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**TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF LEGAL
SERVICE PROVIDERS FOR A PERIOD OF THREE (3) YEARS**

ADVERTISEMENT DATE:	
CLOSING DATE:	
ADDRESS:	
BIDDER NAME:	
CSD NUMBER:	

Category Number	Areas of Specialization	Tick✓ Area(s) of Specialization
1.	Civil Law	
2.	Environmental Law	
3.	Commercial Law and Corporate Law	
4.	Conveyancing, Notary Deeds and Property Law	
5.	Labour Law and Alternative Dispute Resolution	
6.	Criminal Law (also relating to environmental crimes)	
7.	Legislative Review and Drafting	

ToR for the appointment of a panel of legal service providers

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1. INTRODUCTION AND BACKGROUND INFORMATION

The Eastern Cape Department of Economic Development, Environmental Affairs, and Tourism (DEDEAT) is mandated to drive economic development, regulate environmental affairs, and promote tourism within the province. In fulfilling this mandate, DEDEAT administers various pieces of legislation and oversees several public entities that report to it. The legal and regulatory framework governing these areas is complex and requires regular review and development to ensure alignment with constitutional principles, national policies, and evolving socio-economic and environmental challenges.

The Legal Services unit of the Department is responsible for the provision of legal and governance services to the organisation. The matters and enquiries that the unit receives sometimes require expert legal opinion and on in some instances have to ensure that the Department is defended in the courts and in various other quasi-judicial forums.

DEDEAT has identified the need for a panel of attorneys to provide expert legal services, including the drafting and review of legislation, legal advisory services, compliance support, and specialised legal interventions. The appointment of a panel of attorneys will enhance governance, regulatory efficiency, and service delivery.

DEDEAT will access the services of the panel of attorney on an ad hoc basis for a period of three (3) years.

2. OBJECTIVES

The purpose of appointing the panel of legal service providers is to establish a database of legal skills available to the DEDEAT so that they can be contracted by the DEDEAT to provide specialised legal services. Preferred service providers imply that the selected firms are a pool, not necessarily the only contracted service provider. The panel of legal service providers will be required to provide legal services to DEDEAT, on an ad hoc basis.

Appointment of a panel of attorneys for a period of three (3) years



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Legal service providers will be required to render services to DEDEAT on a wide range of legal issues pertaining to, *inter alia*, the following fields of law:

Category Number	Service Category Name
1.	Civil Law (Litigation)
2.	Environmental Law
3.	Commercial Law and Corporate Law
4.	Public Law
5	Labour Law and Alternative Dispute Resolution
6.	Criminal Law (also relating to environmental crimes)
7	Legislative Review and Development

This project will allow for:

- Provision of legal service to DEDEAT, as and when necessary, as per a letter of instruction and the accompanying terms of reference.
- Creation of a systemic structure for procurement of legal services by the Department
- Skills transfer to relevant employees of the Department
- Maintenance of a register of panel of legal firms for a period of three years

It is DEDEAT's objective to promote the participation of historically disadvantaged professionals through its panel of attorneys. Bidders are requested to indicate in their proposals how they will assist DEDEAT in achieving this objective.

The successful preferred suppliers will be required to ensure transfer of skills to relevant units of DEDEAT on a specific instruction. Such transfer of skills include advice on how to avoid similar legal risks and a report on what is best practice on similar matters.

3. SCOPE OF WORK

The successful bidders shall be required to assist the DEDEAT Legal Services Unit with the legal advisory services as and when necessary. The tasks listed under each area is not exhaustive.

DEDEAT may procure relevant services from the service provider (s) through an approved and efficient process. After the appointment of the service provider(s), letters of instructions and task briefs will be compiled as and when required and will be issued to the service providers together with requests for quotations. Each task brief may contain its own unique evaluation criteria, if applicable.

All appointed services providers must enter into a service level agreement with the Department.

