



**T26/08/17**

**APPOINTMENT OF ADDITIONAL LEGAL  
SERVICE PROVIDERS FOR THE IDC  
LEGAL SERVICES PANEL TO PROMOTE  
TRANSFORMATION OBJECTIVES**

**BID CLOSING DATE: 22 SEPTEMBER  
2017 AT 12:00 NOON**

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**SECTION 1: GENERAL CONDITIONS OF BID**

## 1. PREAMBLE

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The purpose of this RFP is to supplement the Industrial Development Corporation of SA Ltd's (IDC) panel of Legal firms to promote broader transformation of the legal sector through the IDC's legal services panel which shall be engaged on a needs basis. Legal firms currently appointed to the IDC's legal services panel are not required to submit a response to this RFP process.

The IDC promotes Local Production and Content; and for the purposes of this tender, the IDC reserves the right to only consider South African based law firms for appointment under this tender.

Furthermore, in line with the IDC's objective to promote Black women-owned firms, such firms are encouraged to apply.

## 2. Proprietary Information

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The IDC considers this Request for Proposal (RFP) and all related information, either written or verbal, which is provided to the bidder, to be proprietary to the IDC. It shall be kept confidential by the bidder and its officers, employees, agents and representatives. The bidder shall not disclose, publish, or advertise this RFP or related information to any third party without the prior written consent of IDC.

## 3. Enquiries

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**3.1** All communication and attempts to solicit information of any kind relative to this RFP should be channelled **in writing** to:

Name:	<u>Ms Louise Stander</u>
Telephone Number:	<u>+27 11 269 3942</u>
Email address:	<u><a href="mailto:louises@idc.co.za">louises@idc.co.za</a></u>

**3.2** Enquiries in relation to this RFP will not be considered after **16h00, 15 September 2017**.

**3.3** The enquiries will be consolidated and the IDC will issue one response and such response will be posted, within two business days after the last day of enquiries, onto the IDC website ([www.idc.co.za](http://www.idc.co.za)) under tenders i.e. next to the same RFP document.

**3.4** The IDC may respond to any enquiry in its absolute discretion and the bidder acknowledges that it will have no claim against the IDC on the basis that its bid was disadvantaged by lack of information, or inability to resolve ambiguities.

## 4. Bid Validity Period

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Responses to this RFP received from bidders will be valid for a period of 180 days counted from the bid closing date which is **22 September 2017**.

## 5. Instructions on submission of Bids

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- 5.1 Bids should be submitted in duplicate (2 hard copies) and one electronic copy (on CD) in PDF format all bound in a sealed envelope endorsed: **Appointment of Additional Legal Service Providers for the IDC Legal Services Panel to Promote Transformation Objectives**. The sealed envelope must be placed in the bid box at the Main Reception area of the IDC Building, 19 Fredman Drive Sandton by no later than 12:00 noon on 22 September 2017.
- 5.2 Bids must be submitted in the prescribed response format, herein reflected as **Response Format**.
- 5.3 The bid closing date, bidder name and the return address must also be endorsed on the envelope.
- 5.4 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 IDC will not be held responsible for any delays where bid documents are handed to the IDC Receptionist.**
- 5.5 No bid response received by telegram, telex, email, facsimile or similar medium will be considered.
- 5.6 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 IDC's policy not to consider late bids for tender evaluation.**
- 5.7 Amended bids may be sent in an envelope marked "Amendment to bid", and should also comply with the requirements of paragraph 5.1 above and should be placed in the bid box before the closing time in accordance with paragraph 5.1 above.

## 6. Preparation of Bid Response

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- 6.1 All the documentation submitted in response to this RFP must be in English.
- 6.2 The bidder is responsible for all the costs that it shall incur related to the preparation and submission of the bid document.
- 6.3 Bids submitted by bidders which are, or are comprised of 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.
- 6.4 No liability will be accepted by the IDC in regard to anything arising from the fact that pages of a bid are missing or duplicated.
- 6.5 A list of all references (minimum of 2, as per the Functional Evaluation Criteria set out in section 3 of the RFP) must be included in the bid response.
- 6.6 An original, valid tax clearance certificate must be included in the bid response, or proof of application endorsed by SARS in this regard.
- 6.7 A copy(ies) of valid and current certificates from the professional organizations/bodies that the bidder is affiliated to or a member of, must be included in the bid response as detailed in section 3 of the RFP.

