

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE PUBLIC PROTECTOR SOUTH AFRICA (PPSA)					
BID NUMBER:	PPSA: 001/2020 ✓	CLOSING DATE:	03/08/2020 ✓	CLOSING TIME:	11:00 ✓
DESCRIPTION	Appointment of the service provider for the provision of Legal Services (panel of attorneys) for a period of three (3) years ✓				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
175 Lunnon Street					
Hillcrest Office Park					
Hatfield, Pretoria					
0083					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Nkele Nemusimbori		CONTACT PERSON	Thabang Maswi	
TELEPHONE NUMBER	012 306 7014		TELEPHONE NUMBER	012 306 7079	
FACSIMILE NUMBER	Not applicable		FACSIMILE NUMBER	Not applicable	
E-MAIL ADDRESS	nkelen@pprotect.org		E-MAIL ADDRESS	Thabangma@pprotect.org	
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 THE QUESTIONNAIRE BELOW]
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 PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

.....

DATE:

.....

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: PPSA 001/2020
CLOSING TIME 11:00	CLOSING DATE: 03/08/2020

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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NB: Bidders must accept PPSA rates

Any enquiries regarding bidding procedures may be directed to the –
(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:



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PUBLIC PROTECTOR SOUTH AFRICA

(LEGAL SERVICES UNIT)

TARIFF OF FEES FOR ATTORNEYS



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**A - CONSULTATIONS, APPEARANCES, CONFERENCES
AND INSPECTIONS**

ITEM	DESCRIPTION	MAXIMUM RATE (per quarter of an hour or part thereof, excluding VAT)
<p>Consultation with a client and witnesses to institute or to defend an action, for advice on evidence or advice on commission, for obtaining an opinion or an advocate's guidance in preparing pleadings, including exceptions, and to -</p>		
1.	<p>Draft a petition or affidavit, per quarter of an hour or part thereof-</p> <ul style="list-style-type: none"> (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney 	<p>R625.00 R462.50 R387.50 R212.50</p>
2.	<p>Consultation to note, prosecute or defend an appeal-</p> <ul style="list-style-type: none"> (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney 	<p>R625.00 R462.50 R387.50 R212.50</p>
3.	<p>Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules</p> <ul style="list-style-type: none"> (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney 	<p>R625.00 R462.50 R387.50 R212.50</p>
4.	<p>Attendance by a candidate attorney, where necessary, to assist at a contested proceeding.</p>	<p>R225.00</p>



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NOTE	PPSA shall not be liable for the Candidate Attorney's fees, where the attorney was present at the consultation or in court, unless the matter was complicated and there was a need for candidate attorney's assistance, subject to the Senior Manager Legal Services' discretion to allow such fees.	
5.	Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, petitions, affidavits and testimony, and on any other matter which the legal advisor may consider necessary (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
6.	Any other conference which the legal advisor may consider necessary - (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
7.	Any inspection <i>in situ</i> , or otherwise- (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
8.	Attending to give or take disclosure- (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
9.	Inclusive fee for necessary consultations and discussions with a client, witness, other party or advocate not otherwise provided for – (a) by Partner or Director (b) by Senior Associate (c) by Associate	R625.00 R462.50 R387.50



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	(d) by a candidate attorney	R212.50
10.	Appearance by an attorney in the High Court or the performance by an attorney of any of the other functions of an advocate, in terms of the Right of Appearance in Courts Act, 1995 (Act 62 of 1995), per quarter of an hour or part thereof	R700.00
NOTE	<i>The rates of remuneration in items 1 to 10 do not include time spent travelling or waiting and the legal advisor may, in respect of time necessarily so spent, allow such additional remuneration as he or she in his or her discretion considers fair and reasonable, but PPSA shall not be liable for travelling expenses for less than 30 km radius away from the court or venue. The travelling fees per km shall be determined in terms of the AA tariffs and the AA certificate in this regard shall be attached to the statement of account.</i>	
B - DRAFTING AND DRAWING		
11.	The drawing up of a formal statement in any litigation matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to the High Court Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, copies, delivery and filing thereof, per page of the original only.	R216.00
12.	The drawing up of other necessary documents, including- (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions; (b) instructions to advocate in respect of all classes of pleadings; (c) a petition, exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for, an inclusive tariff - drawing up, checking, typing, printing, copies, delivery and filing thereof, per page of the original only.	R216.00



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13.	Letters, telegrams and facsimiles: Inclusive tariff for drawing up, checking, typing, printing, delivery, copies, postage, posting thereof, per page.	R168.00
14.	Inclusive tariff for drawing up, checking, sending and printing of the email, per page	R48.00
NOTE 1	<i>Particulars of dispatched letters, telegrams and facsimiles need not be specified in a bill of costs. The number of letters written must be specified, as well as the total amount charged. The legal advisor may inspect the papers should the correctness of the item be disputed.</i>	
NOTE 2	<i>Whenever an attorney performs any of the work which should have been performed by an advocate, in terms of the Right of Appearance in Courts Act, 1995 (Act 62 of 1995), the tariff in paragraph 10 above shall apply.</i>	
C - ATTENDANCE AND PERUSAL		
15.	Attending the receipt, entry, perusing, considering and filing of- (a) any summons, petition, affidavit, pleading, advocate's advice and drafts, report, important letter, notice or document; (b) any formal letter, record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified; (c) any plan or exhibit or other material document which was necessary for the conduct of the action, per page.	R66.00
16.	Sorting, arranging and paginating papers for pleadings, advice on evidence or brief on trial or appeal- (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50



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NOTE	Particulars of received papers need not be specified in the statement of account. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The legal advisor or any relevant person within PPSA may inspect the papers received if the correctness of the item is disputed.	
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D – MISCELLANEOUS

17.	For making necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page.	R3.36
18.	Attending to arrange translation and thereafter to procure same- (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
19.	Necessary telephone calls per quarter of an hour.	R102.00
20.	Sending facsimile letters and perusal of fax report, in addition to the fee allowed for the drawing thereof under item B.13 above.	R3.42
21.	Testimony: Fair and reasonable charges and expenses which in the opinion of the legal advisor were duly incurred in the procurement of the evidence and the attendance of witnesses whose witness fees have been agreed upon prior to engaging such witness.	

E – STATEMENT OF ACCOUNT

22.	In connection with the statement of account for services rendered by an attorney, the attorney shall not be entitled to charge a fee for drawing the statement of account.	
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F- EXECUTION

23.	Drafting, issue and execution of a Warrant/Writ of Execution and attendances in connection therewith, excluding sheriffs fees.	R660.00
24.	Reissue of Writ of Execution.	R360.00

FEES IN RESPECT OF COMMERCIAL INSTRUCTIONS (Complicated litigation matter and Legal Opinions)

ATTORNEYS DAY FEES

25.	PPSA shall be liable for the day fee, in respect of attorneys, equivalent to 8 hours, unless the matter run beyond normal working hours.	
26.	Whenever the law firm paired the attorneys to render legal services in respect of a matter, PPSA shall not be charged duplicate fees in respect of each service rendered. For example, in case two attorneys from the law firm attended consultation, only senior attorney shall charge for consultation.	