3.1 GENERAL REQUIREMENTS / SPECIFICATIONS

Specific task briefs would be developed once the service provider(s) has been appointed. Requests for quotation for each task brief will be issued to the appointed service provider, where required.

In general, the following will be requirements from the service providers

- 3.1.1 Provision of legal services in line with the letter of instruction from the Department
- 3.1.2 Provision of legal services as per provided terms of reference / brief of each case;
- 3.1.3 Rendering of services in a timely manner as each request for services requires, and the service provider will reasonably endeavour to adhere to the time limits agreed upon when instructions are furnished
- 3.1.4 Provision of high quality and reliable legal services
- 3.1.5 Provision of information required by the Auditor General from time
- 3.1.6 Provision of hourly rates for professional / legal services as per the prescribed legal tariffs for attorneys, advocates and Senior Counsel for the duration of (3) years from date of appointment;

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- 3.1.7 Provision of fixed percentage of annual escalation rate in terms of prescribed tariffs for the 2nd and 3rd years of the contract;
- 3.1.8 Provision of travelling rates per KM (as per Automobile Association) for the duration of the three (3) years from date of appointment;
- 3.1.9 Enter into a service level agreement with the Department for a period of three (3) years from date of appointment to render services as and when required
- 3.1.10 Ensure that it exercises all reasonable skill, care and diligence in discharging its obligations in terms of the service level agreement and comply with all prevailing legislation relating the rendering of the services.

NB: Bidders must select the appropriate field of expertise (as per clause 2 above) and provide all relevant information for each area of expertise selected.

If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with demonstrated experience and exposure in the selected category of law. All bidders must clearly indicate for which of the specialist fields (as set out in clause 2 above) it tenders to provide legal services to the DEDEAT.

NB: Bidders may submit proposals in respect of any one or a combination of the 7 services categories. Please indicate which service categories you are bidding for by ticking the relevant column on the cover page.

The items listed / services to be rendered under each area of expertise is in no way exhaustive and the Department may appoint a service provider to perform such services as it may deem relevant under the various fields of law / area of expertise and Service Providers are encouraged to indicate all services offered in those fields of law / areas of expertise.

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3.2 AREA OF EXPERTISE

3.2.1 LITIGATION

- 3.2.1.1 Delictual claims – such as personal injury, property damage, professional liability;
- 3.2.1.2 Conducting litigation on behalf the Department
- 3.2.1.3 Settlement negotiations;
- 3.2.1.4 Building Control litigation;
- 3.2.1.6 Supply Chain Management / Procurement disputes;
- 3.2.1.8 Develop and review litigation strategy and Standard Operating Procedures
- 3.2.1.9 Provide oral and written legal advice throughout litigation process
- 3.2.1.10 Collect litigation costs
- 3.2.1.11 Maintain watching briefs

3.2.2 ENVIRONMENTAL LAW

- 3.2.2.1 Providing of legal advice and opinions in the various areas of environmental law
- 3.2.2.2 Providing legal opinions on current and proposed legislation, regulations, directives and policy
- 3.2.2.3 Drafting of policies and legislation
- 3.2.2.4 Collating, interpretation and incorporation of comments received on policies and proposed legislation
- 3.2.2.5 Advise DEDEAT on compliance with various requirements of protected areas;
- 3.2.2.6 Providing any other assistance relating to environmental law as may be required from time to time.
- 3.2.2.7 Advising on appeals received in respect of decisions taken by the Department under any environmental falling within its mandate

3.2.3 COMMERCIAL LAW and CORPORATE LAW

- 3.2.3.1 Advising the DEDEAT with regards to its rights and obligations under various operating agreements;