## 7. Supplier Performance Management

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

## 8. IDC's Rights

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- 8.1 The IDC 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 IDC have record of such bidders, may be advised in writing of such amendments or extension, as the case may be, in good time and any such changes will also be posted on the IDC'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.
- 8.2 The IDC reserves the right not to accept the lowest scoring bid (if applicable) or any bid in part or in whole. The IDC 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 IDC.
- 8.3 The IDC will award the tender to the highest scoring bidder/s, unless objective criteria justify the award to another bidder, which may or may not have achieved the highest score. In this regard, the IDC reserves the right to apply the following objective criterion in the evaluation of proposals received in response to this RFP:
  - 8.3.1 the extent to which a bidder promotes the development of women legal professionals in the legal sector, and the measures taken or policies adopted by the bidder to achieve the objective of gender transformation in the legal sector.
- 8.4 The IDC reserves the right to award this bid as a whole or in part.
- 8.5 Should a contract be awarded on the strength of information furnished by the bidder, which after the evaluation of bids or conclusion of the contract is proved to have been incorrect, the IDC reserves the right to cancel the contract and/or place the bidder on the IDC's list of Restricted Suppliers.
- 8.6 The IDC reserves the right to conduct site visits at bidder's corporate offices and / or at client sites or offices if so required.
- 8.7 The IDC reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the **National Treasury Instruction 01 of 2013/2014: Cost Containment Measures**, where relevant.

- 8.8** The IDC reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the IDC to conduct background checks on the bidding entity and any of its directors / partners / trustees / shareholders / members/ employees. The IDC reserves the right to consider the information arising from such background check as part of the tender evaluation process.
- 8.9** Bidders are hereby advised that the IDC is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of bids. In particular, please note that the IDC reserves the right not to award the tender in whole or in part, and to withdraw the RFP.

## **9. Undertakings by the Bidder**

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- 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 IDC 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 the IDC require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of products or services as called for in this RFP.
- 9.3** The bidder agrees that the offer contained in its bid shall remain binding upon it/him/her and receptive for acceptance by the IDC 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 proposal submitted by the bidder.
- 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 SLA to be concluded with the IDC, as the principal(s) liable for the due fulfilment of all duties and obligations that ensue from such contract.
- 9.6** The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the proposal offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with its bid will become IDC property unless otherwise stated by the bidder/s at the time of submission.

## **10. Reasons for disqualification**

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The IDC will disqualify any bidder under the following circumstances:

- 10.1** bidders who do not submit an original valid tax clearance certificate and/ or proof of application of such as endorsed by SARS on the closing date and time of the bid submission, and/ or failure to provide, by bid submission date, the IDC with its

SARS issued Tax Verification PIN code enabling the IDC to electronically verify the bidder's tax compliance directly with SARS;

- 10.2** bidders who submit incomplete information and documentation according to the requirements of this RFP document;
- 10.3** bidders who submit information that is fraudulent, factually untrue or inaccurate;
- 10.4** bidders who receive information not available to other potential bidders through fraudulent means;
- 10.5** bidders who fail to comply with the pre-qualification criteria stipulated in the RFP document;
- 10.6** bidders who do not comply with mandatory requirements stipulated in the RFP document;
- 10.7** bidders who are not registered on National Treasury's Central Supplier Database ("CSD"); and
- 10.8** bidders who fail to comply with FICA requirements.

Please note that such disqualification may take place without prior notice to the offending bidder. And notwithstanding its right to disqualify as stated above, the IDC reserves the right not to disqualify any bidder for one or more of the reasons set out in 10.1.to 10.8.