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PUBLIC PROTECTOR SOUTH AFRICA

TARIFF OF FEES FOR APPOINTMENT OF THE SERVICE PROVIDER FOR THE PROVISION OF LEGAL SERVICES (PANEL OF ATTORNEYS) FOR A PERIOD OF THREE (3) YEARS PPSA 001/2020

Appointment of the service provider for the provision of Legal Services (panel of attorneys) for a period of three (3) years PPSA 001/2020 Page 1 of 8



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**A - CONSULTATIONS, APPEARANCES, CONFERENCES
AND INSPECTIONS**

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1.	<p>Draft a petition or affidavit, per quarter of an hour or part thereof-</p> <ul style="list-style-type: none"> (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney 	<p>R625.00 R462.50 R387.50 R212.50</p>
2.	<p>Consultation to note, prosecute or defend an appeal-</p> <ul style="list-style-type: none"> (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney 	<p>R625.00 R462.50 R387.50 R212.50</p>
3.		

Appointment of the service provider for the provision of Legal Services (panel of attorneys) for a period of three (3) years PPSA 001/2020 Page 2 of 8



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	Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
4.	Attendance by a candidate attorney, where necessary, to assist at a contested proceeding.	R225.00
NOTE	<i>PPSA shall not be liable for the Candidate Attorney's fees, where the attorney was present at the consultation or in court, unless the matter was complicated and there was a need for candidate attorney's assistance, subject to the Senior Manager Legal Services' discretion to allow such fees.</i>	
5.	Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, petitions, affidavits and testimony, and on any other matter which the legal advisor may consider necessary (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
6.	Any other conference which the legal advisor may consider necessary - (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
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8.	Attending to give or take disclosure- (a) by Partner or Director (b) by Senior Associate (c) by Associate (d) by a candidate attorney	R625.00 R462.50 R387.50 R212.50
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B - DRAFTING AND DRAWING		
11.	The drawing up of a formal statement in any litigation matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to the High Court Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, copies, delivery and filing thereof, per page of the original only.	R216.00



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12.	The drawing up of other necessary documents, including- (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions; (b) instructions to advocate in respect of all classes of pleadings; (c) a petition, exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for, an inclusive tariff; drawing up, checking, typing, printing, copies, delivery and filing thereof, per page of the original only.	R216.00
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<u>NOTE 2</u>	<i>Whenever an attorney performs any of the work which should have been performed by an advocate, in terms of the Right of Appearance in Courts Act, 1995 (Act 62 of 1995), the tariff in paragraph 10 above shall apply.</i>	

C - ATTENDANCE AND PERUSAL



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15.	Attending the receipt, entry, perusing, considering and filing of- (a) any summons, petition, affidavit, pleading, advocate's advice and drafts, report, important letter, notice or document; (b) any formal letter, record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified; (c) any plan or exhibit or other material document which was necessary for the conduct of the action, per page.	R66.00
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NOTE	<i>Particulars of received papers need not be specified in the statement of account. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The legal advisor or any relevant person within PPSA may inspect the papers received if the correctness of the item is disputed.</i>	

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20.	Sending facsimile letters and perusal of fax report, in addition to the fee allowed for the drawing thereof under item B.13 above.	R3.42
21.	Testimony: Fair and reasonable charges and expenses which in the opinion of the legal advisor were duly incurred in the procurement of the evidence and the attendance of witnesses whose witness fees have been agreed upon prior to engaging such witness.	

E – STATEMENT OF ACCOUNT

22.	In connection with the statement of account for services rendered by an attorney, the attorney shall not be entitled to charge a fee for drawing the statement of account.	
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**FEES IN RESPECT OF COMMERCIAL INSTRUCTIONS
(Complicated litigation matter and Legal Opinions)**

ATTORNEYS DAY FEES

Appointment of the service provider for the provision of Legal Services (panel of attorneys) for a period of three (3) years PPSA 001/2020 Page 7 of 8



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25.	PPSA shall be liable for the day fee, in respect of attorneys, equivalent to 8 hours, unless the matter run beyond normal working hours.	
26.	Whenever the law firm paired the attorneys to render legal services in respect of a matter, PPSA shall not be charged duplicate fees in respect of each service rendered. For example, in case two attorneys from the law firm attended consultation, only senior attorney shall charge for consultation.	

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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 a price quotation, advertised competitive bid, limited bid or proposal). 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 authorised representative 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 representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution 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 / trustee / 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**

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

(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 spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:
.....
.....
.....

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 **YES / NO**

the evaluation and or adjudication of this bid?
 2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
 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?

2.10.1 If so, furnish particulars.

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

2.11.1 If so, furnish particulars:

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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

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4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011

**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

- 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 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;
- (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:

80/20

or

90/10

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

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"/>
-----	--------------------------	----	--------------------------

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

8.7 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 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;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) 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;
- (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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

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's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed 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	<p>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?</p> <p>(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).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	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:		

SBD 8

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

Js365bW

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 proposals.

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. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. 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.
8. 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.
9. 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

Js914w 2



SPECIFICATION AND BID REQUIREMENTS

RFP: APPOINTMENT OF PANEL OF ATTORNEYS FOR THE PROVISION OF LEGAL SERVICES (PANEL OF ATTORNEYS) TO PUBLIC PROTECTOR SOUTH AFRICA (PPSA) FOR A PERIOD OF THREE (3) YEARS

CLOSING DATE AND TIME OF SUBMISSION OF BIDS: 03 AUGUST 2020 @11H00

1. BACKGROUND

- 1.1 Public Protector South Africa (PPSA) is a Chapter 9 institution constituted under Section 182 of the Constitution of the Republic of South Africa, in which the PPSA has the power to:
 - 1.1.1 Investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or that will result in impropriety or prejudice;
 - 1.1.2 Report on that conduct; and
 - 1.1.3 Take appropriate remedial action.
- 1.2 PPSA is independent and subject only to the Constitution and the law, always impartial and must exercise its powers and perform its functions without fear, favour or prejudice. PPSA is accountable to the National Assembly and must report on its activities and performance to the National Assembly at least once a year. PPSA has the power as regulated by the national legislation to investigate any conduct in state affairs, or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice.
- 1.3 PPSA currently has a panel of attorneys whose contract or tender expire on 16 December 2020.
- 1.4 Thus, there is a need to go out on tender for the purposes of establishing a panel of attorneys for the provision of legal services to PPSA.

2. OBJECTIVE OF THE BID

- 2.1. To appoint service providers to serve on the panel of attorneys for the provision of legal services to PPSA for a period of three (3) years.

3. SCOPE OF WORK

The Service provider shall provide various legal services as follows:

3.1 Advisory Services

3.1.1 Provision of sound legal opinions and memorandum of advise in all areas of the law and on operational matters;

3.2 Litigation Services

3.2.1 Provision of litigation services which include but not limited to: opposition of action and motion proceedings; initiation of action or motion proceedings; dispute resolution; drafting of pleadings related thereto; appointment of counsel; appointment of tax consultants, and ancillary litigation administrative services. Litigation must relate to all the disciplines listed in 4.2 below.

3.3 Employment Law

3.3.1 Defend and/or initiate all labour related proceedings for PPSA, including but not limited to conducting of disciplinary proceedings, CCMA, Labour Court and Labour Appeals Court proceedings.

3.3.2 The above list is not exhaustive.

4. BID REQUIREMENTS

4.1 The bidder must:

4.1.1 Display an understanding of various areas of the law and good track record in the provision of legal services by indicating experience in the industry.