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- 3.2.3.2 Advising the DEDEAT on potential disputes arising out of its various operating agreements;
 - 3.2.3.3 Draft, review and advise on broad range of complex commercial contracts such as financing agreements, mergers, restructuring agreements
 - 3.2.3.4 Provide legally sound opinions on matters in are corporate / commercial law of nature
 - 3.2.3.5 Advice on and handling of land transactions, including but not limited to Acquisitions and dispositions e.g., rights-of-way, servitudes, leases, licenses, transfers of immovable property
 - 3.2.3.6 Resolution of issues or disputes over property rights and related responsibilities.
 - 3.2.3.7 Evictions and Eviction Services in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act ("PIE") and the Extension of Security of Tenure Act ("ESTA") legislation.
 - 3.2.3.8 Expropriation of land
 - 3.2.3.9 Acquisition and disposal of immovable property by government as well as state-owned enterprises
 - 3.2.3.10 Advise on legal issues arising from asset, risk and debt management by the Department
 - 3.2.3.11 Company law advisory work pertaining to state-owned enterprises, including listings

3.2.4 PUBLIC LAW / ADMINISTRATIVE LAW

- 3.2.4.1 Legal assistance in all areas of public procurement and supply chain management
- 3.2.4.2 Public sector litigation in the High Court and various appeal tribunals
- 3.2.4.3 Drafting services in relation to provincial legislation, municipal by-laws and policies (Provincial and Local Government)
- 3.2.4.4 Provide legal opinions in respect of constitutional, administrative and international law matters

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- 3.2.4.5 Training on identified areas of law / legislation such as PAIA, POPIA, PAJA and Corporate Governance / Codes of Good Practice (not compulsory area of expertise)
 - 3.2.4.6 Advices with regards to compliance and corporate governance in the public sector.
 - 3.2.4.7 Company law advisory work pertaining to state owned enterprises, including but not limited to listings and insurance law

3.2.5 LABOUR LAW AND ALTERNATIVE DISPUTE RESOLUTION

- 3.2.5.1 The service provider shall provide legal opinions on labour, employment benefits and employment law related matters.
- 3.2.5.2 The service provider shall assist in disciplinary hearings, arbitrations
- 3.2.5.3 The service provider shall be able to conduct investigations relating to disciplinary related matters leading up to formal disciplinary proceedings
- 3.2.5.3 The service provider shall be able to initiate disciplinary hearings and chair in complex cases on behalf of the organisation.
- 3.2.5.4 The service provider shall be able to assist and advise in dispute resolution processes, relating to claims of unfair dismissal claims, unfair labour practice, unfair discrimination relating to sexual harassment matters referred to the CCMA, Bargaining Council, Labour and Labour Appeal and Constitutional Court.
- 3.2.5.5 The service provider shall assist in drafting and reviewing relevant collective agreements, policies, disciplinary codes and procedures, when necessary, in light of laws changing from time to time.
- 3.2.5.6 Alternative Dispute Resolution
- 3.2.5.7 Conduct training on dispute resolution, conduct of disciplinary hearings, investigations, arbitrations, alternative dispute resolution and settlement negotiations relevant to the public sector

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3.2.6 CRIMINAL LAW

- 3.2.6.1 After-hour bail applications, formal bail applications in the court, in the Magistrates' Court, Regional Court, appeals and reviews of unfavourable bail application judgements to the High Court.
- 3.2.6.2 Pre-trial stage proceedings, liaison, negotiations, mediation, criminal diversion, and representations to, and with the National Prosecuting Authority and South African Police Service.
- 3.2.6.3 Attending to court appearances throughout the process and during trial.
- 3.2.6.4 Assisting officials during police interrogation, identification parades, criminal trials and during the investigating phase when evidence is being collected.
- 3.2.6.5 Ensuring compliance of legislation, and applicable practice standards, by SAPS during the investigation by evaluating DNA evidence, fingerprint evidence, and/or blood samples and blood alcohol test.
- 3.2.6.6 Managing the matter throughout as a watching brief.
- 3.2.6.7 Conduct Forensic investigations

