



INVITATION/REQUEST FOR QUOTATION

Quotations are hereby invited for the following.

RFQ REFERENCE NUMBER		<u>Pan2022-23(Legal Resource-COSEC)</u>	
RFQ Issue Date	03 August 2023		
Closing date	10 August 2023	Time	14h00
Technical Enquiries-Person Name		Adv. Karabo Sibanyoni - karabo@pansalb.org	
Telephone	(012) 341 9638	Email Address	Quotations@pansalb.org
Subject	APPOINTMENT OF A LEGAL FIRM TO PROVIDE PANSALB WITH LEGAL RESOURCE AS PER ATTACHED TOR FOR A PERIOD OF 12 MONTHS		

N.B: (1) Late submission will not be accepted.

DESCRIPTION (SERVICE SPECIFICATIONS)		
NO	ITEM DESCRIPTION	QUANTITY
1	Appointment of a legal firm to provide pansalb with legal resource as per attached tor for a period of 12 months	1
2		
3		
DETAILED SPECIFICATION (OPTIONAL)		
<p>Please Note: The resource recommended must be able to act as PanSALB point of contact for all legal issues and must be competent with the following:</p> <ul style="list-style-type: none">➤ Corporate Law and Governance➤ Law of Contract and Delict➤ Procurement and International Law➤ Labour Law <p><i>The quotation should propose a monthly retainer and 12 months price including VAT in the quotation/proposal.</i></p>		
DELIVERY TERMS		
Quotation must be valid for 60 days		

TERMS AND CONDITIONS APPLICABLE TO THE RFQ (PPPFA 2000)

1. NOTICE TO ALL SUPPLIERS

- 1.1. *This RFQ is issued in terms of PFMA SCM Instruction Number 02 & 03 of 2021/22.*
 - 1.1.1. *All quotations received with value R30 000 ≤ R1 000 000 will be evaluated on the 80/20 points; scoring basis.*
 - 1.1.2. *The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (B-BBEE) for attaining the B-BBEE Status.*
 - 1.1.3. *Suppliers submit VALID copies of their BEE certificate OR sworn affidavits And TAX Clearance Certificate or SARS Pin.*
 - 1.1.4. *Failure to submit the B-BBEE certificate or sworn affidavits will result to a supplier scoring ZERO (0) for B-BBEE*
 - 1.1.5. *Any amount above R30,000 and below R1,000,000 will be subjected to a scoring of 80 points excluding B-BBEE contributions. PanSALB may also include amount less than R30,000 in the 80/20 calculations.*
 - 1.1.6. *Suppliers to complete **SBD 4 and 6.1** for amount with a value of R30 000 ≤ R1,000 000 and the forms to be duly signed and dated. Failure to submit completed and sign SBD forms will result in disqualification of the supplier.*
 - 1.1.7. *Quotations should be valid for a minimum period of 60 days.*
 - 1.1.8. *All PanSALB RFQ will be open for a minimum period of 3 days before the closing date.*
 - 1.1.9. *PanSALB will verified suppliers CSD prior to a contract award.*
 - 1.1.10. ***PanSALB does not pre-pay nor pay on delivery, our payment are 30 days from the date of the invoice, but in the process supplier development, PanSALB may consider paying certain supplier within fifteen (15) days provided the supplier has completed a “Enterprise Development Agreement Form”.***
 - 1.1.11. *Quotations are confirmed by means of a Contract Award Letter or Purchase Order (PO), no supplier will submit an invoice without a purchase order number and payments are payable with 30 days on receipt of an invoice AND supplier statement.*

2. GENERAL CONDITIONS

- 2.1. *This RFQ will be subjected to the General Conditions of Contract as issued by National Treasury.*
- 2.2. *PanSALB reserves the right to engage in pre-post negotiations with the bidder(s) on the shortlist and to do business with service provider(s) that best meet the requirements and will not be obliged to give reasons for such exclusions.*
- 2.3. *It is envisaged that PanSALB might issue a Contract Award Letter to the successful bidder(s) and later issue a Purchase Order to confirm the total cost inclusive of all associated related cost and variances incurred.*
- 2.4. *The selected Bidder(s) might be required to enter into a written agreement with PanSALB.*
- 2.5. *This RFQ or any part thereof may be incorporated into and made part of such an agreement.*

2.6. PanSALB shall not incur any obligation or liability towards the selected Bidder(s) until a written contract award letter/ purchase order or contract/SLA has been signed by duly authorized PanSALB representative or both by PanSALB representative and the Bidder(s).