## **11. Response Format (Returnable Schedules)**

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Bidders shall submit their bid responses in accordance with the response format specified below (each schedule must be clearly marked)

**11.1 Cover Page:** (the cover page must clearly indicate the RFP reference number, bid description and the bidder's name)

### **11.2 Schedule 1**

- 11.2.1 Executive Summary (explaining how you understand the requirements of this RFP and the summary of your proposed solution)
- 11.2.2 Annexure 1 of this RFP document (duly completed and signed)

### **11.3 Schedule 2**

- 11.3.1 Valid tax clearance certificate(s) and / or proof of application as endorsed by SARS and/ or SARS issued Tax Verification Pin Code
- 11.3.2 Certified copies of bidder's Companies and Intellectual Property Commission (CIPC) company registration documents listing all members with percentages, in case of a CC
- 11.3.3 Originally certified copy of ID document for the Company Representative
- 11.3.4 Annexure 2 of this RFP document (duly completed and signed)
- 11.3.5 Annexure 4 of this RFP document (duly completed and signed)
- 11.3.6 Annexure 5 of this RFP document (duly completed and signed)
- 11.3.7 Annexure 6 of this RFP document (duly completed and signed);
- 11.3.8 Annexure 7 of this RFP document (duly completed and signed);



- 11.3.9 B-BBEE verification certificate indicating the contribution level of the bidding entity
- 11.3.10 For an Exempted Micro Enterprise (EME) with an annual turnover of less than R10 million, a bidder must submit a sworn affidavit confirming the annual total revenue and level of Black ownership. An EME that has 100% Black beneficiaries qualifies for elevation to "Level One Contributor" and an EME that has at least 51% Black beneficiaries qualifies for elevation to "Level Two Contributor"
- 11.3.11 For a Qualifying Small Enterprise (QSE) with an annual turnover of between R10 million and R50 million, a bidder must submit a sworn affidavit confirming the annual total revenue and level of Black ownership. A QSE that has 100% Black beneficiaries qualifies for elevation to "Level One Contributor" and a QSE that has at least 51% Black beneficiaries qualifies for elevation to "Level Two Contributor"
- 11.3.12 Any misrepresentation by a bidder regarding its B-BBEE status or credentials constitutes a criminal offence as set out in the B-BBEE Act (as amended). **(Note: If a bidder is a Consortium, Joint Venture or Prime Contractor with Subcontractor(s), the documents listed above (10.3.1-10.3.7) must be submitted for each Consortium/ JV member or Prime Contractor and Subcontractor(s) however a merged B-BBEE verification certificate must be submitted for the Consortium/ JV)**
- 11.3.13 Copy of Joint Venture/ Consortium/ Subcontracting Agreement duly signed by all parties (if applicable)

#### **11.4 Schedule 3**

- 11.4.1 Response to Section 3 of this document, in line with the format indicated in this RFP document
- 11.4.2 Annexure 7 of this RFP document, duly completed and signed

#### **11.5 Schedule 4**

- 11.5.1 Annexure 9: Pricing Schedule
- 11.5.2 **One (1) CD with all Schedules listed above, also included in the sealed envelope of the bid**

## **12. Evaluation Criteria and Weightings**

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### **12.1 Bids shall be evaluated in terms of the following process:**

- 12.1.1 **Phase 1: Initial Screening Process:** During this phase, bid responses will be reviewed for purposes of assessing compliance with RFP requirements including the general bid conditions, which requirements include the following-
- 12.1.1.1 submission of an original valid tax clearance certificate as referenced in 11.3.1 above;

- 12.1.1.2 submission of Company Registration Forms as referenced 11.3.2 above;
- 12.1.1.3 submission of ID copy for the Company Representative as referenced in 11.3.3 above;
- 12.1.1.4 B-BBEE Status Certification as referenced in 11.3.9 - 11.3.11 above; and
- 12.1.1.5 completion of all Standard Bidding Documents and other requirements, as reflected in this RFP, which covers the following:
  - 12.1.1.5.1 Section 3: Statement of compliance with the Functional Evaluation Criteria for this RFP;
  - 12.1.1.5.2 Section 4: Annexures;
  - 12.1.1.5.3 Annexure 1: Acceptance of Bid Conditions;
  - 12.1.1.5.4 Annexure 2: Invitation to Bid;
  - 12.1.1.5.5 Annexure 3: Supply Chain Management Questionnaire;
  - 12.1.1.5.6 Annexure 4: Declaration of Interest;
  - 12.1.1.5.7 Annexure 5: Certificate of Independent Bid Determination;
  - 12.1.1.5.8 Annexure 6: Shareholders' Information/ Group Structure;
  - 12.1.1.5.9 Annexure 7: Response Format for Section 2;
  - 12.1.1.5.10 Annexure 8: BEE Commitment Plan; and
  - 12.1.1.5.11 Annexure 9: Pricing Schedule.

