



RFP NUMBER:	RFP/SASSETA/20211108
DESCRIPTION:	Appointment of a Panel of Legal Service providers for a period of five (5) years
PUBLISH DATE:	30 October 2020
CLOSING DATE:	23 November 2020
CLOSING TIME:	11h00
COMPULSORY BRIEFING SESSION DATE	N/A
VALIDITY PERIOD:	120 Days from the closing date
PREFERENCE POINT SYSTEM	80/20
SUBMISSION OF PROPOSALS	Proposals to be submitted electronically via email to legal@sasseta.org.za OR a hard-copy to be couriered, posted or hand delivered to SASSETA Offices, Building 2 Waterfall Corporate Campus, 74 Waterfall Drive, Waterfall City, Midrand, 2090
ATTENTION:	Mr. Jackie Kwinika
NB: Proposals to be submitted electronically via email to legal@sasseta.org.za or be couriered, posted or hand delivered to SASSETA Offices, Building 2 Waterfall Corporate Campus, 74 Waterfall Drive, Waterfall City, Midrand, 2090, for the attention of Mr Jackie Kwinika, Please be informed that this email address is for submission of tender proposals only and queries related to this tender are to be sent to scm02@sasseta.org.za	

NB: The SASSETA logo should not be displayed in any shape or form on proposals sent to SASSETA for consideration.

DOCUMENTS IN THIS BID DOCUMENT PACK

Bidders are to ensure that they have received all pages of this document, which consist of the following documents:

SECTION A

1. RFP Submission Conditions and Instructions
2. Terms of Reference
3. Selection Process

SECTION B

1. Special Conditions of Bid and Contract
2. Invitation to Quote (SBD 1)
3. Pricing Schedule (SBD 3.3)
4. Declaration of Interest (SBD 4)
5. Preference Points Claim form in terms of Preferential Procurement Regulations 2017 (SBD 6.1). Bidders are to submit a certified copy of a valid B-BBEE Certificate or Sworn Affidavit.
6. Declaration of bidder's Past SCM Practices (SDB 8)
7. Certificate of Independent Bid Determination (SBD 9)
8. Submission Checklist
9. General Conditions of Contract (Annexure A)
10. Map to SASSETA Offices (Annexure B)

NB.: Bidders are required to return the SASSETA attached Standard Bidding (SBD) forms and not submit SBD forms from other entities.

1. RFP SUBMISSION CONDITIONS AND INSTRUCTIONS

1.1 FRAUD AND CORRUPTION

- 1.1.1 All Service Providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

1.2 COMPULSORY BRIEFING SESSION

- 1.2.1 There will be no briefing session for this Request for Proposal.

1.3 CLARIFICATIONS/QUERIES

- 1.3.1 Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (e-mail) from **Mr Jackie Kwinika** at scm02@sasseta.org.za by Monday **16 November 2020 at 12h00**. The bid number should be mentioned in all correspondence. **Telephonic requests for clarification will not be accepted**. If clarifying information will be made available to all bidders by e-mail only.

1.4 SUBMITTING BIDS

- 1.4.1 Proposals to be submitted:

(a) electronically via email to legal@sasseta.org.za

OR

(b) A hard-copy to be couriered, posted or hand delivered to SASSETA Offices, Building 2 Waterfall Corporate Campus, 74 Waterfall Drive, Waterfall City, Midrand, 2090 for the attention of Mr Jackie Kwinika, Quoting the reference (RFP/SASSETA/20211108)

- ❖ Closing date and time: **Monday 23rd November 2020 at 11h00**
- ❖ The name and address of the bidder

NB.: Bidders to select one (1) method of submission as per the two (2) options above.

1.5 LATE BIDS

- 1.5.1 Bids received late shall not be considered. A bid will be considered late if it arrived only one second after 11h00 or any time thereafter. Bids arriving late will not be considered under any circumstances. Bidders are therefore strongly advised to ensure that bids be sent allowing enough time for any unforeseen events that may delay the delivery of the bid.
- 1.5.2 The official Telkom time (dial 1026) will be used to verify the exact closing time (11h00)

1.6 FORMAT OF BIDS

1.6.1 Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their bid should be concise, written in plain English and simply presented.

1.6.2 Bidders are to set out their bid in the following format:

Part 1: Invitation to Bid (SBD 1)

Bidders must complete and submit the Invitation to Bid document.

