------|--|

Please describe the management arrangements for the required scope.

You are requested to include:

1. An organisation chart showing onsite and off-site management
2. CVs proposed project team.
3. An explanation of how you propose to allocate adequate resources to enable you to comply with the requirements and prohibitions imposed on you by or under the statutory provisions relating to health and safety.

|                                                    |
|----------------------------------------------------|
| <b>Summary of items attached to this Schedule:</b> |
|----------------------------------------------------|

Signed

Date

Name

Position

tenderer

### **1.2 A Notes:**

1. Tenderers who fail to disclose information as per the returnable schedule will be disqualified
2. Tenderers to submit the following means of verification:
  - a. Company profile with an Organogram which includes:
    - i. Directors/ Partners
    - ii. Senior Associates
    - iii. Professional Assistants
    - iv. Admin Support
  - b. Individual CVs with valid certified copies of Certificates of admission and Qualifications for lead attorneys which must include the following expertise:
    - i. General litigation
    - ii. General legal advisory services
    - iii. Labour/Employment Law

### **1.2 B Terms and Conditions**

This Invitation to Tender has been compiled by the IDT. It is being made available, on the same basis, to all Tenders. Tenderers submitting a Tender in response to this invitation will be deemed to do so on the basis that they acknowledge and accept the terms set out below:

1. The Tenderer's attention is specifically drawn to the fact that appointment to the panel of attorneys will not necessarily result in the Tenderer receiving instructions from the IDT. The IDT shall endeavour to instruct the firms on its panel attorneys on a rotational basis.
2. IDT reserves the right to subject Tenderers and their facilities to assessment as part of the evaluation process or as a condition to be appointed to the panel of attorneys.
3. The IDT reserves the right to amend, modify or withdraw this Invitation to Tender or amend, modify or terminate any of the procedures or requirements set out herein at any time and from time to time, without prior notice and without liability to compensate or reimburse any person.
4. Neither the IDT nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligation for any costs or expenses incurred by any party in or associated with preparing or submitting a Tender in response to the Invitation to Tender.

5. Any material change in the control and/or composition of any Tenderer or any core member of a Tenderer after submission of a Tender shall require the prior written approval of the IDT, and any failure to seek such approval from the IDT shall result in the IDT being entitled, in its sole discretion, to exclude the relevant Tenderer from any further participation in the Tender process. The IDT shall be the sole arbiter as to what constitutes a “material change in the control and/or composition of any Tenderer”, and as to what constitutes a “core member of a Tenderer” for purposes of such approval. Any request for such approval shall be made to the IDT in writing and shall provide sufficient reasons and information to allow the IDT to make a decision. The IDT reserves the right to accept or reject any such request for approval in its sole discretion.
6. Any requirement set out in this Tender that stipulates the form and/or content of any aspect of a Tender, is stipulated for the sole benefit of the IDT, and save as expressly stated to the contrary, may be waived by the IDT in its sole discretion at any stage in the Tender process.
7. The IDT and its advisors may rely on a Tender as being accurate and comprehensive in relation to the information and proposals provided therein by the Tenderers.
8. All Tenders submitted to the IDT will become the property of the IDT and will as such not be returned to the Tenderer. Proprietary information should be identified as such in each proposal.
9. If the IDT amends this Tender, the amendment will be sent to each Tenderer in writing. No oral amendments by any person will be considered or acknowledged.
10. This document is released for the sole purpose of responding to this Tender and must be considered confidential. In addition, the use, reproduction or disclosure of the requirements, specifications or other material in this Tender is strictly prohibited.
11. Only legal practices established and registered in accordance with the provisions of the Attorneys Act, 1979 (Act No. 53 of 1979 as amended) will be considered for this Tender.
12. The requirements of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and Preferential Procurement Regulation 2017 will be applicable to the selection process in respect of this Tender.