4.1.2 Submit contactable reference list for verifications.

4.2 The bidder must have appropriate knowledge in the following:

4.2.1 General Litigation;

4.2.2 Administrative and Constitutional law;

4.2.3 Labour law and employment relations;

4.2.4 Alternative dispute resolution;

4.2.5 Commercial, contract and corporate law

4.2.6 Public Procurement Law

4.3 The service provider must be a firm of attorneys incorporated or registered as such in the Republic of South Africa;

4.4. The firm's partners and/or directors must be in good standing with their professional body (the Legal Practice Council) and must each be in possession of a valid Fidelity Fund Certificate.

5. EVALUATION: The bid will be evaluated in three (3) phases as outlined below:

5.1 Phase 1 evaluation:

5.1.1. Administrative compliance: Bidders must ensure that they complete

and sign documents as indicated below, and the documents must be submitted as part of the bid document by the closing date and time:

5.1.1.1. Signed SBD 1: Invitation to Bid

5.1.1.2. Signed SBD 4: Declaration of interest

5.1.1.3. Signed SBD 8: Declaration of bidder's past supply chain management practices

5.1.1.4. Signed SBD 9: Certificate of independent bid determination

5.1.1.5. Signed SBD 6.1: Preference Points claim form in terms of the Preferential Procurement Regulations 2017

5.1.1.6. Original or certified **valid** BBBEE certificate

6.2 Phase 2 evaluation:

6.2.1. Mandatory requirements:

To be eligible for appointment to the panel an individual/organisation must:

6.2.1.1 Must be in good standing with the South African Revenue Services (SARS), and evidence thereof must be supplied. This may be a valid tax clearance certificate (TCC) or unique security personal identification number (PIN) from SARS or a copy of your Central Supplier Database (CSD) registration summary report indicating tax compliance.

6.2.1.2 Proof of registration on the Central Supplier Database (CSD).

6.2.1.3 The bidder must be registered with a relevant Law Society and/or Legal Practice Council (Submit valid letter of good standing issued by the Law Society in question).

6.2.1.4 All partners/directors must be in a possession of a valid Fidelity Fund Certificate.

6.2.1.5 The bidder must submit signed confirmation letter on the company letterhead indicating that they accept PPSA rates as outlined in the pricing schedule. The PPSA rates are attached to this invitation.

6.2.1.6 PPSA intention is to advance designated groups on the basis of B-BBEE Status Level of contributor, which are 51% owned by either of the following: Blacks; Black Youth; Black Women; Black people with disabilities; Black people living in rural or underdeveloped areas or townships; cooperatives owned by Black people; Black people who are Military Veterans.

NB: Bidders are required to submit proof of B-BBEE Status Level of contributor. Proof includes original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims. Tenderers who do not submit B-BBEE Status Level Verification Certificates or who are non-compliant contributors to B-BBEE will be automatically disqualified from the bidding process.

7. PHASE 3

7.1. FUNCTIONALITY REQUIREMENTS

Bidders must score at least 70 points out of 100 points on functionality to be considered and form part of PPSA panel of attorneys. Bidders who score less than 70 points on functionality will be regarded as non-responsive submission.

Criteria	Weight 100	Sub-criteria
<p>Bidders experience supported by the reference letters:</p> <p>Bidders will be evaluated based on the number of years the company have in providing Legal Services and the bidder must also submit a reference letter/s from current and previous clients where legal services were successfully provided. All letters must be on the company letter head of the referee and signed by the referee. The referees must be contactable and the contact details provided must include: The referees must be contactable and the contact details provided must include:</p> <ul style="list-style-type: none"> ✓ Contact Person; ✓ Designation; ✓ Organisation/ Company name; and 	10/100	<p>The bidder must have proven record in providing Legal services in the following disciplines:</p> <ol style="list-style-type: none"> (1) General litigation (2) Labour Law and Industrial relations dispute (3) Administrative (Public) Law (4) Constitutional Law (with emphasis on Constitutional litigations) (5) Public Procurement Law (6) Commercial law, contract law and Corporate Governance <ul style="list-style-type: none"> • If the bidder has more than six (6) years' experience in all six (6) disciplines as indicated above = 5 • If the bidder has more than five (5) up to six (6) years' experience in all six (6) disciplines as indicated above = 4

<p>✓ Cell number/Office number</p>		<ul style="list-style-type: none"> • If the bidder has more than four (4) up to five (5) years' experience in all six (6) disciplines as indicated above = 3 • If the bidder has more than three (3) up to four (4) years' experience in all six (6) disciplines as indicated above = 2 • If the bidder has three (3) years' experience in all six (6) disciplines as indicated above = 1 • If the bidder has less than three (3) years' experience in all six (6) disciplines as indicated above = 0
<p>Director/s or Partner/s years of experience</p> <p>(Bidder to submit CV's of its Director/s or Partner/s)</p>	<p>5/100</p>	<p>General litigation</p> <ul style="list-style-type: none"> • If the bidder's Director/s or Partner/s has more than six (6) years' experience = 5 • If the bidder's Director/s or Partner/s has more than five (5) up to six (6) years' experience = 4 • If the bidder's Director/s or Partner/s has more than four (4) up to five (5) years' experience = 3 • If the bidder's Director/s or Partner/s has more than three (3) up to four (4) years' experience = 2 • If the bidder's Director/s or Partner/s has two (2) up to three (3) years' experience = 1 • If the bidder's Director/s or Partner/s has less than two (2) years of experience = 0
	<p>5/100</p>	<p>Labour Law and industrial relations dispute resolution</p> <ul style="list-style-type: none"> • If the bidder's Director/s or Partner/s has more than six (6) years' experience = 5 • If the bidder's Director/s or Partner/s has more than five (5) up to six (6) years' experience = 4 • If the bidder's Director/s or Partner/s has more than four (4) up to five (5) years' experience = 3 • If the bidder's Director/s or Partner/s has more than three (3) up to four (4) years' experience = 2 • If the bidder's Director/s or Partner/s has two (2) up to three (3) years' experience = 1 • If the bidder's Director/s or Partner/s has less than two (2) years of experience = 0

	5/100	<p>Administrative (Public) Law</p> <ul style="list-style-type: none"> • If the bidder's Director/s or Partner/s has more than six (6) years' experience = 5 • If the bidder's Director/s or Partner/s has more than five (5) up to six (6) years' experience = 4 • If the bidder's Director/s or Partner/s has more than four (4) up to five (5) years' experience = 3
		<ul style="list-style-type: none"> • If the bidder's Director/s or Partner/s has more than three (3) up to four (4) years' experience = 2 • If the bidder's Director/s or Partner/s has two (2) up to three (3) years' experience = 1 • If the bidder's Director/s or Partner/s has less than two (2) years of experience = 0
	5/100	<p>Constitutional law</p> <ul style="list-style-type: none"> • If the bidder's Director/s or Partner/s has more than six (6) years' experience = 5 • If the bidder's Director/s or Partner/s has more than five (5) up to six (6) years' experience = 4 • If the bidder's Director/s or Partner/s has more than four (4) up to five (5) years' experience = 3 • If the bidder's Director/s or Partner/s has more than three (3) up to four (4) years' experience = 2 • If the bidder's Director/s or Partner/s has two (2) up to three (3) years' experience = 1 • If the bidder's Director/s or Partner/s has less than two (2) years of experience = 0
	5/100	<p>Public Procurement Law</p> <ul style="list-style-type: none"> • If the bidder's Director/s or Partner/s has more than six (6) years' experience = 5 • If the bidder's Director/s or Partner/s has more than five (5) up to six (6) years' experience = 4 • If the bidder's Director/s or Partner/s has more than four (4) up to five (5) years' experience = 3 • If the bidder's Director/s or Partner/s has more than three (3) up to four (4) years' experience = 2 • If the bidder's Director/s or Partner/s has two (2) up to three (3) years' experience = 1 • If the bidder's Director/s or Partner/s has less than two (2) years of experience = 0