Part 2: Pricing (SBD 3.3)

Bidders Must complete SBD 3.3 as attached to this request in full and also must submit their own detailed quotation on their Company letterhead inclusive of VAT and any other costs as per the requirements of the Terms of Reference.

Part 3: Declaration of Interest (SBD 4)

Each party to the bid must complete and submit the Declaration of Interest.

Part 4: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2017 (SBD 6.1)

Bidders must complete and submit the Preference Points Claim Form.

A trust, consortium or joint venture:

- ❖ will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate OR a Letter from a registered Accounting Officer/ Auditor OR a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.
- ❖ will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Part 5: Declaration of bidders past supply chain management practices (SBD 8)

Each party to the bid must complete and submit the Declaration of past supply chain management practices

Part 6: Certificate of Independent Bid Determination (SBD 9)

Bidders must complete and submit the "Certificate of Independent Bid Determination" document.

Part 7: Broad Based Black Economic Empowerment Certificate

Bidders are to submit an Original/Certified copy of a valid BBBEE Certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid. or a letter from an Accounting Officer/ Auditor or a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.

Part 8: General Conditions of Contract

Bidders **must** initial each page of the General Conditions of Contract and submit with their bid document.

Part 9: Technical approach

Bidder must at least:

Describe, in detail, exactly how they propose to carry out the activities to achieve the outcomes identified in the terms of reference. Bidders are required to have the basic office equipment and the resource/s (which must include, laptop, 3G connection, landline, own office with the basic office equipment) will be located within the region where the work will be done. They should identify any possible problems that might hinder delivery and indicate how they will avoid, or overcome such problems.

Describe how the work will be managed. Provide an organisation chart clearly indicating:

- ❖ The lines of reporting and supervision within the bidder’s team.
- ❖ The lines of reporting between the bidder and SASSETA.

Identify the position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and name the people who will fill these positions.

Describe the tasks, duties or functions to be performed by staff in these positions.

Indicate the number of hours required to complete each task and the number of hours to be provided by each team member. The bidder must be able to work within strict time lines and have the capacity to do so.

Provide information on any additional value added services for consideration by SASSETA, and which will form part of the overall proposed solution. Please note that the additional value ads must be priced separately in the space provided for in the pricing schedule.

Bidders are to present such information in a matrix. The following is provided merely as guidance. Bidders are free to elaborate as they see fit.

Outcome/ output	Activity	Team member(s) involved (name and position)	Person days for each team member	Total person days

Provide a work plan of activities. In addition to providing details of the estimated number of workdays for each activity, bidders are to supply a detailed timetable that identifies when certain activities will be undertaken and over what period they will be spread. The timing of activities, the time needed to complete them, and the order in which they will be undertaken must be explained and justified.

Please note that part 9 should be no longer than 10 single-sided A4 pages in Arial 11 (font size).

Part 10: Team Details

The bidder must provide:

- ❖ A comprehensive curriculum vitae (relevant to this bid and limited to two pages). In particular, the CV must highlight the team leader's experience and qualifications to carry out the work

NB: It is to be noted that the team leader proposed for this assignment cannot be replaced without prior approval by the SASSETA.

Part 11: Experience in this field

It is essential the service provider displays:

- ❖ Experience as set out in the terms of reference
- ❖ The Bidder must provide signed reference letters on company letterheads of previous clients where the Bidder provided similar services.

Part 12: Bidders National Treasury CSD registration report

Bidders to submit their CSD report indicating the validity of the bidder's registration. Directors listed on SBD 4 to be the same as those listed on the CSD report.

1.7 NEGOTIATION

- 1.7.1 SASSETA has the right to enter into negotiation with a prospective service provider regarding any terms and conditions, including price(s), of a proposed contract.
- 1.7.2 SASSETA shall not be obliged to accept the lowest of any quotation, offer or bid.
- 1.7.3 SASSETA issues this bid invitation in good faith; however, it reserves the right to:
 - ❖ Cancel or delay the selection process at any time, without explanation,
 - ❖ Not to select any of the respondents to this bid invitation, without explanation,
 - ❖ Exclude certain services, without explanation.
- 1.7.4 All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties.