Failure to comply with the requirements assessed in Phase 1 (compliance), may lead to disqualification of bids.

## **12.2 Phase 2: Specific Conditions of Bid and Contract or Prequalification Criteria for preferential procurement**

Bid responses will be evaluated in accordance with the Specific Conditions of Bid and Contract as specified under section 2 of this RFP. All bid responses that do not meet the specific conditions of bid will be disqualified, and will not be considered for further evaluation.

## **12.3 Phase 3: Technical/ Functionality Evaluation**

Bid responses will be evaluated in accordance with the Functional criteria as follows-

### **12.3.1 Mandatory Functional/ Technical Requirements**

12.3.1.1 All bid responses that do not meet the Mandatory Functional Requirements will be disqualified, and will not be considered for further evaluation. The Mandatory Functional Requirements are stated in section 3 of this RFP document. (Failure to comply with the Mandatory Functional Requirements assessed in phase 3 may lead to disqualification of bids.)

**12.3.2 Other Functional/ Technical Requirements**

12.3.2.1 With regards to the Other Functional Requirements, the following criteria (set out in more detail in section 3 of this RFP document) and the associated weightings will be applicable:

**NB: The following criteria are applicable to each Service Category.**

**12.4 Criteria for Firms**

<b>ELEMENT</b>	<b>WEIGHT</b>
Demonstrable Relevant Experience of the Bidder/ Bidder’s team	60
Management of conflict of interest	10
References	20
Value proposition	10
<b>TOTAL</b>	<b>100%</b>

**Note: Only bidders who achieved a technical score of more than 70% per service category will be considered further in terms of B-BBEE.**

**12.5 Phase 4: B-BBEE**

All bids that achieve the minimum qualifying score for Functionality (acceptable bids) will be evaluated further in terms of B-BBEE, as follows:

<b>CRITERIA</b>	<b>POINTS</b>
B-BBEE	20

**13. Promotion of Emerging Black Women-owned Service Providers and Professionals**

It is the IDC’s objective to promote participation of Black women-owned law firms through its appointment of additional firms for its legal services panel.

## **SECTION 2: SPECIFIC CONDITIONS OF BID AND CONTRACT**

## **14. Bid Pre-qualification criteria**

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**14.1** In terms of Regulation 4 of the 2017 Preferential Procurement Policy Framework Act (PPPFA) Regulations, the IDC requires that bidders meet the following pre-qualification criteria:

- (a) bidders must be law firms that are EMEs or QSEs; and
- (b) bidders must have a minimum B-BBEE contributor status level of 2.

**14.2** The IDC will only consider a bid if the relevant bidder meets both of these pre-qualification criteria. Where a bidder fails to meet either one or both of these pre-qualification criteria, the bid will be considered an unacceptable bid and will be disqualified from adjudication.

## **15. SPECIAL CONDITION OF CONTRACT**

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In order to assist the IDC with the achievement of its transformation objectives, the successful bidders will be required to ensure at least 50% (fifty percent) of the legal work it receives from the IDC will be performed by that successful bidder's female legal practitioners. In that regard bidders are required to demonstrate in their responses to Section 3A: "Bidder's/ Team's Experience", clause 20.1 hereunder, that they have the required capacity to meet this special condition of contract by submitting the necessary CVs.