3.2.7 LEGISLATIVE REVIEW AND DEVELOPMENT

- 3.2.7.1 Draft and review of original and subordinate legislation
- 3.2.7.2 Ensure technical quality, adherence to best practice and prevailing legislation and consistency with the Constitution
- 3.2.7.3 Support services on advertising of proposed legislation
- 3.2.7.4 Collating, interpretation and incorporation of comments received on policies and proposed legislation
- 3.2.7.5 Provide legal advice on gaps identified in legislation falling within the mandate of the Department
- 3.2.7.6 Research and advise on international best practice approach to drafting

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3.3 OVERALL PROJECT DELIVERABLES

Delivery of high-quality work and results

Sound legal advice

Ensure compliance with prevailing legislation

Briefing sessions, where necessary

Regular reports

Development of Project plans in respect of projects relating to policy and legislation development and review

Submission of close out reports on projects

Confidentiality of all matters relating to DEDEAT

Carrying out of instructions in line with letters of instructions and within agreed timeframes.

4. PROJECT MANAGEMENT

The legal Service Provider will work closely with the Legal Services Unit. The Director: Legal Services is designated as the Project Manager for this Project.

5. PRICING / BUDGET

A total pricing is not applicable at this stage as appointment is for a panel of service providers to deliver services on an ad hoc basis.

Bidders who are appointed to the panel will be required to submit quotations as and when required based on assignments

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6. REQUIRED CAPACITY, QUALIFICATIONS, EXPERIENCE & TRACK RECORD

It is important that all bidders demonstrate that they have the required capacity, qualifications, experience and track record to undertake the project. The project team must demonstrate capacity and expertise in the specific area(s) in which it is bidding.

7.1 BID PROCESS: PRE-QUALIFICATION

A two-stage evaluation process will be employed. In Stage one (Pre-qualification), all bids received will be evaluated for functionality / compliance with bid requirements. Only service providers who meet all the requirements for compliance with bid requirements will proceed to Stage 2 for functionality. Service providers who meet the minimum threshold of 70 points out of 100 points on functionality, per area of expertise, will be recommended for the appointment to the panel.

Shortlisted bidders / service providers may be expected to make a presentation where they will demonstrate similar previous work.

STAGE 1: COMPLIANCE WITH BID REQUIREMENTS / MINIMUM REQUIREMENTS

In this stage, all bids received will be verified for compliance and completeness of the submitted proposal per the below set of mandatory requirements. Bidders who fail to comply with the below requirements will be eliminated and bidders who comply with the below requirements progresses to the next stage of technical evaluation.

- a) Bidders must submit a valid proof of registration with the Legal Practice Council for the bidding company. The registration with Legal Practice Council must be valid at the closing date of the bid.
- b) Bidders must submit a valid certified copy of the Attorneys Fidelity Fund Certificate for each member who is a sole practitioner, partner or director of the firm of attorneys and who will attend to DEDEAT matters. The Fidelity Fund Certificate must be valid at the closing date of the bid.

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- c) Bidders must submit a certified valid Letter of Good Standing with the Legal Practice Council, for each attorney who forms part of the team that will attend to DEDEAT matters. The Letter of Good Standing must be valid at the closing date of the bid.
- d) Bidders must submit a certified valid copy of a the company's Indemnity Certificate. The Bidding Company's Indemnity Certificate must be valid at the closing date of the bid.

NB: Failure to comply with any of the above requirements will result in immediate rejection of the bid. Bidders who comply with all the requirements of Stage 1 will proceed to Stage 2 where they will be evaluated on Functionality.