	5/100	<p>Commercial law, contract law and corporate governance</p> <ul style="list-style-type: none"> • If the bidder's Director/s or Partner/s has more than six (6) years' experience = 5 • If the bidder's Director/s or Partner/s has more than five (5) up to six (6) years' experience = 4 • If the bidder's Director/s or Partner/s has more than four (4) up to five (5) years' experience = 3 • If the bidder's Director/s or Partner/s has more than three (3) up to four (4) years' experience = 2 • If the bidder's Director/s or Partner/s has two (2) up to three (3) years' experience = 1 • If the bidder's Director/s or Partner/s has less than two (2) years of experience = 0
<p>Senior Associate/s years of experience</p> <p>(Bidder to submit CV's of its Senior Associates)</p>	5/100	<p>General litigation</p> <ul style="list-style-type: none"> • If the bidder's Senior Associate/s has more than five (5) years' experience = 5 • If the bidder's Senior Associate/s has more than four (4) up to five (5) years' experience = 4 • If the bidder's Senior Associate/s has more than three (3) up to four (4) years' experience = 3 • If the bidder's Senior Associate/s has more than two (2) up to three (3) years' experience = 2 • If the bidder's Senior Associate/s has two (2) years' experience = 1 • If the bidder's Associate/s has less than two (2) years of experience = 0
	5/100	<p>Labour Law and industrial relations: dispute resolution</p> <ul style="list-style-type: none"> • If the bidder's Senior Associate/s has more than five (5) years' experience = 5 • If the bidder's Senior Associate/s has more than four (4) up to five (5) years' experience = 4 • If the bidder's Senior Associate/s has more than three (3) up to four (4) years' experience = 3 • If the bidder's Senior Associate/s has more than two (2) up to three (3) years' experience = 2 • If the bidder's Senior Associate/s has two (2) years' experience = 1 • If the bidder's Associate/s has less than two (2) years of experience = 0

	5/100	<p>Administrative (Public) Law</p> <ul style="list-style-type: none"> • If the bidder's Senior Associate/s has more than five (5) years' experience = 5 • If the bidder's Senior Associate/s has more than four (4) up to five (5) years' experience = 4 • If the bidder's Senior Associate/s has more than three (3) up to four (4) years' experience = 3 • If the bidder's Senior Associate/s has more than two (2) up to three (3) years' experience = 2 • If the bidder's Senior Associate/s has two (2) years' experience = 1 • If the bidder's Associate/s has less than two (2) years of experience = 0
401	5/100	<p>Constitutional law</p> <ul style="list-style-type: none"> • If the bidder's Senior Associate/s has more than five (5) years' experience = 5 • If the bidder's Senior Associate/s has more than four (4) up to five (5) years' experience = 4 • If the bidder's Senior Associate/s has more than three (3) up to four (4) years' experience = 3 • If the bidder's Senior Associate/s has more than two (2) up to three (3) years' experience = 2 • If the bidder's Senior Associate/s has two (2) years' experience = 1 • If the bidder's Associate/s has less than two (2) years of experience = 0
301	5/100	<p>Public Procurement Law</p> <ul style="list-style-type: none"> • If the bidder's Senior Associate/s has more than five (5) years' experience = 5 • If the bidder's Senior Associate/s has more than four (4) up to five (5) years' experience = 4 • If the bidder's Senior Associate/s has more than three (3) up to four (4) years' experience = 3 • If the bidder's Senior Associate/s has more than two (2) up to three (3) years' experience = 2 • If the bidder's Senior Associate/s has two (2) years' experience = 1 • If the bidder's Associate/s has less than two (2) years of experience = 0

	5/100	<p>Commercial law, contract law and corporate governance</p> <ul style="list-style-type: none"> • If the bidder's Senior Associate/s has more than five (5) years' experience = 5 • If the bidder's Senior Associate/s has more than four (4) up to five (5) years' experience = 4 • If the bidder's Senior Associate/s has more than three (3) up to four (4) years' experience = 3 • If the bidder's Senior Associate/s has more than two (2) up to three (3) years' experience = 2 • If the bidder's Senior Associate/s has two (2) years' experience = 1 • If the bidder's Senior Associate/s has less than two (2) years of experience = 0
<p>Associate/s years of experience</p> <p>(Bidder to submit CV's of its Associates)</p>	5/100	<p>General litigation</p> <ul style="list-style-type: none"> • If the bidder's Associate/s has five (5) or more years' experience = 5 • If the bidder's Associate/s has four (4) but less than five (5) years' experience = 4 • If the bidder's Associate/s has more than three (3) but less than four (4) years' experience = 3 • If the bidder's Associate/s has more than two (2) but less than three (3) years' experience = 2 • If the bidder's Associate/s has one (1) but less than two (2) years' experience = 1 • If the bidder's Associate/s has less than one (1) years of experience = 0
	5/100	<p>Labour Law and industrial relations dispute resolution</p> <ul style="list-style-type: none"> • If the bidder's Associate/s has five (5) or more years' experience = 5 • If the bidder's Associate/s has four (4) but less than five (5) years' experience = 4 • If the bidder's Associate/s has more than three (3) but less than four (4) years' experience = 3 • If the bidder's Associate/s has more than two (2) but less than three (3) years' experience = 2 • If the bidder's Associate/s has one (1) but less than two (2) years' experience = 1 • If the bidder's Associate/s has less than one (1) years of experience = 0

	5/100	<p>Administrative (Public) Law</p> <ul style="list-style-type: none"> • If the bidder's Associate/s has five (5) or more years' experience = 5 • If the bidder's Associate/s has four (4) but less than five (5) years' experience = 4 • If the bidder's Associate/s has more than three (3) but less than four (4) years' experience = 3 • If the bidder's Associate/s has more than two (2) but less than three (3) years' experience = 2 • If the bidder's Associate/s has one (1) but less than two (2) years' experience = 1 • If the bidder's Associate/s has less than one (1) years of experience = 0
	5/100	<p>Constitutional law</p> <ul style="list-style-type: none"> • If the bidder's Associate/s has five (5) or more years' experience = 5 • If the bidder's Associate/s has four (4) but less than five (5) years' experience = 4 • If the bidder's Associate/s has more than three (3) but less than four (4) years' experience = 3 • If the bidder's Associate/s has more than two (2) but less than three (3) years' experience = 2 • If the bidder's Associate/s has one (1) but less than two (2) years' experience = 1 • If the bidder's Associate/s has less than one (1) years of experience = 0
	5/100	<p>Public Procurement Law</p> <ul style="list-style-type: none"> • If the bidder's Associate/s has five (5) or more years' experience = 5 • If the bidder's Associate/s has four (4) but less than five (5) years' experience = 4 • If the bidder's Associate/s has more than three (3) but less than four (4) years' experience = 3 • If the bidder's Associate/s has more than two (2) but less than three (3) years' experience = 2 • If the bidder's Associate/s has one (1) but less than two (2) years' experience = 1 • If the bidder's Associate/s has less than one (1) years of experience = 0
	5/100	<p>Commercial law, contract law and corporate governance</p> <ul style="list-style-type: none"> • If the bidder's Associate/s has five (5) or more years' experience = 5 • If the bidder's Associate/s has four (4) but less than five (5) years' experience = 4 • If the bidder's Associate/s has more than three (3) but less than four (4) years' experience = 3

		<ul style="list-style-type: none"> • = 3 • If the bidder's Associate/s has more than two (2) but less than three (3) years' experience = 2 • If the bidder's Associate/s has one (1) but less than two (2) years' experience = 1 • If the bidder's Associate/s has less than one (1) years of experience = 0
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The minimum qualifying score for functionality is 70 points. All bids that fail to achieve the minimum qualifying score on functionality shall not be considered to form part of PPSA panel of attorneys.

