SANBI
Biodiversity for Life
South African National Biodiversity Institute

**SBD1**

# PART A
# INVITATION TO BID

| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE) | | | | | |
|---|---|---|---|---|---|
| BID NUMBER: | **SANBI: Q10548/2024** | CLOSING DATE: | 13 June 2024 | CLOSING TIME: | **11:00** |
| DESCRIPTION | **THE SOUTH AFRICAN BIODIVERSITY INSTITUTE (SANBI) REQUIRES A PANEL OF SERVICE PROVIDERS TO PROVIDE SPECIALISED SERVICES ON LABOUR RELATED MATTERS FOR A PERIOD OF SIX (06) MONTHS** | | | | |

Submission of proposals: Proposals must be emailed to S.SCM-Quotations@sanbi.org.za with a copy to Ms. Hlatshwayo at K.hlatshwayo@sanbi.org.za

| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** | |
|---|---|---|---|
| CONTACT PERSON | Khanyisile Hlatshwayo | **CONTACT PERSON** | Nkhensani Mathye |
| TELEPHONE NUMBER | 012 843 5336 | TELEPHONE NUMBER | (012)843-5000 |
| FACSIMILE NUMBER | N/A | FACSIMILE NUMBER | N/A |
| E-MAIL ADDRESS | **K.Hlatshwayo@sanbi.org.za** | E-MAIL ADDRESS | N. Mathye@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]<br>☐ Yes ☐ No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | | [TICK APPLICABLE BOX]<br>☐ Yes ☐ No |

| | | | |
|---|---|---|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | ☐Yes ☐No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED**? | ☐Yes ☐No<br>[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: ……

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID**.

**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 enterprise whether they are bidding for this contract?

**YES/NO**

2.3.1 If so, furnish particulars:

……

……

1 the power, by one person or a group of persons holding most 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

## 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.

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

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

…… ……
Signature Date

…… ……
Position Name of bidder

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.

**SBD 6.1**

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

---

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state**

a) The applicable preference point system for this tender is the 80/20 preference point system.

b) The 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

(a) Price; and

(b) Specific Goals.

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

| | POINTS |
|---|---|
| **PRICE** | 80 |
| **SPECIFIC GOALS** | 20 |
| **Total points for Price and SPECIFIC GOALS** | **100** |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim regarding preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

**"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.

(a) **"price"** means an amount of money tendered for goods or services and includes all applicable taxes less all unconditional discounts.

*(b)* **"Rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

(c) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(d) **"The Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 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**

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right) \text{ or } \quad Ps = 90\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where?

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME-

**GENERATING PROCUREMENT**

3.2.1. **POINTS AWARDED FOR PRICE**

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

**80/20** **or** **90/10**

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \text{ or } \quad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where?

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

**4. POINTS AWARDED FOR SPECIFIC GOALS**

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender, the tenderer will be allocated points based on the goals stated in Table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

***(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.*)**

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|
| Categories of persons historically disadvantaged by unfair discrimination based on race.<br>100% black ownership<br>(Points will be allocated based on the percentage of ownership per goal. Information will be verified on CSD. CSD must be attached as proof) | 10 | |
| Categories of persons historically disadvantaged by unfair discrimination based on gender.<br>100 % female ownership<br>(Points will be allocated based on the percentage of ownership per goal. Information will be verified on CSD. CSD must be attached as proof) | 10 | |
| TOTAL | 20 | |

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm……..

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

- □ Partnership/Joint Venture / Consortium
- □ One-person business/sole propriety
- □ Close corporation
- □ Public Company

☐ Personal Liability Company
☐ (Pty) Limited
☐ Non-Profit Company
☐ State Owned Company
[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME**: .....

**DATE:** .....

**ADDRESS**: .....

.....

.....

# TERMS OF REFERENCE

**APPOINTMENT FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE SPECIALISED SERVICES ON LABOUR RELATED MATTERS AT THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI) FOR A PERIOD OF SIX (06) MONTHS.**

**QUOTATION NUMBER: Q10548/2024**

**TABLE OF CONTENTS**


1. INTRODUCTION ..... 13
2. INVITATION TO QUOTE ..... 13
3. NO BRIEFING SESSION ..... 13
4. SCOPE OF WORK ..... 13
5. REQUIREMENTS FOR PROPOSALS ..... 15
6. EVALUATION CRITERIA ..... 16
7. CONTRACT PERIOD ..... 19
8. FRAUD AND CORRUPTION ..... 20
9. GENERAL CONDITIONS AND SAFETY, HEALTH AND ENVIRONMENTAL (SHE) REQUIREMENTS ..... 20
10. GENERAL ..... 20
11. SUBMISSION ..... 21

## 1. INTRODUCTION

The South African National Biodiversity Institute (SANBI) contributes to South Africa's sustainable development by facilitating access to biodiversity data, generating information and knowledge, building capacity, providing policy advice and showcasing and conserving biodiversity in its National Botanical and Zoological Garden.