STAGE 2: FUNCTIONALITY

Criteria	Weight
Methodology	20
Company Experience	40
Institutional Capacity and Experience (Associate)	10
Institutional Capacity and Experience (Senior Associate)	10
Institutional Capacity and Experience (Partner)	10
Support Staff (Company Profile and Organogram)	10

The elements that will be considered for determining quality/functionality are:

QUALITY / FUNCTIONALITY	Score out of 5	Weight / 100
<u>Methodology (Weighting = 20)</u> The bidders must submit a detailed methodology of its approach, including but not limited to the following: a) How the bidder will assist DEDEAT in achieving the objective to promote participation of Historically Disadvantaged Law Firms and Historically Disadvantaged law professionals through its panel of attorneys b) Describe the ability to meet deadlines, especially on a short-time frame, and give examples of how past tight deadlines have been successfully met		

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QUALITY / FUNCTIONALITY	Score out of 5	Weight / 100
c) Details of procedure to ensure quality and risks standards will be upheld and professional association of your organisation d) Describe the escalation procedure that it has in place e) Describe approach / procedure on receipt of letter of instruction Measure:		
Proposed methodology and approach is not relevant – 0 (Weak)		
Proposed methodology and approach meet all the requirements of the terms of reference. A detailed methodology and approach are developed. Shows understanding. The bidder demonstrates a thorough understanding of the terms of reference. = 5		
<u>Company Experience (Weighting = 40)</u> Bidders must submit proof of experience in the relevant field of law for which it is bidding. Bidders are required to submit at least two (2) written references / written proof of experience per year in order to obtain the requisite points. Testimonials must be area specific and letters which are generic and simply state phrases like “the bidder provided legal services” is not acceptable and a score of zero (0) will be awarded. NB: Proof of experience must be obtained from clients whom the bidder has successfully represented for services listed in the scope of work. Proof of experience must be written testimonial letters by the clients previously / currently serviced: Failure to provide written proof of experience will lead to zero points being allocated. No partial points will be awarded for partial information submitted. Measure:		
Two or more references per year and 10 years’ experience or more = 5 pts		
Two or more references per year and 7-10 years’ experience = 4 points		
Two or more references and 4-7 years’ experience = 3 points		
Two or more references per year and 0-3 years’ experience = 2 points		
No references / 1 reference per year = 0 points		

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QUALITY / FUNCTIONALITY	Score out of 5	Weight / 100
<u>Institutional Capacity and Experience (Associate) (Weighting = 10)</u>		
Institutional capacity and experience of professional legal advisory members to be allocated. When bidders are bidding for specific scope of work they must show that the attorney of such team has the requisite experience in that field of law as per the categories in Clause 2 NB: The proposal must indicate the name of the person to be evaluated for Associate, failure which will result in a score of zero (0) being allocated. The CV's must also indicate where the experience was acquired and certified copies Curriculum Vitae of CV of Associate = 3 years (minimum) of area specific post-admission experience incorporating: • Certified proof of qualifications – this must be Bachelor of Laws (NQF8) or equivalent qualification; • Certified admission as an attorney; • Years of post-admission experience Measure:		
No submission of relevant CV or no indication in the proposal for a person to be evaluated for this section = 0		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and no relevant post admission experience (Poor) = 1		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and less than 3 years relevant post admission experience (Fair) = 2		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and 3 years relevant post admission (Satisfactory) = 3		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and more than 3 years relevant post admission experience (Very Good) = 4		

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QUALITY / FUNCTIONALITY	Score out of 5	Weight / 100
2 or more CV's Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and more than 3 years relevant post admission experience (Excellent) = 5		
<u>Institutional Capacity and Experience (Senior Associate) (Weighting = 10)</u> Institutional capacity and experience of professional legal advisory members to be allocated. When bidders are bidding for specific scope of work they must show that the attorney of such team has the requisite experience in that field of law as per the categories in Clause 2 NB: The proposal must indicate the name of the person to be evaluated for Senior Associate, failure which will result in a score of zero (0) being allocated. The CV's must also indicate where the experience was acquired and certified copies Curriculum Vitae of CV of Senior Associate = 5 years (minimum) of relevant post-admission experience incorporating: • Certified proof of qualifications – this must be Bachelor of Laws (NQF8) or equivalent qualification; • Certified admission as an attorney; • Years of post-admission experience Measure:		
No submission of relevant CV or no indication in the proposal for a person to be evaluated for this section = 0		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and no relevant post admission (Poor) = 1		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and less than 5 years relevant post admission experience (Fair) = 2		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and 5 years relevant post admission (Satisfactory) = 3		