7.2 The tender will be evaluated on either the 80/20 or 90/10 preference point system

PART B: CONDITIONS OF BID

6. Company profile

6.1 Bidders must furnish the following information clearly indicated per annexure regarding their company as part of the bid. Where not applicable, it must clearly be indicated as such:

6.1.1 Personnel complement, divided into -

6.1.1.1 Management personnel;

6.1.1.2 Supervisors; and

6.1.1.3 Workers. Full time: Part time:

6.1.2 Composition in terms of shareholding

6.1.3 Address of Head Office.

6.1.4 Addresses of regional offices/branches

6.1.5 Bidders to indicate date from when the company commenced its operations.

6.1.6 Bidders to provide the details of completed contracts for the provision of legal services including the signed reference letters / contracts which were successfully completed within the past five (5) years, e.g. names of clients, contract period and value, and the names and telephone numbers of the persons with who contact can be made for reference purposes.

6.1.7 Bidders to indicate their company financial position i.e. annual turnover.

6.1.8 Bidders to submit the names, postal address and telephone number(s) of banker(s) and the name of the contact person where financial enquiries may be answered.

6.1.9 Bidders to submit the name, address and telephone number of auditor(s) and the name of the contact person where financial enquiries may be answered.

6.1.10 Bidders to indicate the name, identity numbers and street addresses of all partners must be indicated where persons, who are a partnership or a company / Joint Ventures / Consortium comprising a partnership, tender.

7. Other bid requirements

- 7.1 The PPSA reserves the right to disqualify any bidder who does not comply with any one or more of the required information as indicated below:
 - 7.1.1 If the bidder/s submit their bids without all the data and information requested.
 - 7.1.2 Proposal that did not submit mandatory documents stipulated in the RFP document;
 - 7.1.3 Proposal that fails to comply with the specification.
 - 7.1.4 Proposal that contains any information that is found to be incorrect or misleading in anyway or Bidders who submit information that is fraudulent, factually untrue or inaccurate information.
 - 7.1.5 Bidders who submit incomplete information and documentation according to the requirements of this RFP document;
 - 7.1.6 Bidders who receive information not available to other potential bidders through fraudulent means;

8. PPSA reserve the rights:

- 8.1.1 Not to award or cancel this bid at any time
- 8.1.2 To negotiate with one or more Preferred or Reserved Bidders identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other Bidder who has not been awarded the status of the Preferred or Reserved Bidder.
- 8.1.3 To award in part or in full.
- 8.1.4 To award this bid to one or more bidders.
- 8.1.5 To negotiate prices of items that are contracted and should these items be available at a competitive price than the contracted price, PPSA will request the current bidder to reduce their price to be inline failing which; these will be purchase out of contract.
- 8.1.5 To cancel and/or terminate the bid process at any stage, including after the Closing Date and/or after presentations have been made, and/or after bids have been evaluated and/or after the Preferred Bidders have been notified of their status as such.
- 8.1.6 To carry out explanatory meetings in order to verify the nature and quality of the services bided for, whether before or after adjudication of the bid at bidder's corporate offices and / or at client sites if so required.

- 8.1.8 To award the bid to a Bidder who is not the highest scoring Bidder.
- 8.1.9 To correct any mistakes at any stage of the bid that may have been in the bid documents or occurred at any stage of the bid process.
- 8.1.10 The PPSA is entitled to amend any bid conditions, bid validity period, RFP specifications, or extend the bid closing date, all before the bid closing date. All bidders, to whom the RFP documents have been issued and where the PPSA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the PPSA's website under the relevant tender information. All prospective bidders should therefore ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
- 8.1.11 The PPSA reserves the right not to accept the lowest priced bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is functionally acceptable and/or financially advantageous to the PPSA.
- 8.1.12 The PPSA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response.
- 8.1.13 The bidder hereby gives consent to the PPSA to conduct background checks, including FICA verification, on the bidding entity and any of its directors / trustees / shareholders / members
- 8.2 No attempt may be made, whether directly or indirectly, to canvass any member of PPSA employees before the award of the contract.
- 8.3 Any enquiries must be referred, in writing, to the specified persons.

9. Undertakings by the Bidder

- 9.1 By submitting a bid in response to the RFP, the bidder will be taken to offer to render all or any of the services described in the bid response submitted by it to the PPSA on the terms and conditions and in accordance with the specifications stipulated in this RFP document.
- 9.2 The bidder shall prepare for a possible presentation should PPSA require such and the bidder shall be notified before the actual presentation date. Such presentation may include a practical demonstration of services as called for in this RFP.
- 9.3 The bidder agrees that the offer contained in its bid shall remain binding upon him/her and receptive for acceptance by the PPSA during the bid validity period indicated in

the RFP and calculated from the bid closing hour and date such offer and its acceptance shall be subject to the terms and conditions contained in this RFP document read with the bid.

- 9.4 The bidder furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all his/her obligations under a resulting contract for the services contemplated in this RFP; and that he/she accepts that any mistakes regarding price(s) and calculations will be at his/her risk.
- 9.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under the supply agreement and SLA to be concluded with PPSA, as the principal(s) liable for the due fulfilment of such contract.
- 9.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with its bid will become PPSA property unless otherwise stated by the bidder/s at the time of submission.

10. Previous experience

- 10.1 Bidders must submit written and signed reference letter/s from current or previous client/s where legal services were successfully provided. Provide signed reference letters that indicates the following:
- 10.1.1 Value of the project,
 - 10.1.2 Contract period and
 - 10.1.3 The industry/sector where the contract was carried out.
- 10.2 The bidder must also submit a company profile as well as CV's of the relevant individual/s that may be rendering assistance to the PPSA in the area/s of expertise as indicated.
- 10.3 Due diligence may be conducted to verify all information that has been provided on the shortlisted bidders.

11. Contract requirements

11.1 Contract period

The start date of the project implementation will be confirmed with the successful bidder upon contract negotiations. The initiative is based on deliverables. The provision of legal services for a period is three (3) years subject to annual review of service provider's performance.

11.2 General terms and conditions of contract

Bidders must complete the attached the General Terms and Conditions of the contract.

12. Price basis

12.1 Bidders shall take into account that PPSA's total requirements will not be allocated to one bidder.

12.2.1 The bidders must agree to rates provided by PPSA as indicated below:

TARIFFS OF HOURLY RATES FOR EACH PROFESSIONAL	
Position	Rate (per hour excluding VAT)
Director/Partner	R2 500.00
Senior Associate	R1 850.00
Associate	R1 550.00
Candidate Attorney	R850.00

12.2.1. A detailed Tariffs of Fees will be made available soon after the successful bidders have been appointed and will be fixed for the first twelve months of the contract period and Year 2 and Year 3 rates will be negotiated.

13. Payment terms

- 13.1 The standard 30 day payment period will apply on the payment of all invoices from receipt of valid invoice.