1.8 REASONS FOR REJECTION

- 1.8.1 SASSETA shall reject a bid for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.
- 1.8.2 SASSETA may disregard the bid of any bidder if that bidder, or any of its directors:
 - 1.8.2.1 have abused the Supply Chain Management systems of SASSETA.
 - 1.8.2.2 have committed proven fraud or any other improper conduct in relation to such systems.
 - 1.8.2.3 have failed to perform on any previous contract and the proof exists.
- 1.8.3 Such actions shall be communicated to the National Treasury.

2. TERMS OF REFERENCE

2.1 INTRODUCTION AND BACKGROUND

- 2.1.1** The Safety and Security Sector Education and Training Authority (SASSETA) was established on 1 July 2005. It is one of the twenty-one Sector Education and Training Authorities (SETAs) established in terms of the Skills Development Act (Act 97 of 1998) as amended.
- 2.1.2** SASSETA's current licence will expire on 31st March 2030. The organization is classified as a schedule 3A Public Entity in terms of the Public Finance Management Act, (Act 1 of 1999, as amended). It reports directly to the Department of Higher Education and Training (DHET).

2.2 PURPOSE

- 2.2.1** SASSETA's intention is to appoint law firms to serve in the panel of service providers that will be rendering legal services on different issues with legal implications, as and when required.

2.3 SCOPE OF WORK

- 2.3.1** The service providers will be required to provide professional, legal services to the SASSETA Executive Management and the Board across all legal matters.
- 2.3.2** The Bidders must have a capacity (adequate resources) to deliver as per the scope of work.

2.4 CONTRACT DURATION

- 2.4.1** It is expected that the successful service provider should be able to commence the contract from date of appointment and partner with SASSETA for a period of 5 years until 30 December 2025.

NB: The successful service provider will be required to enter into a Service Level Agreement with SASSETA.

2.5 Utilization of services by SASSETA

- 2.5.1** SASSETA may from time to time utilise the services of the aforesaid panellists to provide legal assistance to SASSETA, which assistance may include instituting or defending legal actions on behalf of or against the SASSETA, drafting and/or advising on complex commercial agreements and/or the provision to SASSETA of complex legal opinions.

2.6 Appointment terms

- 2.6.1** SASSETA does not guarantee that successful service providers will receive work during their appointment term. Service providers will be used on an ad hoc basis (as and when required).
- 2.6.2** There is no monthly retainer on this appointment.
- 2.6.3** Payments will be made upon submission of an invoice following provision of satisfactory service by the service provider.

2.6.4 The appointment shall be effective from the date of appointment for a period of five (5) years with a proviso that one party may cancel this agreement by giving each party two (2) calendar months' notice should the circumstances so dictate.

2.6.5 Service providers are required to submit proposals to the SASSETA in respect of the following legal service categories:

- Category 1: Commercial contract drafting;
- Category 2: Administrative/Constitutional/Public Law;
- Category 3: Supply Chain / Procurement Law;
- Category 4: Employment Relations / Labour law;
- Category 5: General legal assistance (such as legal Opinions on civil litigations, criminal proceedings, alternative dispute resolution, etc.).

2.6.6 Service providers should clearly stipulate which categories they are bidding for on this panel by recording the category number and by category name in SBD 3.3 below.

2.6.7 Should there be a need to appoint correspondent attorneys, bidders must discuss the appointment thereof with the SASSETA representative responsible for the instruction brief. In the event that there is a firm suitably located (geographically) and is on the panel, irrespective of the category to which that firm has been appointed, that firm will automatically be used as correspondent attorneys.

2.7 The Bidding Company to demonstrate the skills and experience of the bidding company on the selected categories and the team leader assigned to this Panel

2.7.1 Suitability of the bidding company to undertake the assignment. The bidding company to indicate which categories they are bidding for and submit reference letters for each category for evaluation purposes:

- The Bidding company to demonstrate experience in the selected **category one (1)** as stated in SBD 3.3 below by submitting four (4) or more signed and relevant reference letters from different clients on legal matters successfully handled in relation to selected category one (1). Proposals submitted without relevant reference letters will receive a zero (0) score.
- The Bidding company to demonstrate experience in the selected **category two (2)** as stated in SBD 3.3 below by submitting four (4) or more signed and relevant reference letters from different clients on legal matters successfully handled in relation to selected category two (2). Proposals submitted without relevant reference letters will receive a zero (0) score.
- The Bidding company to demonstrate experience in the selected **category three (3)** as stated in SBD 3.3 below by submitting four (4) or more signed and relevant reference letters from different client (previous/current) on legal matters handled in relation to selected category three (3). Proposals submitted without relevant reference letters will receive a zero (0) score.
- The Bidding company to demonstrate experience in the selected **category four (4)** as stated in SBD 3.3 below by submitting four (4) or more signed and relevant reference letters from different client (previous/current) on

legal matters handled in relation to selected category four (4). Proposals submitted without relevant reference letters will receive a zero (0) score.