## 2. TENDER PROCEDURES

### 2.1 List of Returnable Documents

| List of Returnable Documents (Non-Mandatory - Tick submitted Documents)                                                                                                                                                                                                                                  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| The <i>tenderer</i> must complete and return the following returnable documents:                                                                                                                                                                                                                         |  |
| Authority to Sign bid                                                                                                                                                                                                                                                                                    |  |
| Confirmation of Receipt of Addenda to Tender Documents (If applicable)                                                                                                                                                                                                                                   |  |
| Certified Copy of Company/Registration Documents                                                                                                                                                                                                                                                         |  |
| Individual CV's with valid certified copies of Certificates of admission and Qualifications<br>Lead attorney' s' CV must include experience and expertise in General litigation/Labour experience and General legal advisory services<br>Candidate attorneys' must submit proof registration of articles |  |
| List of all Shareholders/Directors and Key staff with ID copies                                                                                                                                                                                                                                          |  |
| Reference letter from previous clients where general litigation, labour / employment law and advisory services were provided in the last five years.                                                                                                                                                     |  |
| Reference letter/s from previous clients where legal services were provided in the last five years.                                                                                                                                                                                                      |  |
| Provide proof of Offices business address (utility bill or lease agreement or proof of ownership)                                                                                                                                                                                                        |  |
| If two or more <i>tenderers</i> form a joint venture, consortium or other unincorporated grouping of two or more persons ("joint venture"), a copy of the joint venture agreement entered into between the partners                                                                                      |  |
| <b>List of Returnable Documents (COMPULSORY- Tick submitted Documents)</b>                                                                                                                                                                                                                               |  |
| Company profile outlining the firm's services and experience and an Organogram. Indicating how the firm is structured (indicate number of Directors/ Partners, Senior Associates, Professional Assistants, Admin Support, etc) .                                                                         |  |
| Fully completed and signed SBD 1 – Invitation to Bid                                                                                                                                                                                                                                                     |  |
| Fully completed and signed - Bidder's Disclosure (SBD 4)                                                                                                                                                                                                                                                 |  |
| Certified copies of qualifications for all Key Personnel                                                                                                                                                                                                                                                 |  |
| Valid certified copies of Fidelity Fund certificates for all Directorship/Partnership, the certified copy must not be older than three (3) months                                                                                                                                                        |  |
| The firm must provide the certificates of admission to practice as a legal practitioner for all legal practitioners, the certified copy must not be older than three (3) months                                                                                                                          |  |
| Valid certified copies of the letter of good standing from LPC for all Practitioners included as resources for the Firm in the Tender, the certified copy must not be older than three (3) months                                                                                                        |  |

Please indicate the legal incorporation status of your business entity by ticking the appropriate box hereunder. The signatory hereto must furthermore indicate his/her authority to respond to this tender and all enquiries associated therewith in behalf of the *tenderer*. Alternatively, certified copies of the relevant incorporation documentation confirming the information required in this schedule may be submitted as a tender returnable.

|             |         |               |                   |                 |
|-------------|---------|---------------|-------------------|-----------------|
| PARTNERSHIP | COMPANY | JOINT VENTURE | CLOSE CORPORATION | OTHER (specify) |
|-------------|---------|---------------|-------------------|-----------------|

**A. Partnerships, Companies, Close Corporations or Others**

I, the undersigned, \_\_\_\_\_ hereby confirm that I am duly authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of \_\_\_\_\_ *(insert the full legal name of the tenderer)*.

Signed

Position /  
Capacity

**B. Joint Ventures**

We, the undersigned, are submitting this tender in Joint Venture and hereby authorise Mr/Ms \_\_\_\_\_, an authorised signatory of \_\_\_\_\_, *(insert the full legal name of the business entity serving as the lead partner)* acting in the capacity of lead partner, to sign all documents in connection with the tender and any contract resulting from it on our behalf.

We attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

| Legal Name of Joint Venture Participant | Full Name and Capacity of Authorised Signatory | Signature |
|-----------------------------------------|------------------------------------------------|-----------|
|                                         |                                                |           |
|                                         |                                                |           |

## Probity on Close Family Members or Beneficiaries

Please indicate, by completing the table set out below, the names of all persons, (natural or juristic), who are Beneficiaries of the *tenderer*.

For the purposes of this Declaration, a Beneficiary is a natural or juristic person that has a legal or monetary interest in the *tenderer* by way of ownership, directorship, trusteeship and/ or the like.

To the extent that the *tenderer* is a public company, only the names of the top 5 majority shareholders are required with respect to the disclosure of ownership.

| Full legal name of natural or juristic person | Identity or Registration Number | Capacity of Beneficiary (i.e. shareholder, member, partner, trustee, director, or the like) | Quantification of Interest (i.e. percentage shareholding or ownership, profit share, etc.) | **Relationship with IDT employee or IDT director (Yes/No) |
|-----------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |
|                                               |                                 |                                                                                             |                                                                                            |                                                           |

\*\* Please indicate in the table above if any natural person named above is a Close Family Member of a director of Independent Development Trust or a subsidiary thereof, or of any employee of Independent Development Trust involved in the procurement and approval process associated with this tender.