14. Tax clearance certificate

- 14.1 Government is committed to reducing supply chain related fraud and ensuring that persons conducting business with the State are not afforded any scope to abuse the supply chain management system.
- 14.2 It is therefore essential to ensure that persons conducting business with the State are tax compliant when participating in tenders or other bidding processes. On 18 April 2016, the South African Revenue Service (SARS) introduced an enhanced TCS system aimed at improving compliance and making it easier for taxpayers to manage their tax affairs.
- 14.3 Implementation of the tax compliance status system
- 14.3.1 In order to comply with the new TCS system and the condition of bids that a successful bidder's tax matters must be in order, Accounting Officers and accounting authorities of all PFMA complaint institutions must:
- 14.3.1.1 Designated officials, preferably from Supply Chain Management Unit, whose function will be to verify the tax compliance status of a bidder on the South African Revenue Services' Tax compliance status system housed on eFiling.
- 14.3.1.2 Utilise the SBD1 issued by National Treasury when inviting bids,
- 14.3.1.3 As a bid condition, accounting officer or accounting authorities must request bidders to register on Government's Central Supplier Database and to include in their bid their Master Registration Number (Supplier Number) in order to enable the institution to verify the supplier's tax status on the Central Supplier Database.
- 14.4 The CSD and tax compliance status PIN are the approved methods to be used to prove tax compliance as the South African Revenue Services (SARS) no longer issues Tax Clearance Certificates but has made provision online, via e-Filing, for bidders to print their own Tax Clearance Certificates which they can submit with their bids or price quotations.
- 14.5 Accounting Officers are therefore required to accept printed or copies of Tax

Clearance Certificates submitted by bidders and verify their authenticity on e-Filing. The verification result will be filed for audit purposes.

- 14.6 Where a bidder does not submit a tax compliance status PIN but provides a Central Supplier Database (CSD) number, the accounting officer and accounting authority must utilise the CSD number via its website www.csd.gov.za to access the supplier records and to verify the bidder's tax compliance status. A printed screen view at the time of verification should then be attached to the supplier's records for audit purposes.

15. Counter Conditions

Bidder's attention is drawn to the fact that amendments to any of this condition of bid by bidders may result in the invalidation of the bids.

15. Fronting

- 15.1 The PPSA support the Broad Black Based Economic Empowerment and recognizes that the real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Based on the above (PPSA) condemns any form of fronting.
- 15.2 The PPSA, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in the bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry /investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the bidder /contractor to conduct business with the public sector for a period not exceeding ten years. The matter may be reported to the National Prosecuting Authority (NPA) for criminal investigation and charges in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

16. Promotion of Emerging Black owned bidders

16.1 It is the PPSA's objective to promote transformation across all industries and/ or sectors of the South African economy and as such, bidders are encouraged to partner with a black owned entity (being 50%+1 black owned and controlled). Such partnership may include the formation of a Joint Venture and/ or subcontracting agreement etc., where a portion of the work under this tender would be undertaken by black owned entities. To give effect to this requirement, bidders are required to submit a partnership / subcontracting proposal detailing the portion of work to be outsourced, level of involvement of the black owned partner and where relevant, submit a consolidated B-BBEE scorecard in-line with the provisions of the PPPFA Regulations which will be considered as part of the B-BBEE scoring.

17. Supplier Performance Management

- 17.1. Supplier Performance Management is viewed by the PPSA as a critical component in ensuring value for money acquisition and good supplier relations between the PPSA and all its suppliers.
- 17.2. The successful bidder shall upon receipt of written notification of an award, be required to conclude a Service Level Agreement (SLA) with the PPSA, which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to PPSA's business.
- 17.3. Successful bidders will be required to comply with the above-mentioned conditions, and also provide a scorecard on how their product / service offering is being measured to achieve the objectives of these conditions.

18. Supplier Development

- 18.1. The PPSA promotes enterprise development. In this regard, successful bidders may be required to mentor SMMEs and/ or designated group which are at least 51% owned by:
- 18.1.1 black people
 - 18.1.2 black people who are youth
 - 18.1.3 black people who are women

- 18.1.4 black people that formed a cooperative (primary, secondary or tertiary cooperative)
or
- 18.1.5 black people living in rural areas or underdeveloped area or township.

19. Screening

- 19.1 Acceptance of this bid may be subject to the condition that the successful bidder must be cleared by the appropriate authorities to render the service within the organ of the state.

20. PPSA requires bidder(s) to declare

In the Bidder's Technical response, Bidder(s) are required to declare the following:

- 21.1 Confirm that the bidder(s) is to: –

- 21.1.1 Act honestly, fairly, and with due skill, care and diligence, in the interests of PPSA;

- 21.1.2 Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;

- 21.1.3 Act with circumspection and treat PPSA fairly in a situation of conflicting interests;

- 21.1.4 Comply with all applicable statutory or common law requirements applicable to the conduct of business;

- 21.1.5 Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with PPSA;

- 21.1.6 Avoidance of fraudulent and misleading advertising, canvassing and marketing;

- 21.1.7 To conduct their business activities with transparency and consistently uphold the interests and needs of PPSA as a client before any other consideration; and

- 21.1.8 To ensure that any information acquired by the bidder(s) from PPSA will not be used or disclosed unless the written consent of the client has been obtained to do so.

22. Conflict of interest, corruption and fraud

- 22.1 PPSA reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or

members of senior management, whether in respect of PPSA or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity")

22.1.1 Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;

22.1.2 Seeks any assistance, other than assistance officially provided by PPSA, from any employee, advisor or other representative of PPSA in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to PPSA;

22.1.3 Makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of PPSA's officers, directors, employees, advisors or other representatives;

22.1.4 Makes or offers any gift, gratuity, anything of any value or other inducement, to any PPSA's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to PPSA;

22.1.5 Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to PPSA;

22.1.6 Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to PPSA;

22.1.7 Has in the past engaged in any matter referred to above; or

22.1.8 Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

23. Misrepresentation

23.1 The bidder should note that the terms of its Tender will be incorporated in the proposed contract by reference and that PPSA relies upon the bidder's Tender as a

material representation in making an award to a successful bidder and in concluding an agreement with the bidder.

- 23.2 It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by PPSA against the bidder notwithstanding the conclusion of the Service Level Agreement between PPSA and the bidder for the provision of the Service in question. In the event of a conflict between the bidder's proposal and the Service Level Agreement concluded between the parties, the Service Level Agreement will prevail.

24. Preparation costs

- 24.1 The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this bid and all other costs incurred by it throughout the bid process. Furthermore, no statement in this bid will be construed as placing PPSA, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidder(s) in the preparation of their response to this bid.

25. Indemnity

- 25.1 If a bidder breaches the conditions of this bid and, as a result of that breach, PPSA incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds PPSA harmless from any and all such costs which PPSA may incur and for any damages or losses PPSA may suffer.

26. Precedence

- 26.1 This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

27. Limitation of liability

27.1 A bidder participates in this bid process entirely at its own risk and cost. PPSA shall not be liable to compensate a bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this Bid process.

28. Tender defaulters and restricted suppliers

28.1 No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. PPSA reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been listed as defaulted with National Treasury by another government institution.

29. Governing Law

29.1 South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid.

30. Responsibility for sub-contractors and bidder's personnel

30.1 A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this bid. In the event that PPSA allows a bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the bidder and PPSA will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

31. Confidentiality

31.1 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a

bidder's tender(s) will be disclosed by any bidder or other person not officially involved with PPSA's examination and evaluation of a Tender.

