

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE)					
RFQ NUMBER:	Q8459/2022	CLOSING DATE:	19 September 2022	CLOSING TIME:	11:00am
The South African National Biodiversity Institute (SANBI) requires a qualified panel of legal firms to provide legal advisory and support services until March 31, 2023					
BID RESPONSE DOCUMENTS MAY BE E-MAILED TO BELOW ADDRESSES:					
Submission of proposals: Proposals must be emailed to Ms. Ripfumelo Fumani S.SCM-Quotations@sanbi.org.za and copy r.fumani@sanbi.org.za . Please state the Bid number as the reference number on the subject line when responding to the RFQ					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Ripfumelo Fumani		CONTACT PERSON	A Donda	
TELEPHONE NUMBER	0128435037		TELEPHONE NUMBER	012 843 5000	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	r.fumani@sanbi.org.za		E-MAIL ADDRESS	A.Donda@sanbi.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ 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?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				☐ YES ☐ NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				☐ YES ☐ NO	

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ 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:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related

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

enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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 not exceed R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable: or

b) The 80/20 preference point system will be applicable to 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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
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 |
| 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

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

Where

Ps = Points scored for price of bid under consideration

Pt = 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	☐	NO	☐
-----	--------------------------	----	--------------------------

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	☐	NO	☐
-----	--------------------------	----	--------------------------

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 least 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

.....

.....

Terms of Reference (ToR) Legal Advisor

1. SPECIFICATIONS

The South African National Biodiversity Institute (SANBI) requires a qualified panel of legal firms to provide legal advisory and support services until March 31, 2023.

2. BACKGROUND AND DISCUSSION

The South African National Biodiversity Institute (SANBI) is an institution, wholly owned by the South African Government, and whose mandate is to lead and coordinate research, monitor and report on the state of biodiversity in South Africa. The institute provides knowledge and information, gives planning and policy advice and pilots' best-practice management models in partnership with stakeholders ("SANBI").

The purpose of this RFP is to appoint a legal firm who shall be engaged on a needs only basis to provide a panel of legal firms to provide legal advisory and support services to SANBI.

3. SERVICES REQUIRED

The Institution does not currently have an internal legal advisor. From time to time, the institute may require/need to appoint a legal firm to assist it in the protection of the institute's interests in one or more of the following specialised areas but not limited to:

- Litigation.
- Provide legal advisory services on the following: but not limited to corporate, governance, commercial, compliance, labour, procurement, environmental, intellectual property, **conservation and wildlife (The National Environmental Management: Biodiversity Act, its regulations and subsidiary)**, and employment law matters.
- Provide and draft legal opinions, advice, memoranda, and briefing documents on legal matters.
- Review, draft and negotiate contractual agreements.
- Formulate formalities regarding settlements of disputes.
- Make necessary preparations and arrangements and represent SANBI at any court of law for Civil and Labour matters, the CCMA, accredited Bargaining Councils and any other litigation body.
- Assist with debt collections.
- Provide mediation on Labour relations matters.
- Chair disciplinary hearings and grievances in line with the SANBI disciplinary policy and procedure, including the SANBI grievance policy, and provide a report with the necessary recommendations within seven (7) working days.
- Train staff and / or line managers on labour relations matters within the specified time frame.
- Train staff on Promotion of Access to Information Act (PAIA) and Protection of Personal Information Act (POPIA).

3.1 SANBI Gardens that require services:

- SANBI Gardens, Centres and National Zoological Gardens

4. PROPOSAL SUBMISSION REQUIREMENTS

Interested firms are requested to submit proposals that consist of the sections highlighted below. Firms are requested to peruse these requirements carefully to avoid submitting extraneous material.

4.1 Company Overview (Description of organization)

Present an overview of the company, including the organization's core business, an organizational chart indicating the ownership structure of the company and a brief history of the company:

Kindly indicate:

- a) Years in business.
- b) Professional staff numbers.