**\*\*Please indicate in the table above if any juristic person named above has as a Beneficiary a director of Independent Development Trust or a subsidiary thereof, or an employee of Independent Development Trust involved in the procurement and approval process associated with this tender, or whether any Beneficiary of a juristic person named above is a Close Family Member of a director of Independent Development Trust or a subsidiary thereof, or an employee of Independent Development Trust involved in the procurement and approval process associated with this tender.**

**NB:** For the purposes of this Declaration, a Close Family Member is deemed to be a person related by birth, marriage, domestic partnership, adoption, guardianship or the like.

If you have indicated 'Yes' to any of the above then please specify the name of the said IDT employee / IDT director, and the nature of the relationship between the said IDT employee / IDT director and the person (natural or juristic) indicated in the table above.

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IDT reserves the right to act against the *tenderer* or the signatory hereto should this declaration prove to be false.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

*tenderer* \_\_\_\_\_

## Confirmation of Receipt of Addenda to Tender Documents

We confirm that the following communications received from the *Employer* before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

|    | Date Received | Title or Details |
|----|---------------|------------------|
| 1. |               |                  |
| 2. |               |                  |
| 3. |               |                  |
| 4. |               |                  |
| 5. |               |                  |

**(Attach additional pages if more space is required)**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

tenderer \_\_\_\_\_

**PART A  
INVITATION TO BID**

|                                                                                                                                                                                                                     |                                                                                    |  |                                                                          |                                                                                                      |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (INDEPENDENT DEVELOPMENT TRUST (IDT))</b>                                                                                                                  |                                                                                    |  |                                                                          |                                                                                                      |       |
| BID NUMBER:                                                                                                                                                                                                         | IDT/LEG-02/2023-2025                                                               |  | CLOSING DATE: 07 JUNE 2023                                               | CLOSING TIME:                                                                                        | 12:00 |
| DESCRIPTION                                                                                                                                                                                                         | APPOINTMENT OF A PANEL OF ATTORNEYS FOR THREE (3) YEARS TO PROVIDE LEGAL SERVICES  |  |                                                                          |                                                                                                      |       |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)                                                                                                                                 |                                                                                    |  |                                                                          |                                                                                                      |       |
| INDEPENDENT DEVELOPMENT TRUST                                                                                                                                                                                       |                                                                                    |  |                                                                          |                                                                                                      |       |
| GLENWOOD OFFICE PARK                                                                                                                                                                                                |                                                                                    |  |                                                                          |                                                                                                      |       |
| CNR. OBERON & SPRITE STREET                                                                                                                                                                                         |                                                                                    |  |                                                                          |                                                                                                      |       |
| FAERIE GLEN 0043                                                                                                                                                                                                    |                                                                                    |  |                                                                          |                                                                                                      |       |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO                                                                                                                                                                      |                                                                                    |  | TECHNICAL ENQUIRIES MAY BE DIRECTED TO:                                  |                                                                                                      |       |
| CONTACT PERSON                                                                                                                                                                                                      | Tshepo Rapetswa                                                                    |  | CONTACT PERSON                                                           | Tshepo Rapetswa                                                                                      |       |
| TELEPHONE NUMBER                                                                                                                                                                                                    | 012 845 2000                                                                       |  | TELEPHONE NUMBER                                                         | 012 845 2000                                                                                         |       |
| FACSIMILE NUMBER                                                                                                                                                                                                    |                                                                                    |  | FACSIMILE NUMBER                                                         |                                                                                                      |       |
| E-MAIL ADDRESS                                                                                                                                                                                                      | Legaltender1@idt.org.za                                                            |  | E-MAIL ADDRESS                                                           | Legaltender1@idt.org.za                                                                              |       |
| <b>SUPPLIER INFORMATION</b>                                                                                                                                                                                         |                                                                                    |  |                                                                          |                                                                                                      |       |
| NAME OF BIDDER                                                                                                                                                                                                      |                                                                                    |  |                                                                          |                                                                                                      |       |
| POSTAL ADDRESS                                                                                                                                                                                                      |                                                                                    |  |                                                                          |                                                                                                      |       |
| STREET ADDRESS                                                                                                                                                                                                      |                                                                                    |  |                                                                          |                                                                                                      |       |
| TELEPHONE NUMBER                                                                                                                                                                                                    | CODE                                                                               |  | NUMBER                                                                   |                                                                                                      |       |
| CELLPHONE NUMBER                                                                                                                                                                                                    |                                                                                    |  |                                                                          |                                                                                                      |       |
| FACSIMILE NUMBER                                                                                                                                                                                                    | CODE                                                                               |  | NUMBER                                                                   |                                                                                                      |       |
| E-MAIL ADDRESS                                                                                                                                                                                                      |                                                                                    |  |                                                                          |                                                                                                      |       |
| VAT REGISTRATION NUMBER                                                                                                                                                                                             |                                                                                    |  |                                                                          |                                                                                                      |       |
| SUPPLIER COMPLIANCE STATUS                                                                                                                                                                                          | TAX COMPLIANCE SYSTEM PIN:                                                         |  | OR                                                                       | CENTRAL SUPPLIER DATABASE No:                                                                        | MAAA  |
| <b>SBD 6.1 REQUIREMENT MUST BE COMPLIED TO CLAIM POINTS ON SPECIFIC GOALS</b>                                                                                                                                       |                                                                                    |  |                                                                          |                                                                                                      |       |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?                                                                                                                       | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] |  | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |       |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                                                                   |                                                                                    |  |                                                                          |                                                                                                      |       |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?                                                                                                                                                     |                                                                                    |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |                                                                                                      |       |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA?                                                                                                                                                                           |                                                                                    |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |                                                                                                      |       |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?                                                                                                                                                          |                                                                                    |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |                                                                                                      |       |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?                                                                                                                                                               |                                                                                    |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |                                                                                                      |       |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?                                                                                                                                                           |                                                                                    |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                 |                                                                                                      |       |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW. |                                                                                    |  |                                                                          |                                                                                                      |       |