3. DECLARATION

I/We the undersigned hereby declare that I/We have read and understand the above and agree to be bound by the stated terms and conditions.

Name of Bidder:

Name of contact person:

Capacity:

Signature: Date:

PHASE 1 - ADMINISTRATIVE COMPLIANCE WEIGHTING (Please note that compliance will be allocated as per table below).

NO	DETAILS	Submitted by Supplier	Verified by SCM
1	Completed and sign Terms and Conditions - Declaration		
2	Completed and sign Bidders Disclosure Form (SBD 4)		
3	Completed and sign Preference Points Claim Form (SBD 6.1)		

LIST OF RETURNABLE DOCUMENTS THAT SHOULD FORM PART OF THE BID DOCUMENTS			
4	Tax Clearance Certificate or Unique Pin		
5	CSD Summary Report not old than 2 days		
6	Valid BBEE Certificate or Sworn Affidavits (<i>Scoring applicable to PPPFA scoring only as per paragraph 1.1.4 of the SBD form 6.1</i>)		

PHASE 1 – MANDATORY EVALUATION CRITERIA.

TECHNICAL EVALUATION CRITERIA	SCORING	WEIGHT
A. Relevant Qualifications For the Recommended Resource		
Relevant qualification – Law Graduate	Advocate/ Admitted Attorney (Adv) = (30)	30%
	Bachelor of Law (LLB) = (20)	
	B Com (Law) = (15)	
	BA (Law) = (10)	
B. Relevant Professional Experience		
B1: Number of years of experience in field of law		
At least a practicing law and appearance in a court of law experience	4 = 10+ years of relevant experience (50)	50%
	3 = 7 - 8 years of relevant experience (40)	
	2 = 3 - 6 years of relevant experience (30)	
	1 = 1 - 2 years of relevant experience (20)	
B2: Number of years of experience working in and/or providing consulting services to the public sector		
Number of years overall experience working in and/or providing consulting services to the public sector.	4 = 5+ years of relevant experience (20)	20%
	3 = 4 years of relevant experience (15)	
	2 = 3 years of relevant experience (10)	
	1 = 2 years of relevant experience (5)	
Total Technical Threshold		70%
Maximum Score		100%

PHASE 2 - EVALUATION CRITERIA

Evaluation in Terms of PPPFA Regulations, 2017

This bid will be evaluated and adjudicated according to the 80/20 preference point system, in terms of which a maximum of 80 points will be awarded for price and 20 points will be allocated based on the B-BBEE status level certificate. Bidders/ Service Providers must submit a detailed price quotations inclusive of all costs, assumptions, and VAT.

Breakdown of points:

80/20 Preference Point Component	Points
Pricing	80
B-BBEE Level Contribution	20
Total	100

Points will be awarded to a bidder for attaining the B-BBEE status level of contributor 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

PRICE

All services pricing should be inclusive of all taxes and payment shall be made in South African Rand.

Bidders to quote, using the daily and hourly rate for the purpose of price evaluation.

SBD 4

BIDDERS DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES	NO
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- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES	NO
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2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether they are bidding for this contract?

YES	NO
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2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read, and I understand the contents of this disclosure.
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect.
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements, or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods,

² 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.

factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

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

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

.....
Signature	Date
.....
Position	Name of bidder

SBD 6.1

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).

1.2 If

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 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.
- 1.6 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 regarding 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.
- (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 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	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 10 or 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"/>
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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"/>
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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		
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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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
COMPANY

CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g., transporter, etc.

[TICK APPLICABLE BOX]

8.6 Total number of years the company/firm has been in business:

8.7 I/we, the undersigned, who is / are duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificates, 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.
- (b) recover costs, losses, or damages it has incurred or suffered as a result of that person's demeanor.
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation.
- (d) 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
- (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
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