- The Bidding company to demonstrate experience in the selected **category five (5)** as stated in SBD 3.3 below by submitting four (4) or more signed and relevant reference letters from different client (previous/current) on legal matters handled in relation to selected category five (5). Proposals submitted without relevant reference letters will receive a zero (0) score.

2.7.2 CVs of Team Leader:

- The bidding company to submit a comprehensive CV of the proposed team leader/project manager on this panel. The submitted CV of the proposed team leader must clearly demonstrate a four (4) or more years of experience and competency in managing teams on legal matters.
- Bidding of company to submit valid copy(s) of a law qualification – minimum degree/BTech certificate for the team leader/project manager's. Copies of certificates must be attached. International qualifications must be verified by SAQA and a copy of letters confirming the validity of the qualifications must be attached.

2.8 NEGOTIATIONS

- 2.8.1** SASSETA has the right to enter into negotiations with the prospective bidder(s) regarding any terms and conditions and/or pricing.

2.9 PRICING

- 2.9.1** Pricing will be discussed per assignment along with the duration of the assignment.

2.10 ACCOUNTABILITY AND REPORTING

- 2.10.1** The service provider will report directly to the Acting Chief Executive Officer (ACEO) or his delegation.

2.11 INTELLECTUAL PROPERTY

- 2.11.1** The service provider will be contracting with SASSETA. All products and data of this project, in whatever format raw or analysed, will be the confidential information for utilisation by SASSETA. All information and documents, received from SASSETA or stakeholders, is to be kept confidential and may not be used or distributed in any format without the written approval of SASSETA. To this end, the service provider will be required to sign a confidentiality agreement within the Contract.

3. PROPOSED SELECTION CRITERIA

3.1 Compliance with minimum requirements

- 3.1.1 All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further evaluation.

3.2 Conditions for selection/short listing

- 3.2.1 All submissions will be evaluated as follows:

3.2.1.1 Phase 1 – Requirements items

Service Providers must:

- Submit their proposal by the closing date and time. **Proposals submitted after the closing date and time will be disqualified from further evaluation.**
- **Registration with Legal Practice Council:** The Bidder must be registered with the appropriate Legal Practice Council. A valid certificate of good standing should be provided. **Proposals submitted without a valid Legal Practice Council certificate will be disqualified from evaluation.**
- **Fidelity Fund Certificate:** The Bidder must provide proof of a valid Fidelity Fund certificate. A certified copy thereof should be provided. **Proposals submitted without a valid Fidelity Fund certificate will be disqualified from evaluation.**
- Complete and submit all Standard Bidding Documents (SBD) forms mentioned above on page 2 of this document, namely: SBD1, SBD3.3, SBD4, SBD 6.1, SBD 8 and SBD 9.
- Be registered on the National Treasury Central Supplier Database (CSD) by the closing date and time of this request for quotation. Bidders are to provide SASSETA with a copy of their CSD registration report downloaded from the National Treasury CSD Website.
- Initial each page of the General Condition of Contract (Annexure A) and submit with your proposal.

3.2.1.2 Phase 2 – Functionality evaluation

- Bidders who meet the mandatory items requirements above will be evaluated on functionality requirements as per the table below:
- **Functionality Evaluation**

All proposals will be evaluated on the criteria provided in the table below. The proposals of all service providers will be rated on a scale of 0 to 5.

0: Unacceptable, does not meet set criteria

3: Satisfactory should be adequate for stated element

5: Exceptional mastery of the requirement should ensure extremely effective performance.

The functionality calculation will be done based on the defined criteria and weighting thereof. Functionality evaluation as follows:

- (i) Technical functionality evaluation – will be scored out of a 100 with a minimum functionality threshold of 70%. Bidders who do not meet the 70% required technical functionality threshold will be disqualified from further evaluation. The minimum functionality threshold will be reduced to 65%. Should none of the bidders meet the 65% threshold, all submitted proposals will be disqualified from further evaluation.