## SECTION 3: FUNCTIONAL REQUIREMENTS SPECIFICATION

## **SECTION 3: FUNCTIONAL REQUIREMENTS SPECIFICATION**

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### **16. Special instructions to bidders**

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- 16.1** Should a bidder have reason to believe that the Functional Requirements are not open / fair and/or are written for a particular brand or product or service provider; the bidder must notify the IDC Procurement within five (5) days after publication of the RFP.
- 16.2** Bidders shall provide full and accurate answers to the questions posed in this RFP document, and, where required explicitly state either “Comply/Not Comply” regarding compliance with the requirements. Bidders **must** substantiate their response to all questions, including full details on how their proposal/solution will address specific functional/ technical requirements; failure to substantiate may lead to the bidder being disqualified. All documents as indicated must be supplied as part of the bid response.
- 16.3** Failure to comply with Mandatory functional/ Technical Requirements may lead to the bidder being disqualified.

### **17. Scope of Work**

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- 17.1** The Legal Services Department (Department) is responsible for providing objective, value adding and innovative legal advisory services to the IDC. The Department ensures that the IDC’s legal risks are managed adequately and reduces the IDC’s exposure to litigation. To this end, the IDC established a panel of external attorneys from whom assistance is sought on an ad hoc basis. However, in order to further promote its values and objectives, the IDC is supplementing, through this tender process, its existing panel of Legal firms in order to achieve a broader and more inclusive panel.
- 17.2** The required legal advisory services have been categorised into twelve (12) categories as reflected below. The bidder must indicate, in the table below, with a tick (✓) one or more categories in which the bidder has expertise:

SERVICE CATEGORIES		PLEASE TICK (✓)
1	Foreclosure and insolvency law	
2	Debt Collection	
3	Structured Finance transactions	
4	Project Finance transactions	
5	Corporate Law and Corporate Finance transactions	
6	Conveyancing	
7	Tax Law	
8	Environmental Law	
9	Administrative and Constitutional Law	
10	Competition Law	
11	Litigation relating to categories 1 to 10 and 11 herein	
12	Labour Law	

**Note: The bidder must ensure that they provide the required response/ information to the evaluation criteria for each service category in which the bidder has expertise and has indicated above.**

**17.3** The IDC would also like to promote broad based transformation and development of small and medium firms in this industry and as such will appoint firms in the following categories. The bidder must indicate, in the table below, with a tick (✓) the relevant category:

Firm Categories	Definition	PLEASE TICK (✓)
Category 1: Small Firms (or EMEs)	Firm with an annual turnover of not more than R10 million	
Category 2: Medium Firms (or QSEs)	Firm with an annual turnover greater than R10 million but below R50 million	

**Note: The bidder must submit their latest Financial Statements as proof of their annual turnover, which Financial Statements must be confirmed by an independent accountant. Small businesses with no financial history, must submit a letter from their independent accounting firm confirming their financial status and / or projections.**

## **18. Project Timelines**

**18.1** The appointed service provider(s) will be appointed to the IDC legal services panel and must be available to start immediately after signing the contract, and must be available to provide the services. The IDC reserves the right to extend the term of appointment for a longer period but not beyond five (5) years.



**SECTION 3 (A) TECHNICAL REQUIREMENTS**

**19. Mandatory Technical Requirements**

The bidder must indicate its compliance / non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

19.1 Registration with Law Society	Comply	Not Comply
<p>The firm must be registered with the Law Society.                      Proof of registration from the relevant Law Society must be provided.  <b>Note:</b> Bidders may be required to submit a valid letter of good standing issued by the Law Society prior to work being allocated.</p>		
<b>Substantiate / Comments</b>		

19.2 Fidelity Fund Insurance	Comply	Not Comply
<p>The firm must provide proof of the Fidelity Fund Insurance Cover and in addition the individual director/ partner/ attorney/s to attend to IDC's matters must provide a certified copy of a valid Fidelity Fund Certificate to the IDC.</p>		
<b>Substantiate / Comments</b>		

19.3 Conveyancing Certificate	Comply	Not Comply
<p>For firms applying for the category of conveyancing, a certificate of admission as a conveyancer of the individual conveyancer/s employed on a full time basis by the law firm must be provided.</p>		
<b>Substantiate / Comments</b>		

**20. Other Technical Requirements**

The bidder must indicate its compliance / non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

**Note:** The IDC will consider bids which best meet its technical requirements and bidders are required to provide relevant and comprehensive information to indicate its compliance with the stated technical requirements.