## PART B TERMS AND CONDITIONS FOR BIDDING

|                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. BID SUBMISSION:</b>                                                                                                                                                                                                                      |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.                                                                                                                   |
| 1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>                                                                                                    |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>                                                                                                                                         |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>                                                                                                                                                                                                          |
| 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 <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .                                                                                   |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.                                                                                                                                                                   |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / 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: .....

**BIDDER'S DISCLOSURE****1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

**2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, employed by the state?

YES / NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? YES / NO

2.2.1 If so, furnish particulars:

.....

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? YES / NO

2.3.1 If so, furnish particulars:

.....

.....

### **3 DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read, and I understand the contents of this disclosure.

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect.

3.3 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 will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

Position

Name of bidder

ANNEXURE A



INDEPENDENT DEVELOPMENT TRUST

STANDARD CONDITIONS OF TENDER

---

JANUARY 2015

---

**1 General**

**Actions**

1. The Independent Development Trust, Independent Development Trust's *Representative* and each *tenderer* submitting a tender shall act as stated in these Conditions of Tender and in a manner which is fair, equitable, transparent, competitive and cost-effective. The Conditions of Tender and the Tender Data shall not form part of any contract arising from this invitation to tender.

## Communication

2. Each communication between the Independent Development Trust and a *tenderer* shall be to or from Independent Development Trust's *Representative* only, and in a form that can be read, copied and recorded. Communication shall be in the English language. The Independent Development Trust takes no responsibility for non-receipt of communications from or by a *tenderer*.

## Independent Development Trust's rights to accept or reject any tender

3. The Independent Development Trust may accept or reject any variation, deviation, tender, or alternative tender, and may cancel the tender process and reject all tenders at any time prior to the formation of a contract. The Independent Development Trust or Independent Development Trust's *Representative* will not accept or incur any liability to a *tenderer* for such cancellation and rejection, but will give reasons for the action. The Independent Development Trust reserves the right to accept the whole of any part of any tender.
4. After the cancellation of the tender process or the rejection of all tenders the Independent Development Trust may abandon the proposed work and services, have it performed in any other manner, or re-issue a similar invitation to tender at any time.