PHASE 2 – TECHNICAL FUNCTIONALITY EVALUATION BY SASSETA BEC ON SUBMITTED PROPOSALS:

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	TOTAL SCORE
Suitability of the bidding company to undertake the assignment.	Rating out of 5	Evaluation criteria		
The Bidding company to demonstrate experience in the selected category one (1) as stated above by submitting four (4) or more signed and relevant reference letters from different clients on legal matters successfully handled in relation to selected category one (1). <u>Proposals submitted without relevant reference letters will receive a zero (0) score. (15 points)</u>	0	Bidding company does not have experience in handling legal matters on category one (1)/bidding company did not submit any reference letters/submitted less than four (4) reference letters	15%	
	3	Bidding company submitted four (4) signed reference letters for category one (1) from different clients on legal matters handled in relation to selected category one (1)		
	5	Bidding company submitted five (5) or more signed reference letters for category one (1) from different clients on legal matters handled in relation to selected category one (1)		
The Bidding company to demonstrate experience in the selected category two (2) as stated above by submitting four (4) or more signed and relevant reference letters from different clients on legal matters successfully handled in relation to selected category two (2). <u>Proposals submitted without relevant reference letters will receive a zero (0) score. (15 points)</u>	0	Bidding company does not have experience in handling matters on category two (2)/bidding company did not submit any reference letters/submitted less than four (4) reference letters	15%	
	3	Bidding company submitted four (4) signed reference letters for category two (2) from different clients on legal matters handled in relation to selected category two (2)		
	5	Bidding company submitted five (5) or more signed reference letters for their selected category two (2) from different clients on matters handled in relation to selected category two (2)		
The Bidding company to demonstrate experience in the selected category three (3) as stated above by submitting four (4) or more signed and relevant reference letters from different client (previous/current) on legal matters handled in	0	Bidding company does not have experience in handling matters on their category three (3)/bidding companies did not submit any reference letters/submitted less than four (4) reference letters	15%	
	3	Bidding company submitted four (4) signed reference letters for		

<p>relation to selected category three (3). <u>Proposals submitted without relevant reference letters will receive a zero (0) score. (15 points)</u></p>		their selected category three (3) from different clients on matters handled in relation to selected category three (3)		
	5	Bidding company submitted five (5) or more signed reference letters for their selected category three (3) from different clients on matters handled in relation to selected category three (3)		
<p>The Bidding company to demonstrate experience in the selected category four (4) as stated above by submitting four (4) or more signed and relevant reference letters from different client (previous/current) on legal matters handled in relation to selected category four (4). <u>Proposals submitted without relevant reference letters will receive a zero (0) score. (15 points)</u></p>	0	Bidding company does not have experience in handling matters on their category four (4) /bidding companies did not submit any reference letters/submitted less than four (4) refence letters	15%	
	3	Bidding company submitted four (4) signed reference letters for their selected category four (4) from different clients on matters handled in relation to selected category three (3)		
	5	Bidding company submitted five (5) or more signed reference letters for their selected category four (4) from different clients on matters handled in relation to selected category three (3)		
<p>The Bidding company to demonstrate experience in the selected category five (5) as stated above by submitting four (4) or more signed and relevant reference letters from different client (previous/current) on legal matters handled in relation to selected category five (5). <u>Proposals submitted without relevant reference letters will receive a zero (0) score. (15 Points)</u></p>	0	Bidding company does not have experience in handling matters on their category five (5) /bidding companies did not submit any reference letters/submitted less than four (4) refence letters	15%	
	3	Bidding company submitted four (4) signed reference letters for their selected category five (5) from different clients on matters handled in relation to selected category three (3)		
	5	Bidding company submitted five (5) or more signed reference letters for their selected category five (5) from different clients on matters handled in relation to selected category three (3)		
<p>CVs of Team Leader:</p> <p>The bidding company to submit a comprehensive CV of the proposed team leader/project manager on this panel. The submitted CV of the proposed team leader must clearly demonstrate a four (4) or more years of experience and competency in managing teams on legal matters. (15 points)</p>	0	Bidding company did not submit the team leader's CV/submitted CV of team leader does not have experience/competence in leading a team in legal matters.	15%	
	3	CV of team leader demonstrates four (4) years of experience in managing teams on legal matters		
	5	CV of team leader demonstrates (5) or more years of experience in managing teams on legal matters		
<p>Bidding of company to submit valid copy(s) of a law qualification – minimum degree/BTech</p>	0	Bidding company did not submit copy of valid qualifications for the team leader/submitted copies of qualifications are less than		

certificate for the team leader/project manager's. NB: Copies of certificates must be attached. International qualifications must be verified by SAQA and a copy of letters confirming the validity of the qualifications must be attached. (10 points)		a degree/BTech certificate	10%	
	3	Bidding company submitted valid copy(s) of the Team leader's law qualifications - degree/BTech certificate submitted		
	5	Bidding company submitted valid copy(s) of the Team leader's law qualifications (honours degree or higher)		
TOTAL POINTS			100%	

