



PanSALB
PAN SOUTH AFRICAN LANGUAGE BOARD

TERMS OF REFERENCE

APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF A LEGAL ADVISORY SERVICES RESOURCE (CONSULTANT) TO PROVIDE LEGAL REPRESENTATION AND ADVICE TO PANSALB, FOR A PERIOD OF TWELVE (12) MONTHS

Project Identification

Name of Client	Pan South African Language Board (PanSALB)
Project Purpose	APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF A LEGAL ADVISORY SERVICES RESOURCE (CONSULTANT) TO PROVIDE LEGAL REPRESENTATION AND ADVICE TO PANSALB FOR A PERIOD OF TWELVE (12) MONTHS

1. PURPOSE

The purpose of this Terms of Reference (TOR) is to detail PanSALB's requirements for appointment of a service provider for the provision of a legal advisory resource to provide legal advisory support, labour related service and represent PanSALB in legal matters for a period of twelve (12) months.

2. BACKGROUND

2.1 In terms of the Public Finance Management Act, No 1 of 1999, as amended (PFMA), the Accounting Officer of an institution is responsible for ensuring a system of effective and efficient risk management and internal controls within an institution.

PanSALB is currently in a process of finalizing its organizational structure. Due to the lack of a dedicated resource/personnel to attend to legal matters an urgent need was identified to secure the services of a LEGAL CONSULTANT. The LEGAL CONSULTANT will serve to represent and defend PanSALB before the Courts of Law including but not limited to Magistrate/Civil/Labour Courts/Tribunals and all High Courts within the republic.

3. OBJECTIVES OF THE SERVICES TO BE PROVIDED

3.1 The overall objectives of the services are to provide 1 x Legal Consultant or Expert to support PanSALB with legal advisory services with the overall aim of improvement of the corporate legal governance, and compliance function within PanSALB, for a period of 12 months.

Resource Required	Outputs	Estimated Duration
Legal Advisory Expert X 1	Outputs as defined in section 4 below.	12 months

4. SCOPE OF SERVICES TO BE RENDERED

4.1 The appointed service provider or resource is expected to act on behalf of PanSALB with relevant national, provincial, and local government authorities as when required about Corporate/ Contractual/ Commercial/ Procurement/ Transactional/ Regulatory/

Employment/ Intellectual Property/ Banking and other legal matters.

- 4.2 Provide legal assistance in Dispute Resolution at National Forums as and when required.
- 4.3 Negotiate and reply to legal notices and court applications and provide legal services to PanSALB in resolving issues through alternative dispute resolution mechanism.
- 4.4 The Legal Advisor shall be expected and must be willing to travel throughout the country to represent and defend PanSALB in cases in the courts and CCMA as and required.
- 4.5 Draft necessary legal correspondence, affidavits and pleadings on behalf of PanSALB as and when necessary to do so.
- 4.6 Provide overall legal support to PanSALB, its Provincial Offices and all other units within PanSALB.

5 ASSUMPTIONS

- 5.1 The service provider has the required resources, who has the necessary capacity experience and qualifications to fulfil these tasks.
- 5.2 The resources will report to the Company Secretary and CFO and will sometimes be expected to be stationed at PanSALB office, 07h30 to 16h30 weekdays.
- 5.3 PanSALB will provide the necessary logistical and administrative support and avail all information required.

6 DELIVERABLES

- 6.1 The resource will be required to deliver in accordance with the timeframes to be discussed with PanSALB Company Secretary, CEO, CFO and other PanSALB managers.
- 6.2 The support required is for a period of 12 months.
- 6.3 PanSALB will be responsible for the provision of office facilities including computers, telecommunications, stationary and administrative support as required.

7 PAYMENT

- 7.1 Monthly retainer will be paid to the appointed service provider upon submission of an

invoice.

8 LOCATION

- 8.1 The employee or resource will conduct his/her business at PanSALB offices from 07h45 to 16h30.

9 MANDATORY REQUIREMENTS

- 9.1 Bidders must ensure that the following submission requirements are included in their bids. Failure to submit any of the below submission requirements shall render the bid invalid and lead to disqualification.

- 9.1.1. Duly completed and signed Standard Bidding Documents (SBD 4, and 6.1);
- 9.1.2. Central Supplier Database (CSD) number/report;
- 9.1.3. Certified cop(ies) of the relevant tertiary qualification(s) or equivalent from a recognized institution in line with area of expertise (where applicable);
- 9.1.4. SAQA confirmation of accreditation (in the case of international qualifications);
- 9.1.5. Detailed Curriculum Vitae of proposed resource (Completed and signed CV template provided as Annexure A); and
- 9.1.6. Produce proof of valid and current membership to the Legal Practice Council and/or the National BAR Council.

10 EVALUATION CRITERIA

PanSALB has set minimum standards that bidders must meet to be selected as a successful bidder.

10.1 Technical Evaluation Criteria

- 10.1.1. The technical evaluation of the bid will be based on an assessment of the CV of the proposed resource (including relevant qualifications and relevant work experience [in number of months/years]); and specific relevant assignments completed (with dates of start and completion)].
- 10.1.2. A CV must attain a minimum score of 70% to be shortlisted and evaluated further based on price and B-BBEE (80/20). Where deemed necessary by PanSALB,

further negotiations on rates may be entered into.

10.1.3. Proposed resources may not form part of multiple bid submissions. Bidders/ Proposed resources must provide a signed CV.

10.1.4. Only one CV per bid is required. In the event that multiple CVs for the same resource(s) are received an enquiry shall be conducted and in the event that both bidders were authorised to submit the CV, both shall be disqualified.

10.1.5. Alternatively, in the event that only one bidder was authorised to submit the CV, the submission of the bidder with pre-authorization to submit the CV shall be evaluated further.

The evaluation criteria and the maximum possible score for each criterion is shown in the table below:

TECHNICAL EVALUATION CRITERIA	SCORING	WEIGHT
A. Relevant Qualifications		
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	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)	

the public sector.	
Total Technical Threshold	70%
Maximum Score	100%

11 BID VALIDITY

The bid will be valid for a period of 60 days from the closing date.

12 ENQUIRIES

Technically enquiries: Adv. Karabo Sibanyoni and Mr. Bongani Mahlangu @ +27 12 341 9638 or Email: karabo@pansalb.org or bongani@pansalb.org

SCM enquiries: Mr. Zola Nkosi @ +27 341 9638 or Email: zola@pansalb.org.