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QUALITY / FUNCTIONALITY	Score out of 5	Weight / 100
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and more than 5 years relevant post admission experience (Very Good) = 4		
2 or more CV's Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and more than 5 years relevant post admission experience (Excellent) = 5		
<u>Institutional Capacity and Experience (Partner) (Weighting = 10)</u> Institutional capacity and experience of professional legal advisory members to be allocated. When bidders are bidding for specific scope of work they must show that the attorney of such team has the requisite experience in that field of law as per the categories in Clause 2 NB: The proposal must indicate the name of the person to be evaluated for Partner, failure which will result in a score of zero (0) being allocated. The CV's must also indicate where the experience was acquired and certified copies Curriculum Vitae of CV of Partner = 8 years (minimum) of relevant post-admission experience incorporating: • Certified proof of qualifications – this must be Bachelor of Laws (NQF8) or equivalent qualification; • Certified admission as an attorney; • Years of post-admission experience Measure:		
No submission of relevant CV or no indication in the proposal for a person to be evaluated for this section = 0		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and no relevant post admission experience (Poor) = 1		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and less than 8 years relevant post admission experience (Fair) = 2		

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QUALITY / FUNCTIONALITY	Score out of 5	Weight / 100
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and 8 years relevant post admission (Satisfactory) = 3		
CV Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and more than 8 years relevant post admission experience (Very Good) = 4		
2 or more CV's Submitted with a Bachelor of Laws (NQF Level 8) or equivalent qualification, and admission certificate and more than 8 years relevant post admission experience (Excellent) = 5		
<u>Support Staff (Company Profile and Organogram) – (Weighting = 10)</u>		
Provide Company Profile and Organogram, abridged CVs (not more than 3 pages) of key staff / team members with LLB or relevant qualification (NQF Level 8) supporting the Lead Legal Practitioner, employed by the firm who will assist the lead attorney in specific areas (as set out in Clause 2)		
Measure:		
No submission of support staff = 0		
Registered as candidate attorney - 1		
1 year relevant post admission experience = 2		
2 year relevant post admission experience = 3		
3 years or more relevant post admission experience = 4		
2 or more support staff with 3 or more years relevant post admission experience = 5		

Bidders will be required to obtain at least **70% (70/100)** in order to qualify for the final evaluation stage. A bidder that scores less than 70 points out of 100 points in respect of functionality will be regarded as submitting a non-responsive proposal and will not be considered further

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7.2 BID PROCESS: POST-QUALIFICATION (PRICE AND PREFERENCE)

In terms of the revised Preferential Procurement Regulations 2022, the department will utilize the following specific goals as required by section 2(1) (d) of the Preferential Procurement Policy Framework Act:

(a) Historical Disadvantaged Individuals (HDI): see details below:

To enforce their implementation of RDP goals and to ensure local economic development for procurement above. The Department of Economic Development, Environmental Affairs and Tourism shall allocate preference points to any of the following categories:

- HDI black people
- HDI youth
- HDI women
- HDI with disabilities
- HDI living in rural underdeveloped areas or township
- HDI living in Eastern Cape province
- A co-operative or non-profit organization which is at least 51% owned by black people.
- HDI who are Military veterans

Bids shall be evaluated on 80/20 principle. Preference points may be allocated as per below table

Specific Goals	Allocation of points
HDI black people	5
HDI women	5
HDI youth	5
HDI with disabilities	5

Disbursements must be in line with the cost-containment measures introduced by Treasury (instruction note 1 of 2013/14). Any additional disbursements, other than those provided above must be agreed upon with the Department in the execution of task briefs.