A bidder must achieve a minimum average score of 70% to qualify for further evaluation. If none of the bidders meet the 70% minimum requirement, the minimum functionality threshold will be reduced to 65. If none of the bidders meet the 65% threshold, all proposals will be disqualified from further evaluation.

3.2.1.3 Phase 3 – Price and B-BBEE

The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable where 80 points will be allocated to price and 20 points for Broad-Based Black Economic Empowerment (B-BBEE) as follows:

Evaluation Criterion on Price and BBEE	
Relative competitiveness of proposed price	80
B-BBEE Status Level of Contribution	20
TOTAL FOR PRICE AND PREFERENCE	100

NB.: For the basis of price evaluation, the consolidated hourly rates per category will be utilised.

3.3 OBJECTIVE CRITERIA FOR RECOMMENDATION:

The Bid Evaluation Committee will implement the following objective criteria for final recommendation to the Bid Adjudication Committee:

- SASSETA will not award this contract to a bidder who failed to perform on a previous contract. SASSETA will conduct due diligence on previous clients where work was undertaken to confirm work done. Bidders whose previous work cannot be confirmed, will not be awarded the contract.
- SASSETA reserves the right not to award this tender to the lowest bidder. Where the price of the lowest bidder is far below the estimated price, SASSETA will interrogate the pricing, the methodology and the quality of the products to be supplied.

3.4 ADJUDICATION OF BID

- 3.1.1 The Bid Adjudication Committee will consider the recommendations of the Bid Evaluation Committee (BEC) and make a recommendation to the Award Authority to make the final award. The successful bidder will usually be the service provider scoring the highest number of points or it may be a lower scoring bid based on firm, verifiable and justifiable grounds or no award at all.

INVITATION TO BID

YOU ARE HEREBY INVITED TO SUBMIT A PROPOSAL FOR REQUIREMENTS OF THE SASSETA

RFP NUMBER: RFP/SASSETA/20211108 **CLOSING DATE:** 23 November 2020 **CLOSING TIME:** 11h00

DESCRIPTION: Appointment of a Panel of Legal Service providers for a period of five (5) years

VALIDITY PERIOD: Offer to be valid for 120 days from the closing date of the bid

The successful bidder will be required to fill in and sign a written Contract Form.

BID DOCUMENT MUST BE SUBMITTED TO:

Proposals to be submitted electronically via email to legal@sasseta.org.za or be couriered, posted or hand delivered to SASSETA Offices, Building 2 Waterfall Corporate Campus, 74 Waterfall Drive, Waterfall City, Midrand, 2090 for the attention of Mr Jackie Kwinika

Bidders should ensure that bids are emailed timeously to the correct email address. If the bid is late, it will not be accepted for consideration.

Bids can be emailed anytime up to 11h00 on the closing date.

All bids must be submitted on the official forms (not to be re-typed).

This RFP is subject to the following:

- General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.
- the Preferential Procurement Policy Framework Act, 2000
- the Preferential Policy Regulations, 2017
- All other SCM prescripts

- Bids submitted that do not comply with the following will be disqualified**
 - A late Bid (a bid submitted one second after 11h00 or any time thereafter)
 - **Registration with Legal Practice Council:** The Bidder must be registered with the appropriate Legal Practice Council. A valid certificate of good standing should be provided. **Proposals submitted without a valid Law Society certificate will be disqualified from evaluation.**
 - **Fidelity Fund Certificate:** The Bidder must provide proof of a valid Fidelity Fund Certificate. A certified copy thereof should be provided. **Proposals submitted without a valid Fidelity Fund Certificate will be disqualified from evaluation.**