The bidder must provide the required information for each service category which the bidder has indicated in 17.2 above.

<b>20.1 BIDDER'S / TEAM'S EXPERIENCE</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The bidder or lawyers in its current employ must have demonstrable experience in the service categories in which the bidder has expertise and has indicated in 17.2 above.</p> <p>The bidders must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> <li>• Details of recent transactions/ matters the bidder has handled for each service category. The IDC reserves the right to consider experiences of law firms that have done work for the IDC in the past. Please refer to <b>Table (a) of Annexure 7</b> of this document for the format in which the required information must be provided; or</li> <li>• List of lawyer(s) in the current bidder's employ. Please refer to <b>Table (b) Annexure 7</b> of this document for the format in which the required information must be provided.</li> <li>• CVs of the lawyer(s); and the CVs must clearly highlight qualifications, areas of experience/ competence relevant to the legal services indicated in 17.2.</li> </ul>			
<b>Substantiate / Comments</b>			

<b>20.2 MANAGING CONFLICT OF INTEREST</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>Managing conflict of interest to ensure optimal legal advisory services is important.</p> <p>Please indicate how this aspect is managed and what controls are in place to ensure effectiveness.</p>			
<b>Substantiate / Comments</b>			

<b>20.3 RECOMMENDATION/ REFERENCE LETTERS</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The bidder must provide at a minimum 3 (three) reference/ recommendation letter(s) from a client(s) where the bidder recently provided legal services, in respect of each service category in which the bidder has expertise and has indicated in 17.2 above.</p> <p>The bidder must also furnish the IDC with relevant contact details of its key clients for reference check purposes.</p>			
<b>Substantiate / Comments</b>			

<b>20.4 VALUE PROPOSITION</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>Please indicate your firm's value proposition to the IDC and indicate what sets you apart in the legal services fraternity.</p>			
<b>Substantiate / Comments</b>			

## SECTION 4: ANNEXURES

## Annexure 1 – Acceptance of Bid Conditions and Bidder’s Details

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Request for Proposal

No: \_\_\_\_\_

Name of Bidder: \_\_\_\_\_

Authorised signatory: \_\_\_\_\_

Name of Authorised  
Signatory \_\_\_\_\_

Position of Authorised  
Signatory \_\_\_\_\_

By signing above the bidder hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this RFP.

***[Note to the Bidder: The Bidder must complete all relevant information set out below.]***

### BIDDING STRUCTURE

Indicate the type of Bidding Structure by marking with an ‘X’:	
Individual Bidder	
Joint Venture/ Consortium	
Prime Contractor with Sub Contractors	
Other	

### REQUIRED INFORMATION

If Individual Bidder:	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	

<b>If Joint Venture or Consortium, indicate the following for each partner:</b>	
<b>Partner 1</b>	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Scope of work and the value as a % of the total value of the contract	
<b>Partner 2</b>	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Scope of work and the value as a % of the total value of the contract	

<b>If bidder is a Prime Contractor using Sub-contractors, indicate the following:</b>	
<b>Prime Contractor</b>	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
<b>Sub-contractors</b>	
Name of Company	
Company Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Subcontracted work as a % of the total value of the contract	

**Legal Firm Category**

<b>Indicate the category/ size of your firm by marking with an 'X':</b>	
<b>Category 1: Small Firm</b>	
<b>Category 2: Medium Firm</b>	

**Service Category**



## Annexure 2 – Invitation to Bid

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
SITUATED AT (STREET ADDRESS)

<b>SUPPLIER INFORMATION</b>				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
	TCS PIN:		<b>OR</b>	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes  <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?				
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
	<input type="checkbox"/>	A REGISTERED AUDITOR		
		NAME:		
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>				

<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]	<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

## Annexure 3 - Supply chain management practices questionnaire

Request for Proposal No: \_\_\_\_\_

Name of Bidder: \_\_\_\_\_

Authorised signatory: \_\_\_\_\_

[Note to the Bidder: The Bidder must complete the information set out below. If the Bidder requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it with Returnable Schedule 2.]

The bidder must complete the following questionnaire.