## 2 Tenderer's obligations

The *tenderer* shall comply with the following obligations when submitting a tender and shall:

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| <b>Eligibility</b>                                        | 1 | Submit a tender only if the <i>tenderer</i> complies with the criteria stated in the Evaluation Criteria.                                                                                                                           |
| <b>Cost of tendering</b>                                  | 2 | Accept that the Independent Development Trust will not compensate the <i>tenderer</i> for any costs incurred in the preparation and submission of a tender.                                                                         |
| <b>Check documents</b>                                    | 3 | Check the <i>tender documents</i> on receipt, including pages within them, and notify the Independent Development Trust's <i>Representative</i> of any discrepancy or omissions.                                                    |
| <b>Copyright of documents</b>                             | 4 | Use and copy the documents provided by the Independent Development Trust only for the purpose of preparing and submitting a tender in response to this invitation.                                                                  |
| <b>Standardised specifications and other publications</b> | 5 | Obtain, as necessary for submitting a tender, copies of the latest revision of standardised specifications and other publications, which are not attached but which are incorporated into the <i>tender documents</i> by reference. |
| <b>Acknowledge receipt</b>                                | 6 | Preferably complete the Receipt of invitation to submit a tender form attached to the Invitation and return it within five days of receipt of the invitation.                                                                       |
|                                                           | 7 | Acknowledge receipt of Addenda to the <i>tender documents</i> , which Independent Development Trust's <i>Representative</i> may issue, and if                                                                                       |

necessary apply for an extension to the *deadline for tender submission*, in order to take the Addenda into account.

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| <b>Site visit and / or clarification meeting</b> | 8  | Attend a site visit and/or clarification meeting at which <i>tenderers</i> may familiarise themselves with the proposed work, services or supply, location, etc. Details of the meeting are stated in the Tender Advert.                                                                                                                                                                                     |
| <b>Seek clarification</b>                        | 9  | Request clarification of the <i>tender documents</i> , if necessary, by notifying Independent Development Trust's <i>Representative</i> earlier than the <i>closing time for clarification of queries</i> .                                                                                                                                                                                                  |
| <b>Pricing the tender</b>                        | 10 | Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except VAT), and other levies payable by the successful <i>tenderer</i> . Such duties, taxes and levies are those applicable 14 days prior to the <i>deadline for tender submission</i> .                                                                                                                     |
|                                                  | 11 | Show Value Added Tax (VAT) payable by Independent Development Trust separately as an addition to the tendered total of the prices.                                                                                                                                                                                                                                                                           |
|                                                  | 12 | Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the <i>conditions of contract</i> .                                                                                                                                                                                                                                         |
|                                                  | 13 | State the rates and Prices in South African Rand unless instructed otherwise as an additional condition in the Tender Data. The selected <i>conditions of contract</i> may provide for part payment in other currencies.                                                                                                                                                                                     |
| <b>Alterations to documents</b>                  | 14 | Cannot make any alterations or additions to the <i>tender documents</i> , except to comply with instructions issued by the Independent Development Trust's <i>Representative</i> or if necessary to correct errors made by the <i>tenderer</i> . All such alterations shall be initialled by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like. |
| <b>Alternative tenders</b>                       | 15 | Submit alternative tenders only if a main tender, strictly in accordance with all the requirements of the <i>tender documents</i> is also submitted. The alternative tender is submitted with the main tender together with a schedule that compares the requirements of the <i>tender documents</i> with the alternative requirements the <i>tenderer</i> proposes.                                         |
|                                                  | 16 | Accept that an alternative tender may be based only on the criteria stated in the Tender Data and as acceptable to Independent Development Trust.                                                                                                                                                                                                                                                            |
| <b>Submitting a tender</b>                       | 17 | Submit a tender for providing the whole of the works, services or supply identified in the Terms of Reference unless stated otherwise as an additional condition.                                                                                                                                                                                                                                            |
|                                                  | 19 | Submit the tender as an original plus and provide an English translation for documentation submitted in a language other than English. Tenders may not be written in pencil but must be completed in ink.                                                                                                                                                                                                    |

20 Sign the original and all copies of the tender where indicated. Independent Development Trust will hold the signatory duly authorised and liable on behalf of the *tenderer*.

21 Accept that Independent Development Trust will not assume any responsibility for the misplacement or premature opening of the tender if the outer package is not sealed and marked as stated.