PART A - INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	RFP/SASSETA/20211108	CLOSING DATE:	23 November 2020	CLOSING TIME:	11h00
DESCRIPTION	Appointment of a Panel of Legal Service providers for a period of five (5) years				
PROPOSALS TO BE EMAILED:					
Proposals to be submitted electronically via email to legal@sasseta.org.za OR hard-copy to be couriered, posted or hand delivered to SASSETA Offices, Building 2 Waterfall Corporate Campus, 74 Waterfall Drive, Waterfall City, Midrand, 2090 for the attention of Mr Jackie Kwinika					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr Jackie Kwinika		CONTACT PERSON	Mr Jackie Kwinika	
E-MAIL ADDRESS	Scm02@sasseta.org.za		E-MAIL ADDRESS	Scm02@sasseta.org.za	
SUPPLIER INFORMATION					
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-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
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

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS 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.

NAME OF SIGNATORY

SIGNATURE OF BIDDER:

N/B.: If a Company has one director as listed on CSD, the one Director to sign these documents on behalf of the Company. Any other member of the Company will require a Company Resolution to be attached to this submission signed by the duly Authorised Director.

N/B.: If the Company has more than one Director as listed on CSD, a signed Company Resolution to be attached to confirm that the one Director can sign on behalf of the Company. Any other member of the Company will require a Company Resolution to be attached to this submission signed by the duly Authorised Directors.

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: RFP/SASSETA/20211108
CLOSING TIME: 11: 00	CLOSING DATE: 23 November 2020

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

**(ALL APPLICABLE TAXES INCLUDED)

1. The accompanying information must be used for the formulation of proposals.
2. **Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes:**

Legal Advisor/Attorney Levels	TIER 1	TIER 2	TIER 3	TIER 4	TIER 5
	Trainees/Candidate attorneys	Three (3) or less years post articles experience	Three (3) years, but equal to or less than seven (7) years post articles experience	Seven (7) years but equal to or less than fifteen (15) years post articles experience	More than fifteen (15) years post articles experience
Bidders to indicate proposed hourly tariffs for each category, to name the category of preference and tier of preference. Bidders to also record one cost per category and tier. Only one (1) resource per tier to be indicated.					
Category 1 Name of category:					
Category 2 Name of category:					
Category 3 Name of category:					

Category 4 Name of category: _____					
Category 5 Name of category: _____					
Total costs					

I, _____ (print name) hereby certify the above hourly tariffs and that I am duly authorised to sign on behalf of the company.

Name of Company: _____

Signature: _____

Date: _____

NB.: for evaluation, Bidders are to complete the name and surname of the proposed team leader/project manager on this assignment and ensure that comprehensive CVs and copy(s) of qualification of this member is attached to the proposal. **Bidders to only select one member to be the team leader/project manager as follows:**

NO.	ROLE IN THE TEAM	NAME AND SURNAME	IS CV ATTACHED <i>(circle the response below)</i>	IS THE COPY OF QUALIFICATION ATTACHED <i>(circle the response below)</i>
1.	Proposed team leader/Project manager		Yes/No	Yes/No

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

(MUST be signed by a duly Authorised Delegate. A signed Company Resolution must be submitted).

DECLARATION OF INTEREST

- 1. Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a bid or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorized representatives declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/ a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representatives:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder, member):

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors/trustees/shareholders/members, their individually Identity numbers, tax reference numbers and, if applicable, employee/PERSAL number must be indicated in paragraph 3 below.

1"state means-

- (a) any national or provincial department, national or provincial public entity or constitutional within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament

2"shareholder "means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES/NO**

2.7.1 If so, furnish the following particulars:

Name of person /director /trustees /shareholder /member:

Name of state institution at which you or the person connected to the bidder is employed:

Position occupied in the state institution:

Any other particulars:

.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES/NO/N/A**

NB: (Please tick NO or N/A if your answer was NO on 2.7. above)

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES/NO/N/A**

NB: (Please tick NO or N/A if your answer was NO on 2.7. above)

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....
.....

2.8 Did you or your spouse, or any of the company's directors/ trustees/ shareholders / members or their spouse conduct business with the state in the previous twelve months? **YES/NO**

2.8.1 If so, furnish particulars:

.....
.....

NB.: (If a bidder has had a contract with any government department, /municipality/entity/parastatal/SOE, etc. please tick YES on 2.8 above and name the institutions worked for)

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.9.1 If so, furnish particulars:

.....
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars:

.....

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

2.11.1 If so, furnish particulars:

.....