SANBI as an institution and an employer, has cutting edge innovative ideas which challenges legislative frameworks and may at times finds itself in litigious matters. As a result, SANBI seeks to appoint registered law firms with diverse specialities and experience to its panel to provide the legal support services in protection of SANBI's interest.

## 2. INVITATION TO QUOTE

Bidders are hereby invited to submit their bidding documentation to provide legal support services for a period of 6 (six) months to SANBI.

The quotation process will be co-ordinated by SANBI's Supply Chain Management (SCM) division, contactable at the following address:

**Supply Chain Management**
**Email:**

**The closing date and time is : 13 June 2024@11:00**

## 3. NO BRIEFING SESSION

There will be no briefing session.

## 4. SCOPE OF WORK

4.1 The successful bidder will be part of the panellist appointed to quote and compete as and when required to provide legal support services to SANBI, which entails, representing SANBI in all litigious matters; providing a legal opinion to SANBI on all relevant legislation; advising SANBI on governance related matters and providing general legal support in any of the disciplines listed below:

a) Provide the legal opinions and advice on any labour matters identified.
b) Provide the legal opinions on any labour related agreements.
c) Chair disciplinary hearings and preside on selected grievance matters.
d) Represent SANBI at CCMA and any accredited Bargaining Councils.
e) Represent SANBI at Labour Court and any court of law.
f) Training of staff and management on labour relation matters
g) Provide mediation on labour relation matters.
h) Review policies and procedures.
i) Conduct investigations.

4.2 In their submission bidders are required to provide their strategy in respect of the following:

4.2.1 **Litigation Matters** - demonstrate how they prepare a litigation strategy or what methodology they apply to assist SANBI reduce costs without compromising the quality of the work.

4.2.2 **Training** – demonstrate how they will prepare and provide training in any of the relevant disciplines.

4.2.3 **Reporting strategy** - demonstrate how they intend reporting to SANBI on matters allocated to them and the cost therein. In their bids they are required to clarify when and how they will report on the progress made on matters they are handling.

4.3 The bidders must:

4.3.1 Demonstrate their skills and experience by providing the bidder's profile as well as curriculum vitae of practitioners with relevant experience;
4.3.2 Provide proof of expertise in at least 4 disciplines listed in paragraph 4.1 (in a form of matters handled by the firm);
4.3.3 Provide certificate of good standing of practitioners with the Legal Practice Council;
4.3.4 Provide the fidelity fund cover for practitioners;
4.3.5 Be available on an urgent basis for any legal matter;
4.3.6 Be able to travel to all SANBI campuses referred below and/or have national footprint within the Republic of South Africa in order to effectively service SANBI at any of its SANBI campuses listed below:

| **Province** | **Centres** |
|---|---|
| Gauteng | Pretoria National Botanical Garden |
| | Pretoria National Zoological Garden |
| | Walter Sisulu National Botanical Garden |
| Limpopo | Thohoyandou National Botanical Garden |
| | Mokopane Biodiversity Conservation Centre |
| Mpumalanga | Lowveld National Botanical Garden |
| Eastern Cape (East London) | Kwelera National Botanical Garden |
| | East London Offices |
| Northern Cape | Hantam National Botanical Garden |
| Western Cape | Harold Porter National Botanical Garden |
| | Karoo Desert National Botanical Garden |
| | Kirstenbosch National Botanical Garden |
| KwaZulu Natal | KwaZulu Natal Herbarium |
| | Durban Offices |
| | KwaZulu Natal National Botanical Garden |
| Free State | Free State National Botanical Garden |

## 5. REQUIREMENTS FOR PROPOSALS

### 5.1 Mandatory documents required.

The following documents **must** be submitted with the proposal and failure to submit these documents **will** result in disqualification:

- SBD forms (1,4 and 6.1). The standard Bidding forms (included in the bid documentation) must be completed, signed and submitted with this proposal.
- A Copy of the Central Suppliers Database (CSD) registration report
- A letter of good standing from the office of the Compensation Commissioner as required by the Compensation for Occupational Injuries and Diseases Act (COIDA), The letter should be issued by the Department of Labour.
- Pricing details (see table 6.1 below)
- Proof of registration with the Legal Practice Council (LPC).
- A certificate of good standing with the LPC for all legal practitioners;
- The Fidelity Fund Certificate for all legal practitioners;
- Certificate of admission for legal practitioner;

### 5.2 Other documents for submission

Bidders must submit a concise written proposal that addresses the scope of the work. Failure to submit these documents **will not** result in disqualification, however, the information contained in them is required for evaluation purposes. The proposal must include:

- Company profile: mission statement with an indication of its relevant experience.
- 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)
- Reference letters of current or recent clients for which similar work has been done in the last five years. A summary of the scope of the work for each client must be provided.
- Details of legal practitioners that would be directly providing legal support services to SANBI highlighting relevant qualification, experience and expertise in areas listed in paragraph 4.1 above. An up-to-date CV(s) must be included.
- At least list of three (3) cases that each legal practitioner has dealt with, and details of the court or tribunal where the matter was heard.
- Examples of five (5) legal opinions drafted by each legal practitioner (without compromising privilege status) on an administrative, regulatory, procedural or constitutional matter.
- Capacity to provide logistical and administrative support as proven by the number of partners, directors, associates, and professional assistants.

## 6. EVALUATION CRITERIA

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 for functionality according to the criteria listed in the table below.

**Evaluation process**

**This bid will be evaluated in two stages: Stage 1 – Functionality, Stage 2 – Price and Specific goals.**

The first stage will evaluate functionality, and the minimum threshold will be 80 points, in accordance with the Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act (No. 5 of 2000)

Evaluation of proposals will be done according to the following criteria (so sufficient information should be provided):

Stage 1 – Functionality:

<table>
<tr><th>FUNCTIONALITY CRITERIA</th><th>POINTS</th></tr>
<tr><td>Company information and profile:<br><br>a) Brief overview of the firm with an indication of its relevant experience to the scope of work:<br><br>
<table>
<tr><th>Sub-criteria</th><th>Points</th></tr>
<tr><td>More than nine (9) years’ relevant experience</td><td>10</td></tr>
<tr><td>Between six (6) to nine (9) years’ relevant experience</td><td>8</td></tr>
<tr><td>Between three (3) to six (6) years’ relevant experience</td><td>6</td></tr>
<tr><td>One (1) to three (3) years’ relevant experience</td><td>3</td></tr>
<tr><td>Less than one (1) year relevant experience</td><td>1</td></tr>
<tr><td>No submission</td><td>0</td></tr>
</table>
</td><td>10</td></tr>
<tr><td>Past experience:<br><br>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):<br><br>
<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>
</td><td>20</td></tr>
</table>

b) Supply 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):

| **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** |
| No submission | **0** |

**In addition, provide the following supporting documents pertaining to the list and reference letters (Official Purchase Orders, or Appointment Letters with contact details and value of contracts)**

**Qualifications and experience of legal practitioners of who will be providing legal support services:** **60**

a) Level of expertise and qualifications of personnel that will be directly providing legal support services to SANBI. Each curriculum vitae submitted should be structured as follows:

- Brief description of individual's experience that will be directly providing legal support services: **30**

| **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 |
| No submission | 0 |

- Experience in labour law matters:

| **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 |

<table>
<tr>
<td>
<table>
<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>
<tr><td>No submission</td><td>0</td></tr>
</table>
<ul><li>Qualifications of personnel that will be directly providing legal support services to SANBI. (4)</li></ul>
b) Examples of five (5) legal opinions drafted by a legal practitioner(s) on administrative, regulatory, procedural or constitutional matter.
<table>
<tr><th>Sub-criteria</th><th>Points</th></tr>
<tr><td>Five (5) legal opinions</td><td>10</td></tr>
<tr><td>Four (4) legal opinions</td><td>7</td></tr>
<tr><td>Three (3) legal opinions</td><td>5</td></tr>
<tr><td>Two (2) legal opinions</td><td>3</td></tr>
<tr><td>One (1) legal opinions</td><td>1</td></tr>
<tr><td>No submission</td><td>0</td></tr>
</table>
c) A list of three (3) cases that each of legal practitioners has dealt with, and details of the Labour court or CCMA where it was heard.
<table>
<tr><th>Sub-criteria</th><th>Points</th></tr>
<tr><td>Three (3) cases</td><td>6</td></tr>
<tr><td>Two (2) cases</td><td>4</td></tr>
<tr><td>One (1) case</td><td>2</td></tr>
<tr><td>No submission</td><td>0</td></tr>
</table>
</td>
<td>30</td>
</tr>
<tr>
<td>Capability of the Company:<br><br>a) Capacity to provide legal and administrative support as proven by the number of partners, directors, associates, and professional assistants.</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100</td>
</tr>
</table>

**Bids that fail to score a minimum of 80 out of a possible 100 points will not be eligible for appointment to the professional panel.**

Sufficient information must be provided to allow the Bid Evaluation Committee to score bids against all these criteria.