- 31.2 No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This bid and any other documents supplied by PPSA remain proprietary to PPSA and must be promptly returned to PPSA upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.
- 31.3 Throughout this bid process and thereafter, bidder(s) must secure PPSA's written approval prior to the release of any information that pertains to (a) the potential work or activities to which this bid relates; or (b) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

32. Proposal documents

- 32.1 No bids submitted by Facsimile, telegram, email will be considered. It is the bidder's sole responsibility to ensure that the complete bid has been received by the Closing Date and Time. Giving the bid to a courier prior to the Closing Date without actual receipt by PPSA before the Closing Date and Time will not excuse the late delivery of a bid.
- 32.2 If a courier service company is being used for delivery of the bid response, the bid description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited into the bid box. **The PPSA will not be held responsible for any delays where bid documents are handed to the PPSA Receptionist.**
- 32.3. Where a bid response is not in the bid box at the time of the bid closing, such a bid document will be regarded as a late bid. **It is the PPSA's policy not to consider late bids for tender evaluation.**
- 32.4 All documents and correspondence must be in English, failure to comply, the bid proposal will not be evaluated.
- 32.4.1 Proposals must be compiled in the following manner:
- 32.4.1.1 One (1) original proposal (marked 'original') must be submitted and should not be

retyped and one electronic copies (on CD)

32.4.1.2 Two (2) copies of the proposal (marked 'copy') must be submitted;

32.4.1.3 All Annexures, company profiles, CV's, etc., shall form part of the '**ORIGINAL**' as well as the '**COPY**' proposals.

32.4.2 All proposals must be delivered **sealed**. The following information shall appear on the outside of the sealed proposal be placed in the bid box at the Main Reception area at, 175 Lunnon Street, Hillcrest Office Park, Hillcrest, Pretoria:

32.4.3 Name of bidder;

32.4.4 Description of proposal;

32.4.5 Bid / tender number;

32.4.6 Closing date and time;

32.4.7 The name and address of the Bidder must be written on the front or back side of the proposal/envelope.

32.5 Bids submitted by bidders which are, or are comprised companies must be signed by a person or persons duly authorised thereto by a resolution of the applicable Board of Directors, a copy of which Resolution, duly certified, must be submitted with the bid.

32.3 The bidder should check the numbers of the pages of its bid to satisfy itself that none are missing or duplicated. No liability will be accepted by PPSA in regard to anything arising from the fact that pages of a bid are missing or duplicated.

33. Consultation prior to submission of the bid documents

Bidders shall consult, **in writing**, with the PPSA's officials indicated below should there appear to be any discrepancy, ambiguity or uncertainty pertaining to the meaning or effect of any description, dimension, quality, quantity or any other information contained in this bid. PPSA undertakes to provide clarification in writing to all Bidders, provided that the request is received prior to the closing date and time for clarifications.

Officials	Location	Contact Details
Nkele Nemusimbori / Thabang Maswi	Public Protector South Africa 175 Lunnon Street Hillcrest Office Park Pretoria	Tel: 012 366 7014 / 7151 Email: nkelen@pprotect.org thabangma@pprotect.org

34. Clarifications and communication

- 34.1 Bidders are encouraged to submit clarification questions in writing to Public Protector South Africa (PPSA) officials mentioned above not later than **11H00 on the 17 July 2020**. No further questions will be entertained after this period.
- 34.2 The PPSA will respond in writing to queries and distribute to all bidders who attended the briefing session after receipt of questions.
- 34.3 The PPSA may respond to any enquiry in its absolute discretion and the bidder acknowledges that it will have no claim against the PPSA on the basis that its bid was disadvantaged by lack of information, or inability to resolve ambiguities.
- 34.4 Oral communication or instruction by PPSA or its representative shall have no standing in this bid unless and until they have been confirmed in writing.
- 34.5 PPSA accepts no responsibility for the failure of any bidder not receiving notifications or correspondence relating to this bid.
- 34.6 Whilst all due care has been taken in connection with the preparation of this bid, PPSA makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current or complete. PPSA, and its employees and advisors will not be liable with respect to any information communicated which may not accurate, current or complete.
- 34.7 If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by PPSA (other than minor clerical matters), the Bidder(s) must promptly notify PPSA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford PPSA an opportunity to consider what corrective action is necessary (if any).
- 34.8 Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by PPSA will, if possible, be corrected and provided to all

Bidder(s) without attribution to the Bidder(s) who provided the written notice.

- 34.9 All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid or the Tendering process must keep the contents of the Bid and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

36. BIDDER DECLARATION

The bidder hereby declares the following:

We confirm that _____
(Bidder's Name) will:

- a. Provision of legal services to all PPSA on request.
- b. Act honestly, fairly, and with due skill, care and diligence, in the interests of the PPSA;
- c. Employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;
- d. Act with circumspection and treat PPSA fairly in a situation of conflicting interests;
- e. Comply with all applicable statutory or common law requirements applicable to the conduct of business;
- f. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with PPSA;
- g. Avoid fraudulent and misleading advertising, canvassing and marketing;
- h. Conduct business activities with transparency and consistently uphold the interests and needs of PPSA as a client before any other consideration; and
- i. Ensure that any information acquired by the bidder(s) from PPSA will not be used or disclosed unless the written consent of the client has been obtained to do so.

Signature:

_____ Date: _____

Print Name of Signatory:

_____ Designation _____

FOR AND ON BEHALF OF

**CONTENTS OF THIS DOCUMENT IS NOTED:
SERVICE PROVIDERS INITIALS / SIGNATURE Important: Failure to complete/sign/initial this document in original ink will invalidate your tender!! Failure to sign/initial any alterations or corrections made may also invalidate your tender!! The use of any correction fluid, tape or similar products may invalidate your tender submission!**

VERIFICATION DOCUMENT

Required documentation to be attached to the cover pages as indicated below.

To assist bidders to check that all required documents are included in the file.

ID	RETURNABLE DOCUMENTS	YES
1.	Cover Page: (the cover page must clearly indicate the RFP reference number, bid description and the bidder's name)	
1.	Invitation to bid (SBD1)	
2.	Special Bid Conditions	
3.	Specification	
4.	General Conditions of Contract	
5.	Valid Tax Clearance Certificate (SBD 2)	
6.	Pricing Schedule Firm Price (SBD 3.3)	
7.	Detailed Pricing Schedule	
8.	Declaration of Interest (SBD 4)	
9.	Preferential Points Claim Form (SBD 6.1)	
10.	Declaration Certificate for Local Production Content (SBD 6.2)	Not applicable
11.	Declaration of bidders past SCM Practices (SBD 8)	
12.	Certificate of Independent bid determination (SBD 9)	
13.	BBBEE Documents (Only If Bidders want to claim preferential points of 20 %, (Status Level Verification Certificate)	
14.	Copy of Board Resolutions, duly certified	
15.	Company Registration Documents	
16.	Signed JV / Consortium Agreement	If applicable
17.	Company Profile (Not more than 3 pages)	
18.	Complex Group Structure (if applicable)	
19.	Employment Equity Approved Plan	
20.	List of shareholders on company letterhead	
21.	Share Certificates	
22.	Identity Documents of Shareholders	
23.	List of directors on company letterhead	
24.	List of beneficiaries in the case of a Trust (full names, not initials)	
25.	Latest audited Financial Statements	
26.	Mandatory documents	
26.1	Must be in good standing with the South African Revenue Services	