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

Full Name	Identity Number	Personal Income Tax Reference Number	State Number/ Peral Number	Employee Number
Directors listed here to be the same as those listed on CSD.				

N/B. If more space required, Service providers are to copy this table onto their letterhead and provide information on all their directors/trustees/members/shareholders

4 DECLARATION

I, THE UNDERSIGNED (NAME).....
 CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.
 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVES TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted).

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

a) The value of this RFP is estimated **not to exceed** R50 000 000, **therefore the 80/20 reference point system shall be applicable.**

- 1.2 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

- 1.3 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

- 1.4 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

SBD 6.1

- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{min} = Price of lowest acceptable bid

- 4. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**
- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution **must** complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?
(**Tick applicable box**)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted?.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(**Tick applicable box**)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

SBD 6.1

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:.....
- 8.2 VAT registration number:.....
- 8.3 Company registration number:.....
- 8.4 TYPE OF COMPANY/ FIRM
 - Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- 8.5 [TICK APPLICABLE BOX] DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....
- 8.6 COMPANY CLASSIFICATION
 - Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- 8.7 [TICK APPLICABLE BOX] Total number of years the company/firm has been in business:.....
- 8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of

SBD 6.1

contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process; recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (b) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (c) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (d) forward the matter for criminal prosecution.

WITNESSES
1.
2.
(Both witnesses are required to sign this document. SBD 6.1 submitted without signatures will be disqualified from evaluation)

..... SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....

(MUST be signed by a duly Authorised Delegate. A signed Company Resolution must be submitted). Non adherence to this requirement will lead to a disqualification)

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted).

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____
that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor.
7. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
8. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

- 9. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 10. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

- 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature	Date
.....
Position	Name of Bidder

(To be signed by a duly Authorised Delegate. A signed Company Resolution to be submitted).

11. BIDDERS ARE ENCOURAGED TO USE THE FOLLOWING CHECKLIST WHEN SUBMITTING THEIR BIDS:

NO.	DETAILS	TICK BY BIDDER
1.	Part 1: Completed and signed the invitation to bid document (SBD 1) <ul style="list-style-type: none"> • To be signed by a duly Authorised Delegate. 	
2.	Part 2: Completed and signed the Pricing schedule (SBD 3.3) <ul style="list-style-type: none"> • To be signed by a duly Authorised Delegate. 	
3.	Part 3: Completed and signed the declaration of interest document (SBD 4). <i>(In case of a consortium/ joint venture, or where sub-Service providers are utilised, each party to the bid must complete and sign the declaration of interest document)</i> <ul style="list-style-type: none"> • To be signed by a duly Authorised Delegate 	
4.	Part 4: Completed and signed the Preference Points Claim form in terms of the Preferential Procurement Regulations 2017 (SBD 6.1) <ul style="list-style-type: none"> • To be signed by a duly Authorised Delegate. • Not claiming points as per bullet 6.1 and 6.2 on SBD 6.1 will lead to B-BBEE points not awarded 	
5.	Part 5: Completed and signed the Declaration of bidders past Supply Chain Management Practices document (SBD 8). <i>(In case of a consortium/ joint venture, or where sub-Service providers are utilised, each party to the bid must complete and sign the Declaration of bidders past Supply Chain Management Practices document)</i> <ul style="list-style-type: none"> • To be signed by a duly Authorised Delegate. 	
6.	Part 6: Completed and signed the Certificate of Independent Bid Determination (SBD 9) <ul style="list-style-type: none"> • To be signed by a duly Authorised Delegate. 	
7.	Part 7: Submitted an original/ certified copy of a valid BBEE Certificate/Sworn Affidavit signed by a Commissioner of Oath. <i>(In case of a trust, consortium or joint venture, bidders will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.</i> <ul style="list-style-type: none"> • Non submission of a valid B-BBEE Certificate/sworn affidavit will lead to zero points awarded 	
8.	Part 8: Submitted the General Conditions of Contract (initialled each page)	
9.	Part 9: Submitted the Technical approach	
10.	Part 10: Submitted the Details of the team leader and included their CV	
11.	Part 11: Submitted Experience in the field document and reference letters	
12.	Part 12: Bidders National Treasury Central Supplier Database (CSD) forms indicating the validity of the bidder's registration	
13.	Part 13: Bidder's attached quotation on the Company letterhead inclusive of VAT and any other applicable costs	