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- The contract period will be a maximum of 3 years

8. MANDATORY REQUIREMENTS FOR ALL BIDS

- (a) Bidders must ensure the following requirements are adhered to and included in the proposal:
- (b) Duly completed and signed SBD 4 (declaration of interest)
- (c) Resolution authorising a particular person to sign the bid documents.
CSD Summary report
- (d) Bidders must submit a valid proof of registration with the Legal Practice Council for the bidding company. The registration with Legal Practice Council must be valid at the closing date of the bid.
- (e) Bidders must submit a valid certified copy of the Attorneys Fidelity Fund Certificate for each member who is a sole practitioner, partner or director of the firm of attorneys and who will attend to DEDEAT matters. The Fidelity Fund Certificate must be valid at the closing date of the bid.
- (f) Bidders must submit a certified valid Letter of Good Standing with the Legal Practice Council, for each attorney who forms part of the team that will attend to DEDEAT matters. The Letter of Good Standing must be valid at the closing date of the bid.
- (g) Bidders must submit a certified valid copy of a Bidding Company's Indemnity Certificate. The Bidding Company's Indemnity Certificate must be valid at the closing date of the bid.

9. PERFORMANCE MONITORING

Performance against the deliverables will be closely monitored by DEDEAT.

10. CONDITIONS OF THE BID

10.1 All bidders must note the following:

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- (a) In instances where the bidder qualifies and contracts to form part of the Panel of Attorneys, the bidder may not substitute the core team members listed in this proposal, unless written permission for substitution has been obtained from DEDEAT
- (b) Services rendered outside the scope of this project without the prior approval of the DEDEAT Programme Manager will not be reimbursed.
- (b) If the bidders are a joint venture between BEE firm and a non-BEE firm, detail of how the work will be split between the firms should be clear such that the DEDEAT can audit the actual work allocation during the delivery to enforce the transfer of skills between the firms. The percentage involvement of each company in the joint venture should also be indicated and all members of the joint venture should sign the contract and are jointly and severally liable for the entire assignment. A joint venture agreement must be attached. A disclosure of all the service providers' shareholders MUST be attached to the bid.
- (c) Should a prospective service provider/consortium choose to work in a consortium with others, DEDEAT will confine its contractual dealings with the primary service provider/consortium
- (d) References cited must have knowledge of the Project Team Members /Service Provider's work in all the elements for meaningful comparisons to be made. If the references cited are unable to give meaningful assessments of the Project Team Members /Service Provider's previous work then the scores will reflect this.
- (e) Curriculum Vitae's of the Project Team members MUST be attached to the proposal document.
- (f) Bidders rates should not exceed those prescribed by the office of the Auditor-General of South Africa (AGSA) or Department of Public Service and Administration (DPSA).

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- (g) DEDEAT reserves the right to invite shortlisted companies to conduct presentation of their bid proposals for final decision.
- (h) The bid will be awarded subject to a legally enforceable contract being entered into between the preferred bidder and DEDEAT, which will impose material terms and conditions of the contract applicable to the parties in rendering the intended services.
- (i). DEDEAT is not bound to select any of the firms submitting proposals. DEDEAT reserves the right not to award the contract to the lowest bidding price as well as to renegotiate the bid of the preferred applicant.
- (j) DEDEAT will not be held responsible for any costs incurred by the bidder in the preparation and submission of the bid and DEDEAT reserves its right to terminate the contract at such earlier time as it may decide suitable, should the Service Provider have completed the provision of the services in terms of the contract prior to the expiry of the 5 (five) month contract term.
- (k). The service provider must be cleared by the National Treasury as per section 28 of the Prevention and combating of corrupt activities act, (act 12 of 2004) and the department will implement the law, especially section 28(3)(iii).
- (l) Bidders must comply with all procurement conditions of the department, including the provision of valid tax clearance certificates;
- (m) Preferential Procurement Policy Framework Act (PPPFA) principles shall apply; submissions will be evaluated according to the provisions of that Act;
- (n) The service provider may be subject to vetting by the State Security Agency and may be disqualified or discharged if appointed, if it does not meet the security level required (see the Service Level Agreement).