Other documents required:

- a) List of previous and current clients
- b) Reference letters

4.2 Experience and Qualifications of the Legal Advisor firm in Question

Kindly provide:

- a) A professional CV of each person on the team that will provide services to the SANBI and qualifications.
- b) A list of cases that each of those persons has argued, and details of the court or tribunal where this took place.
- c) An opinion provided by a member or members of the team on an administrative, regulatory, procedural or constitutional matter.

5. EVALUATION CRITERIA

Evaluation process

In accordance with the National Treasury Instruction Note on the Amended Guidelines in Respect of Bids that Include Functionality as a Criterion for Evaluation (issued 3 September 2010), this bid will be evaluated in two stages:

The first stage will evaluate functionality according to the criteria listed in the table below:

FUNCTIONALITY CRITERIA		POINTS														
Company information and profile:		20														
a) Brief overview of the company with an indication of its expertise to the scope of work.																
<table><tr><th>Sub-criteria</th><th>Points</th></tr><tr><td>More than nine (9) years relevant experience</td><td>20</td></tr><tr><td>Nine (9) years -more ' relevant experience</td><td>16</td></tr><tr><td>Five (5)- six(6) years' relevant experience</td><td>12</td></tr><tr><td>Four (4) – five (5) years relevant experience</td><td>8</td></tr><tr><td>Three (3) – four (4) years' relevant experience</td><td>4</td></tr><tr><td>O-2 yeas relevant experience</td><td>0</td></tr></table>		Sub-criteria	Points	More than nine (9) years relevant experience	20	Nine (9) years -more ' relevant experience	16	Five (5)- six(6) years' relevant experience	12	Four (4) – five (5) years relevant experience	8	Three (3) – four (4) years' relevant experience	4	O-2 yeas relevant experience	0	
Sub-criteria	Points															
More than nine (9) years relevant experience	20															
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Three (3) – four (4) years' relevant experience	4															
O-2 yeas relevant experience	0															
Past experience:		20														
a) Provide a list of current and previous clients (company name, contact person, telephone number, services provided, total value of the contract and contract duration with dates):																
<table><tr><th>Sub-criteria</th><th>Points</th></tr><tr><td>More than nine (9) clients</td><td>10</td></tr><tr><td>Between six (6) and 9 clients</td><td>7</td></tr><tr><td>Between three (3) and six (6) clients</td><td>5</td></tr><tr><td>Between One (1) and three (3) clients</td><td>1</td></tr><tr><td>No submission</td><td>0</td></tr></table>		Sub-criteria	Points	More than nine (9) clients	10	Between six (6) and 9 clients	7	Between three (3) and six (6) clients	5	Between One (1) and three (3) clients	1	No submission	0			
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No submission	0															
b) Supply atleast five (5) traceable reference letters of previous clients. (This should reflect nature of legal support, name of client/project conducted and Rand value of the project). References should be current (not more than five (5) years old):																
<table><tr><th>Sub-criteria</th><th>Points</th></tr><tr><td>More than five (5) relevant reference letters with requested supporting documents</td><td>10</td></tr><tr><td>Between three (3) and five (5) relevant reference letters with requested supporting documents</td><td>7</td></tr><tr><td>Between (1) and three (3) relevant reference letters with requested supporting documents</td><td>5</td></tr></table>		Sub-criteria	Points	More than five (5) relevant reference letters with requested supporting documents	10	Between three (3) and five (5) relevant reference letters with requested supporting documents	7	Between (1) and three (3) relevant reference letters with requested supporting documents	5							
Sub-criteria	Points															
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Between three (3) and five (5) relevant reference letters with requested supporting documents	7															
Between (1) and three (3) relevant reference letters with requested supporting documents	5															