Note:

Independent Development Trust prefers not to receive tenders by post, and takes no responsibility for delays in the postal system or in transit within or between Independent Development Trust offices.

Where tenders are sent per fax, Independent Development Trust takes no responsibility for difficulties in transmission caused by line or equipment faults.

Where tenders are sent via courier, Independent Development Trust takes no responsibility for tenders delivered to any other site than the tender office.

Independent Development Trust employees are not permitted to deposit a tender into the Independent Development Trust tender box on behalf of a tenderer.

#### Closing time

22 Ensure that Independent Development Trust has received the tender at the address and in the tender box or fax specified in the Tender Advert no later than the *deadline for tender submission*. Proof of posting will not be taken by Independent Development Trust as proof of delivery. Independent Development Trust will not accept a tender submitted telephonically, E-mail or by telegraph unless stated otherwise in the Tender Data.

23 Accept that, if Independent Development Trust extends the *deadline for tender submission* for any reason, the requirements of these Conditions of Tender apply equally to the extended deadline.

#### Tender validity

24 Hold the tender(s) valid for acceptance by Independent Development Trust at any time within the *validity period* after the *deadline for tender submission*.

25 Extend the *validity period* for a specified additional period if Independent Development Trust requests the *tenderer* to extend it. A *tenderer* agreeing to the request will not be required or permitted to modify a tender, except to the extent Independent Development Trust may allow for the effects of inflation over the additional period.

#### Clarification of tender after submission

26 Provide clarification of a tender in response to a request to do so from Independent Development Trust's *Representative* during the evaluation of tenders. This may include providing a breakdown of rates or Prices. No change in the total of the Prices or substance of the tender is sought, offered, or permitted except as required by Independent Development Trust's *Representative* to confirm the correction of arithmetical errors discovered in the evaluation of tenders. The total of the Prices stated by the *tenderer* as corrected by Independent Development Trust's *Representative* with the concurrence of the *tenderer*, shall be binding upon the *tenderer*.

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| <b>Submit bonds, policies etc.</b>        | 27 | If instructed by Independent Development Trust's <i>Representative</i> (before the formation of a contract), submit for Independent Development Trust's acceptance, the bonds, guarantees, policies and certificates of insurance required to be provided by the successful <i>tenderer</i> in terms of the <i>conditions of contract</i> . |
|                                           | 28 | Undertake to check the final draft of the contract provided by Independent Development Trust's <i>Representative</i> , and sign the contract all within the time required by these Conditions of Tender. The Independent Development Trust to sign and issue the contract.                                                                  |
| <b>Fulfil Specific Goals requirements</b> | 29 | Comply with Independent Development Trust's requirements regarding Youth-owned, Disabled-owned, Women-owned and Black People Suppliers.                                                                                                                                                                                                     |

### 3 Independent Development Trust's undertakings

Independent Development Trust, and Independent Development Trust's *Representative*, shall:

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| <b>Respond to clarification</b> | 1 | Respond to a request for clarification received earlier than the <i>closing time for clarification of queries</i> . The response is notified to all <i>tenderers</i> .                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Issue Addenda</b>            | 2 | If necessary, issue to each <i>tenderer</i> from time to time during the period from the date of the Invitation until the <i>closing time for clarification of queries</i> , Addenda that may amend, amplify, or add to the <i>tender documents</i> . If a <i>tenderer</i> applies for an extension to the <i>deadline for tender submission</i> , in order to take Addenda into account in preparing a tender, Independent Development Trust may grant such an extension and Independent Development Trust's <i>Representative</i> shall notify the extension to all <i>tenderers</i> . |
| <b>Return late tenders</b>      | 3 | Tenders will be deemed late if they are not in the designated tender box at the date and time stipulated as the deadline for tender submission.                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Tender opening</b>           | 4 | Open the tenders in the presence of the <i>tenderers'</i> representatives who choose to attend at the time and place stated in the Tender Data. Tenders for which an acceptable notice of withdrawal has been submitted will not be opened.                                                                                                                                                                                                                                                                                                                                              |
| <b>Non-disclosure</b>           | 5 | Not disclose to <i>tenderers</i> , or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tenders and recommendations for the award of a contract.                                                                                                                                                                                                                                                                                                                                                                |
| <b>Grounds for rejection</b>    | 6 | Consider rejecting a tender if there is any effort by a <i>tenderer</i> to influence the processing of tenders or contract award.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Disqualification</b>         | 7 | Instantly disqualify a <i>tenderer</i> (and his tender) if it is established that the <i>tenderer</i> offered an inducement to any person with a view to influencing the placing of a contract arising from this invitation to tender.                                                                                                                                                                                                                                                                                                                                                   |