The **second stage** will be evaluated on price and specific goals of those bids **appointed to the labour relations panel**. Request for quotation will be requested to all appointed bidders in the panel and will be evaluated on Price and Specific Goals. The 80/20-point system will

be applied in evaluating proposals, where price constitutes 80 points and a maximum of 20 points will be awarded based on the bidder's specific goals:

| Specific Goal | Total Points |
|---|---|
| Categories of persons historically disadvantaged by unfair discrimination on the basis of **race**. CSD report must be attached for proof. | **10** |
| Categories of persons historically disadvantaged by unfair discrimination on the basis of **gender**. CSD report must be attached for proof. | **10** |
| **Total** | **20** |

**6.1 Rates: Service Providers are required to populate the rates below.**

**Rates as and when legal advisory and support services are required:**

| Person and position | Hourly charge out rate |
|---|---|
| **Partner** | |
| **Director** | |
| **Associate Director** | |
| | |
| **Professional Assistance** | |
| **Candidate Attorney** | |

**Rates for internal labour law related matters**

| Categories | Hourly charge out rate |
|---|---|
| **Investigations** | |
| **Chairing the disciplinary hearing & report** | |

**Rates for training**

| Categories | Hourly charge out rate |
|---|---|
| **Preparation** | |
| **Presentation** | |

## 7. AWARD

Service providers who meet the functionality threshold of 80 points will be appointed to be on the Labour Relations Panel. Service providers on the panel will be requested to quote when a matter arises and will be evaluated on price and specific goals.

## 8. CONTRACT PERIOD

The panel contract is for 6 (SIX) months.

## 9. FRAUD AND CORRUPTION

- 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.
- The SANBI shall reject a submission if the bidder has committed a proven corrupt or fraudulent act, or any other improper conduct in bidding for any other work.
- The 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.

## 10. GENERAL CONDITIONS AND SAFETY, HEALTH AND ENVIRONMENTAL (SHE) REQUIREMENTS

All preferred bidders shall be required to inter *alia* sign a contract with SANBI, comply with the following requirements, if applicable:

- The Compensation for Occupational Injuries & Diseases Act (Act 130 of 1996): The professional firms will be required to submit a letter of good standing from the office of the Compensation Commissioner as required by the Compensation for Occupational Injuries and Diseases, if applicable. The letter should be issued by the Department of Labour.
- National Environmental Management Act (Act No. 107 of 1998).
- The South African National Biodiversity Institute Health and Safety specification and relevant policies.
- Maintain a good tax clearance status with the South African Revenue Services (SARS).
- Maintain registration with the LPC.
- Maintain a certificate of good standing with the LPC.
- Maintain fidelity insurance.

## 11. GENERAL

- All documents submitted in the response to this Request for quote (RFQ) must be written in English.
- Bidders should not assume that information and/or documents previously supplied to SANBI, at any time prior to this RFQ, will be considered, and they should not make reference to such information and/or documentation in their response to the RFQ.
- The appointment of a preferred bidder is not a guarantee. The preferred bidder will be required to sign a Professional Service Agreement with mutually acceptable contractual Terms and Conditions and Service Levels.

- The Professional Service Agreement will be drawn up between SANBI and the professional firms.
- Invoices must indicate the deliverables produced.
- No upfront payments will be made. SANBI will pay for the satisfactory completion of work within 30 days of submission of invoices.
- Invoices must be addressed to the Director: Employee Relations Wellness, Health, and Safety
- Any or all information made available to bidders by SANBI will be regarded as confidential and will not be made available to third parties without the prior written consent of SANBI as prescribed by the Protection of Person Information Act 4 of 2013.
- The quotation process will be coordinated by SANBI's Supply Chain Management (SCM) Unit.

SANBI reserves the right:

- To verify any information supplied in the quotation submission;
- To not appoint any law firm(s);
- To cancel or withdraw this quotation at any time without attracting any penalties or liabilities;
- To have the final say in the appointment of the law firm(s) and that this will be binding;
- To disqualify a quotation or cancel any subsequent contracts should it be found that:
    - ✓ Information was omitted that should have been disclosed,
    - ✓ Factually inaccurate information was provided and/or,
    - ✓ That a misrepresentation of facts has occurred.

SANBI shall not under any circumstances be held liable for any cost that has been incurred by the law firms in the preparation of the proposal, the obtaining of certificates or any other cost that might be incurred in submitting the proposal.

**12. SUBMISSION**

**Closing date for submission of proposals: 13 June 2024 @ 11:00**

**Submission of proposals:** proposals must be emailed to S.SCM-Quotations@sanbi.org.za and copy: Ms. Khanyisile Hlatshwayo @K. Hlatshwayo@ sanbi.org.za.

Requests for further information on this ToR must be directed to Ms Nkhensane Mathye at N.Mathye@sanbi.org.za. Emailed applications must not be more than 5MB in size.