	(SARS), and evidence thereof must be supplied. This may be a valid tax clearance certificate (TCC) or unique security personal identification number (PIN) from SARS or a copy of your Central Supplier Database (CSD) registration summary report indicating tax compliance.	
26.2	Proof of registration on the Central Supplier Database (CSD).	
26.3	The bidder must be registered with a relevant Law Society and/or Legal Practice Council (Submit valid letter of good standing issued by the Law Society in question).	
26.4	All partners/directors must be in a possession of a valid Fidelity Fund Certificate.	
26.5	The bidder must submit signed confirmation letter on the company letterhead indicating that they accept PPSA rates as outlined in the pricing schedule. The PPSA rates are attached to this invitation.	
26.6	<p>PPSA intention is to advance designated groups on the basis of B-BBEE Status Level of contributor, which are 51% owned by either of the following: Blacks; Black Youth; Black Women; Black people with disabilities; Black people living in rural or underdeveloped areas or townships; cooperatives owned by Black people; Black people who are Military Veterans.</p> <p>NB: Bidders are required to submit proof of B-BBEE Status Level of contributor. Proof includes original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims. Tenderers who do not submit B-BBEE Status Level Verification Certificates or who are non-compliant contributors to B-BBEE will be automatically disqualified from the bidding process.</p>	

Invitation to bid (SBD1)

Attach the required documents to and immediately after this cover page and return with proposal documentation

Y:

sb

Specification and conditions of bid

Attach the required documents to and immediately after this cover page and return with proposal documentation

General Conditions of Contract

Attach the required documents to and immediately after this cover page and return with proposal documentation

Tax Clearance certificate

1. Bidders to attach a valid tax clearance certificate / SARS pin to and immediately after this page.
2. If bidding company is a JV or Consortium then valid Tax Clearance Certificate for all the parties must be submitted with the proposal.

Pricing Schedule Firm Price (SBD 3.3)

Attach the required documents to and immediately after this cover page and return with proposal documentation

Declaration of Interest (SBD 4)

Attach the required documents to and immediately after this cover page and return with proposal documentation

Preferential Points Claim Form (SBD 6.1)

Attach the required documents to and immediately after this cover page and return with proposal documentation

Declaration Certificate for Local Production Content (SBD 6.2) Not Applicable

Attach the required documents to and immediately after this cover page and return with proposal documentation

Declaration of bidders past SCM Practices (SBD 8)

Attach the required documents to and immediately after this cover page and return with proposal documentation

Certificate of Independent bid determination (SBD 9)

**Attach the required documents to and immediately after this cover page and
return with proposal documentation**

BBBEE accreditation certificate

If Bidders want to claim preferential points , then bidders must submit one of the following documents applicable to their companies

- Bidders other than EME's that want to claim preferential points should submit original and valid BBBEE status Level Verification Certificate or certified copies thereof together with their bids, from verification agencies accredited by SANAS or registered auditors approved by Independent Regulatory Board of Auditors (IRBA).
- EME's that want to claim preferential points should submit certificate issued by Accounting Officer (as contemplated in the Closed Corporation Act (CCA)) or Registered Auditor or Verification Agencies accredited by SANAS.
- A trust, consortium or joint venture will qualify for points for their BBBEE status level as a legal entity, provided that the entity submits their BBBEE status level certificate.
- A trust, consortium or joint venture will qualify for points for their BBBEE status level as an unincorporated entity, provided that the entity submits their consolidated BBBEE scorecards as if they were a group structure and that such a consolidated BBBEE scorecard is prepared for every separate tender.

Company registration

Attach company registration documents to and immediately after this cover page and return with proposal documentation.

Joint venture / Consortium agreement

Is the bidding entity a JV or Consortium

Yes / No

If Yes:

1. Attach agreements **signed** by all parties thereto immediately after this cover page and return with proposal

Company Profile (Not more than 3 pages)

PTY's (Circle the correct answer)

- | | | |
|-----|---|----------|
| i) | Is your company a Pty? | Yes / No |
| ii) | Has the company been trading in the past 12 months? | Yes/ No |

If the answer to both the above is a yes, then attach (previous financial year) audited financial statements **signed** by auditors or registered accountants to and immediately after this cover page and return with proposal.

If the answer to (ii) is NO, then attach a signed confirmation letter from the auditor.

Close Corporations (Circle the correct answer)

- | | | |
|------|--|----------|
| iii) | Is your company a Close Corporation? | Yes / No |
| iv) | Has it been trading in the past 12 months? | Yes/ No |

If yes to both the above, attach (previous financial year) financial statements signed by the members to and immediately after this cover page and return with proposal.

If the answer to (iv) is NO, then attach a signed confirmation letter from the auditor.

Complex Group Structure

Does your company have other companies as shareholders Yes/No
If yes, bidders are requested to submit the following:

1. Total breakdown of the shareholding in those companies/organization
2. Diagram of the group structure

Employment Equity approved plan:

1. Please attach employment equity plans submitted to and approved by the Department of Labour
2. Enterprises employing less than fifty (50) people are exempted from this requirement.

Shareholders:

Bidders to submit the list of shareholders on the company letterhead as follows:

First Name	Middle Name (where applicable)	Surnames	Percentage (%)	Gender	Race
		ie!			

N.B. Share certificates must be submitted.

Identity documents:

Attach the required documents to and immediately after this cover page and return with proposal documentation

Note: Please note that Listed companies are exempted from this requirement

(e)

Directors:

Bidders to submit the list of Directors on the company letterhead as follows:

First Name	Middle Name (where applicable)	Surnames	Percentage (%)	Gender

Trust beneficiaries:

Bidders to provide definition of the trust/share scheme and submit the list of trust beneficiaries as follows:

First Name	Middle Name (where applicable)	Surnames	Percentage(%)	Gender	Race

Must be in good standing with the South African Revenue Services (SARS), and evidence thereof must be supplied. This may be a valid tax clearance certificate (TCC) or unique security personal identification number (PIN) from SARS or a copy of your Central Supplier Database (CSD) registration summary report indicating tax compliance.

Attach the required documents to and immediately after this cover page and return with proposal documentation

Proof of registration on the Central Supplier Database (CSD).

Attach the required documents to and immediately after this cover page and return with proposal documentation

The bidder must be registered with a relevant Law Society and/or Legal Practice Council (Submit valid letter of good standing issued by the Law Society in question).

Attach the required documents to and immediately after this cover page and return with proposal documentation

All partners/directors must be in a possession of a valid Fidelity Fund Certificate.

Attach the required documents to and immediately after this cover page and return with proposal documentation

The bidder must submit signed confirmation letter on the company letterhead indicating that they accept PPSA rates as outlined in the pricing schedule. The PPSA rates are attached to this invitation.

Attach the required documents to and immediately after this cover page and return with proposal documentation

PPSA intention is to advance designated groups on the basis of B-BBEE Status Level of contributor, which are 51% owned by either of the following: Blacks; Black Youth; Black Women; Black people with disabilities; Black people living in rural or underdeveloped areas or townships; cooperatives owned by Black people; Black people who are Military Veterans.

NB: Bidders are required to submit proof of B-BBEE Status Level of contributor. Proof includes original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims. Tenderers who do not submit B-BBEE Status Level Verification Certificates or who are non-compliant contributors to B-BBEE will be automatically disqualified from the bidding process.

Attach the required documents to and immediately after this cover page and return with proposal documentation