### Bidder's past supply chain management practices:

Item	Question	Yes	No
3.1	<p>Is the Bidder or any of its directors listed on the South African National Treasury's database 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 South African National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
	If so, provide particulars:		
3.2	<p>Is the Bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the <i>Prevention and Combating of Corrupt Activities Act</i> No 12 of 2004?</p> <p>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Bid Defaulters" or submit your written request for a hard copy of the Register to facsimile number +27123265445.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
	If so, provide particulars:		
3.3	<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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>

Item	Question	Yes	No
	If so, provide particulars:		
3.4	Does the Bidder relate to any IDC employee or part of IDC current or past staff (employee) establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, provide particulars:		
3.5	Was any contract between the Bidder and any organ of state (within the Republic of South Africa or within any foreign territory) terminated during the past five years on account of failure to perform on or comply with the contract?		
	If so, provide particulars:		

I, \_\_\_\_\_ (print name) hereby certify that the information, facts and representations are correct and that I am duly authorized to sign on behalf of the company.

Name of Company: \_\_\_\_\_

Company Registration Number: \_\_\_\_\_

Company VAT Registration Number: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Annexure 4 – Declaration of Interest

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1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

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.

<sup>1</sup>“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 **YES / NO**  
presently employed by the state?

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 **YES / NO**  
the appropriate authority to undertake remunerative  
work outside employment in the public sector?

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

(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 / **YES / NO**  
trustees / shareholders / members or their spouses conduct  
business with the state in the previous twelve months?

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 the evaluation and or adjudication of this bid?

**YES / NO**

2.9.1 If so, furnish particulars.

.....  
.....  
.....

2.10 Are you, or any person connected with the bidder (i.e. shareholder, partner, director etc.), aware of any relationship (family, friend, other) between any other bidder or any other company and any person employed by the IDC or the dti who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

2.10.1 If so, furnish particulars.

.....  
.....  
.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other company whether or not they are bidding for this contract? The IDC reserves the right to undertake further background checks on any other company where partners, shareholders or any interested party of the bidder may be involved in and to consider any findings in this regard as part of its vetting processes.

**YES/NO**

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

1. DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT IDC MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

Position

Name of bidder



## Annexure 5 – Certificate of Independent Bid Determination

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SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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). <sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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 consortium<sup>3</sup> 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.

<sup>3</sup> 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.

**SBD 9**

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

## Annexure 6 – Shareholders and Directors Information

Item 1 [Note to the bidder: the bidder must complete the information set out below. If the bidder requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it with Returnable Schedule 2.]

### 6.1 Shareholders/ Members

Name of the shareholder	ID Number	Race	Gender	% shares

**Note:** The bidder must also attach the detailed Company/ Group Structure where relevant.

### 6.2 Black Shareholders/ Members as per the B-BBEE Certificate

Name of the shareholder	ID Number	Race	Gender	% shares
<b>Total Black Shareholding % as per the current and valid B-BBEE Certificate</b>				

**6.3 Directors**

Name of the shareholder	ID Number	Race	Gender

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

CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder



**Table (b) Details of the bidder's proposed team of lawyers (please refer to 20.1 of Section 3 of this RFP document):**

Name	Position/ Designation	Qualifications	Relevant Experience	
			Projects/ matters worked on, Client details,	Years of experience



## **Annexure 8 – BEE Commitment Plan**

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The IDC encourages existing vendors and prospective bidders to support the objectives of B-BBEE and as far as possible strive to improve their B-BBEE contribution status. For bid evaluation purposes, bidders are allocated points in terms of a preference point system based on the B-BBEE Contribution Level status that is in accordance with a valid B-BBEE certificate.

Bidders are therefore required to submit a B-BBEE improvement plan in view of the new B-BBEE Codes of Good Practice. Bidders must indicate the extent to which their ownership, management control, employment equity, preferential procurement and enterprise development will be maintained or improved over the contract period in the event that they are successful in this bid process.

## **Annexure 9 – Pricing Schedule**

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**The bidder must complete the Pricing Schedule which is attached on a separate spreadsheet. The completed Pricing Schedule must be submitted with the bid response as Returnable Schedule 4**