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- (o) Report any known or suspected corruption involving the state to 0800 701 701 as is also required in terms of section 34 of the Prevention and combating of corrupt activities act, (act 12 of 2004)

11. VALIDITY PERIOD

Proposals are expected to remain valid for 90 days from submission.

12. CONTRACT PERIOD

The contract period will be a period of 3 years.

13. SUBMISSION OF PROPOSALS

Only bids by those entities that are registered on the DEDEAT Supplier database will be considered. You are requested to submit a proposal for delivering the specified services on behalf of the DEDEAT. One original copy of the completed proposal shall be placed in a sealed envelope clearly marked: **“APPOINTMENT OF A PANEL OF ATTORNEYS”** and deposited in the Bid Box located at Department of **Economic Development, Environmental Affairs and Tourism, Chungwa House, 2nd Floor, Bhisho**

The closing date for the submission of completed proposals as advertised in the call for proposals is the _____ of _____ 2025 at 11h00a.m. Late proposals will not be considered. **Electronic submissions will not be considered.**

14. RETURNABLE DOCUMENTS

DOCUMENTS	CONDITIONS
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Appointment of a panel of attorneys for a period of three (3) years

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1. A company registration certificate	Copy must be certified by a commissioner of oaths
2. A Company Intellectual Property Commission (CIPC)	Copy must be certified by a commissioner of oaths
3. Resolution authorizing a particular person to sign the bid documents	
4. SBD 1 (invitation to bid)	
5. SBD4 (declaration of interest)	
6. SBD6.1 (preference points claim form in terms of Preferential Procurement regulations 2017)	
7. Proof of CSD	
8. Proof of logis number	

For bid enquiries contact:

Mr. Vuyani Balman

Deputy Director:: SCM

Supply Chain Management

Cell : 079 884 3963

e-mail: vuyani.balman@dedea.gov.za

Ms. Hlokoma Mtshotshisa

Assistant Director: SCM

Supply Chain Management

Cell: 072 045 8528

e-mail: hlokoma.mtshotshisa@dedea.gov.za

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Appointment of a panel of attorneys for a period of three (3) years

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For technical enquiries contact:

Ms. R de Bruin

Director: Legal Services

Cell: 060 564 5370

Email: Ronel.debruin@dedea.gov.za

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Appointment of a panel of attorneys for a period of three (3) years

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15. APPROVAL OF TERMS OF REFERENCE

Name	Ms. R de Bruin	Mrs P Guma	Bid Spec Committee	Ms K Mayile	Mrs: S. Jongile	Ms. Mickey Mama
Position	Director: Legal Services	Programme Manager	Deputy Chairperson	Director: SCM	Chief Financial Officer	Head of Department
Action	Compiler / developer	Supported / Not supported	Supported / Not supported	Supported / Not supported	Supported / Not supported	Approved / Not approved
Comments			Supported	Supported	Supported	approved
Signature					 Signed: S. Jongile on 19 Mar 2025 12:26 GMT+2	
Date	Mar 13, 2025	Mar 16, 2025	Mar 19, 2025	Mar 19, 2025	Mar 19, 2025	Mar 19, 2025

Final ToR for the Appointment of Panel of Attorneys - DEDEAT - 13 March 2025

Final Audit Report

2025-03-19

Created:	2025-03-13
By:	Ronel de Bruin (Ronel.debruin@dedea.gov.za)
Status:	Signed
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"Final ToR for the Appointment of Panel of Attorneys - DEDEAT - 13 March 2025" History

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Agreement completed.

2025-03-19 - 10:39:33 AM GMT



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