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| <b>Test for responsiveness</b>   | 8  | Determine before detailed evaluation, whether each tender properly received <ul style="list-style-type: none"> <li>• meets the requirements of these Conditions of Tender,</li> <li>• has been properly signed, and</li> <li>• Is responsive to the requirements of the <i>tender documents</i>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                  | 9  | Judge a responsive tender as one which conforms to all the terms, conditions, and specifications of the <i>tender documents</i> without material deviation or qualification. A material deviation or qualification is one which, in Independent Development Trust's opinion would <ul style="list-style-type: none"> <li>• detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Contract Data,</li> <li>• change Independent Development Trust's or the <i>tenderer's</i> risks and responsibilities under the contract, or</li> <li>• affect the competitive position of other <i>tenderers</i> presenting responsive tenders, if it were to be rectified.</li> </ul>                                                                                                                                  |
| <b>Non-responsive tenders</b>    | 10 | Reject a non-responsive tender, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Arithmetical errors</b>       | 11 | Check responsive tenders for arithmetical errors, correcting them as follows: <ul style="list-style-type: none"> <li>• Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.</li> <li>• If a bill of quantities applies and there is a discrepancy between the rate and the line item total, resulting from multiplying the rate by the quantity, the rate as quoted shall govern. Where there is an obviously gross misplacement of the decimal point in the rate, the line item total as quoted shall govern, and the rate will be corrected.</li> <li>• Where there is an error in the total of the Prices, either as a result of other corrections required by this checking process or in the <i>tenderer's</i> addition of prices, the total of the Prices, if any, will be corrected.</li> </ul> |
|                                  | 12 | Reject a tender if the <i>tenderer</i> does not accept the corrected total of the Prices (if any).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Evaluating the tender</b>     | 13 | Evaluate responsive tenders in accordance with the procedure stated in the Evaluation Criteria. The evaluated tender price will be disclosed only to the relevant Independent Development Trust tender committee and will not be disclosed to <i>tenderers</i> or any other person.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Clarification of a tender</b> | 14 | Obtain from a <i>tenderer</i> clarification of any matter in the tender which may not be clear or could give rise to ambiguity in a contract arising from this tender if the matter were not to be clarified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Acceptance of tender</b>      | 15 | Notify the Independent Development Trust's acceptance to the successful <i>tenderer</i> before the expiry of the <i>validity period</i> , or agreed additional period. Providing the notice of acceptance does not contain any qualifying statements, it will constitute the formation of a contract between Independent Development Trust and the successful <i>tenderer</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <b>Notice to unsuccessful tenderers</b> | 16 | After the successful <i>tenderer</i> has acknowledged Independent Development Trust's notice of acceptance, unsuccessful tenderers must consider their tenders unsuccessful if not contacted one month after date of tender closure.                                                                                                                                                                                                                                                                      |
| <b>Prepare contract documents</b>       | 17 | Revise the contract documents issued by Independent Development Trust as part of the <i>tender documents</i> to take account of <ul style="list-style-type: none"> <li>• Addenda issued during the tender period,</li> <li>• inclusion of some of the <i>tender returnables</i>, and</li> <li>• Other revisions agreed between Independent Development Trust and the successful <i>tenderer</i>, before the issue of the Independent Development Trust's notice of acceptance (of the tender).</li> </ul> |
| <b>Issue final contract</b>             | 18 | Issue the final contract documents to the successful <i>tenderer</i> for acceptance within one week of the date of Independent Development Trust's notice of acceptance.                                                                                                                                                                                                                                                                                                                                  |
| <b>Sign Contract</b>                    | 19 | Arrange for authorised signatories of both parties to complete and sign the original contract. If either party requires the signatories to initial every page of the contract documents, the signatories for the other party comply with the request.                                                                                                                                                                                                                                                     |
| <b>Provide copies of the contracts</b>  | 20 | Provide to the successful <i>tenderer</i> one copy of the contract on the date of Independent Development Trust's acceptance of the tender.                                                                                                                                                                                                                                                                                                                                                               |