No submission	0																									
Qualifications and experience of personnel on the professional legal team: a) Level of expertise and qualifications of personnel that will be directly providing legal advisory and support services to SANBI. Each CV submitted should be structured as follows: - Brief description of individual's experience that will be directly providing legal services:<table><tr><th>Sub-criteria</th><th>Points</th></tr><tr><td>More than six (6) years' experience</td><td>20</td></tr><tr><td>Between four (4) and six (6) years' experience</td><td>15</td></tr><tr><td>Between three (3) and four (4) years' experience</td><td>10</td></tr><tr><td>Between than one (1) and three (3) years' experience</td><td>5</td></tr><tr><td>Below one (1) year experience</td><td>1</td></tr></table> - The legal professionals should have some expertise in wildlife/conservation/environment legal matters:<table><tr><th>Sub-criteria</th><th>Points</th></tr><tr><td>More than six (6) years' experience</td><td>20</td></tr><tr><td>Between four (4) and six (6) years' experience</td><td>15</td></tr><tr><td>Between three (3) and four (4) years' experience</td><td>10</td></tr><tr><td>Between than one (1) and three (3) years' experience</td><td>5</td></tr><tr><td>Below one (1) year experience</td><td>1</td></tr></table> - Qualifications of personnel that will be directly providing legal advisory and support services to SANBI. (10)		Sub-criteria	Points	More than six (6) years' experience	20	Between four (4) and six (6) years' experience	15	Between three (3) and four (4) years' experience	10	Between than one (1) and three (3) years' experience	5	Below one (1) year experience	1	Sub-criteria	Points	More than six (6) years' experience	20	Between four (4) and six (6) years' experience	15	Between three (3) and four (4) years' experience	10	Between than one (1) and three (3) years' experience	5	Below one (1) year experience	1	50
Sub-criteria	Points																									
More than six (6) years' experience	20																									
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Below one (1) year experience	1																									
Capability of the Company: Capacity to provide logistical and administrative support as proven by the number of partners, directors, associates and professional assistants.		10																								
TOTAL		100																								

Bids that fail to score a minimum of 80 out of a possible 100 points for functionality will not be eligible for further consideration.

The second stage will evaluate the price and preference points of those bids that meet the minimum threshold for functionality. In accordance with the Preferential Procurement Regulations, 2017 pertaining to Preferential Procurement Policy Framework Act (No. 5 of 2000), the 80/20 point system will be applied in evaluating proposals that qualify for further consideration, where price constitutes 80 points and 20 points will be awarded as per Points allocated to a bidder on the B-BBEE status level certificate

Sufficient information must be provided to allow the evaluation panel to score bids against all these criteria. Failure to do so may result in the disqualification of bids.

6. FRAUD AND CORRUPTION

Prospective service providers are to take note of implications of contravening the prevention and Combating of Corruption Activities Act. No. 12, of 2004 and any other act applicable.

7. REPORTING AND DELIVERABLES

- The service provider will submit monthly progress report as and when required for the duration of the project.
- The service provider must issue electronic final report and a final hard copy report with supporting documents, based on procedures performed and the actual findings

8. CONDITIONS

8.1 Non-Commitment

- SANBI reserves the right to withdraw or amend these terms of reference by notice in writing to all parties who have received the terms of reference prior to the closing date.
- The cost of preparing of proposals will not be reimbursed.
- The appointment on the panel does not guarantee allocation of work to the successful bidders.
- Service providers would ensure that their proposals are delivered timeously and to the correct address (reflected at the end of this RFP). If the Proposal is late, it will not be considered for evaluation.

8.2 Reasons for rejection

- SANBI reserves the right to reject proposals that are not according to specification/Terms of Reference. Bidders must clearly indicate compliance or non-compliance with specification/Terms of Reference.
- Service providers shall not contact the SANBI on any matter pertaining to their proposals from the time the bids are closed to the time the bid has been adjudicated. Any effort by a Bidder to influence the bid evaluation, bid comparisons or bid award decisions in any matter, may result in rejection of the bid concerned.
- SANBI shall reject a submission if the Bidder has committed a proven corrupt, fraudulent act or in any improper conduct in bidding for any other work.
- SANBI may disregard any submission if that Bidder, or any of its directors -
- have abused the Supply Chain Management (SCM) system of any Government Department/ institution.
- have committed proven fraud, corruption, or any other improper conduct in relation to such system.
- have failed to perform on any previous contract and the proof thereof exists; and/or
- is restricted from doing business with the public sector if such a bidder obtained preferences fraudulently or if such bidder failed to perform on a contract based on the specific goals.

8.3 Cancellation

SANBI may prior to the award of a bid, cancel a bid for the following reasons -

- due to changed circumstances, there is no longer a need for the services requested.
- funds are no longer available to cover the total envisaged expenditure.
- no acceptable bids are received.

SANBI may after award of the tender but before conclusion of a contract,

- cancel a bid for the following reasons-due to change of circumstances, there is no longer a need for the services requested.
- funds are no longer available to cover the total envisaged expenditure.

8.4 Receipt of Bids

- The bid shall be submitted in a sealed envelope with the name and address of the bidder, the bid number and title, the bid box number (where applicable), and the closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope.
- The onus shall be on the bidder to place the sealed envelope in the official marked locked bid box provided for this purpose, at the designated venue, not later than the closing date and time specified in the bid notice.

8.5 Contracting

- Bidders are advised that a valid contract will only come into existence between the SANBI and the successful bidders after conclusion of successful negotiations and signature of the contract by both parties' respective delegated persons.

9. COSTING

Rates as and when forensic investigation services are required:

Person and position	Hourly charge out rate

NB: The hourly rates as laid down by the Auditor-General must be used as a guideline and should not be exceeded.

10. DOCUMENTATION REQUIRED

- Submission of fully completed SBD1 (Invitation to Bid),
- Submission of an official quotation on the company letter head
- Submission of fully completed SBD 4 (Declaration of Interest),
- Submission of fully completed SBD 6.1 (Preference Claim Certificate), accompanied by the original or certified B-BBEE Status Level Verification Certificate or original B-BBEE Sworn Affidavit,
- Proof of registration with National Treasury Central Supplier Database (CSD).
- Letter of Good Standing (COIDA) – A valid letter of good standing certificate with COIDA is required. The certificate should be issued by the Department of Labour).
- Proof of registration with Law society of South Africa (LSSA)
- Proof of Public liability insurance

11. SUBMISSION

Closing date for submission of quotes: 11h00am on 19 September 2022

Proposals should be emailed to S.SCM-Quotations@sanbi.org.za with a copy to Ms. Ripfumelo Fumani r.fumani@sanbi.org.za

For queries, please contact Mr A Donda 012 843 5000 or at the following e-mail address: A.Donda@sanbi.org.za

Consent form in terms of section 11 of the Protection of Personal Information Act No 4 of 2013 (POPIA)

In order for the South African National Biodiversity Institute (SANBI) to consider the bidder's response to the RFQ / RFP to become a service provider of the SANBI, it will be necessary for the SANBI to process certain personal information which the service provider may share with SANBI for the purpose of the RFQ / RFP, including personal information, which may include special personal information (all hereafter referred to as "Personal Information")

The SANBI will process the Service Provider's Personal Information in accordance with the SANBI Privacy Policy.

Access to your Personal Information and purpose specification

Personal Information will be processed by SANBI for purposes of assessing the service provider's submission in relation to the RFQ / RFP i.e. the purposes of assessing current services required by the SANBI. We may also share the service provider's Personal Information with third parties, both within the Republic of South Africa and in other jurisdictions, including to carry out verification, background checks and Know Your Customer obligations in terms of the Financial Intelligence Centre Act, No. 38 of 2001 ("FICA"). In this regard, the service provider acknowledges that SANBI's authorised verification agent(s) and service providers will access Personal Information and conduct background screening.

Consent

By [ticking/clicking] "Yes" and signing below, you agree and voluntarily consent to the SANBI's processing of the service provider's Personal Information for the purposes of evaluating its RFQ / RFP submission, including to confirm and verify any information provided in the submission and service provider gives SANBI permission to do so. The service provider understands that it is free to withdraw its consent on written notice to SANBI and the service provider agrees that the Personal Information may be disclosed by the SANBI to third parties, including SANBI's affiliates, service providers and associates (some of which may be located outside of the Republic of South Africa). Please note that if you withdraw your consent at any stage, we may be unable to process your RFQ / RFP.

Yes ☐

No ☐

Supplier Name

Date

Signature

Authorised representative, who warrants that he/she is duly authorised.