



**T38/11/20**

**APPOINTMENT OF A PANEL OF LEGAL  
SERVICE PROVIDERS FOR THE IDC**

**BID CLOSING DATE:  
8 DECEMBER 2020 AT 11:00 AM**

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**SECTION 1: GENERAL CONDITIONS OF BID**

## 1. Proprietary Information

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

## 2. Enquiries

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

Name: Mr Louise Stander  
Telephone Number: Office: +27 11 269 3942  
Email address: [louises@idc.co.za](mailto:louises@idc.co.za)

- 2.2 Enquiries in relation to this RFP will not be entertained after **16h00 on 2 December 2020**.
- 2.3 The enquiries will be consolidated and IDC will issue one response and such response will be posted, within two 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.
- 2.4 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.

## 3. 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.

## 4. Instructions on submission of Bids

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- 4.1 Bid responses must be submitted in electronic format only and must be e-mailed to the dedicated e-mail address as provided herein.
- 4.2 Bid responses should be in generally acceptable / standard electronic file format/s (i.e. Microsoft suite of products or pdf) to enable access thereto by the IDC for purposes of evaluating responses received. Where documents are presented in a format which cannot be accessed by the IDC through generally acceptable formats, such bid response will be disqualified.
- 4.3 The closing date for the submission of bids is **8 December 2020** not later than **11:00 AM (before midday)**. No late bids will be considered. Bids must **only** be sent to [tenders@idc.co.za](mailto:tenders@idc.co.za). Bids sent to any other email address other than the one specified herein will be disqualified and will not be considered for evaluation. It is the bidder's responsibility to ensure that the bid is sent to the correct email address and that this is **received** by the IDC before the closing date and time in IDC's dedicated tender e-mail inbox / address ([tenders@idc.co.za](mailto:tenders@idc.co.za)).
- 4.4 Bidders are advised to submit / send its bid responses at least 30 minutes before the 11:00 AM deadline to avoid any Information Technology (IT) network congestions or

technical challenges in this regard which may result in bid responses being received late. IDC's e-mail servers are configured to receive e-mails with sizes up to 50MB.

- 4.5** The IDC will not be held responsible for any of the following:
- 4.5.1 bid responses sent to the incorrect email address;
  - 4.5.2 bid responses being inaccessible due to non-standard electronic file formats being utilised to submit responses by bidders;
  - 4.5.3 any security breaches and unlawful interception of tender / bid responses by third parties outside the IDC's IT network domain;
  - 4.5.4 bid responses received late due to any IT network related congestions and/or technical challenges; and
  - 4.5.5 bid responses with file size limits greater than IDC's e-mail receipt capacity of 50MB.
- 4.6** Only responses received via the specified email address will be considered.
- 4.7** Where a complete (Inclusive of all Schedules) bid response is **not received** by the IDC in its electronic email tender box ([tenders@idc.co.za](mailto:tenders@idc.co.za)) by the closing date and time, such a bid response will be regarded as incomplete and late. Such late and / or incomplete bid will be disqualified. **It is the IDC's policy not to consider late bids for tender evaluation.**
- 4.8** Amended bids may be sent to the electronic tender box ([tenders@idc.co.za](mailto:tenders@idc.co.za)) **marked** "Amendment to bid" and should be received by the IDC **before** the closing date and time of the bid.

## **5. Preparation of Bid Response**

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- 5.1** All the documentation submitted in response to this RFP must be in English.
- 5.2** The bidder is responsible for all the costs that it shall incur related to the preparation and submission of the bid document.
- 5.3** 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.
- 5.4** The bidder should check the numbers of the pages of its bid to satisfy itself that none are missing or duplicated. No liability will be accepted by IDC in regard to anything arising from the fact that pages of a bid are missing or duplicated.
- 5.5** Bidder's tax affairs with SARS must be in order (tax compliant status) and bidders must provide written confirmation to this effect as part of their tender response.

## **6. Supplier Performance Management**

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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.

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 supplier performance and ensure effective delivery of service, quality and value-add to IDC's business.

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.

## **7. Enterprise and Supplier Development**

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The IDC promotes enterprise development. In this regard, successful bidders may be required to mentor SMMEs and/ or Youth-Owned businesses. The implications of such arrangement will be subject to negotiations between the IDC and the successful bidder.

## 8. IDC's Rights

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- 8.1 The IDC is entitled to amend any bid condition, bid validity period, RFP specification, 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 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 priced bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is functionally acceptable and/or financially advantageous to the IDC.
- 8.3 The IDC reserves the right to award this bid as a whole or in part.
- 8.4 The IDC reserves the right to conduct site visits at bidder's corporate offices and / or at client sites if so required.
- 8.5 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.
- 8.6 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, including FICA verification, on the bidding entity and any of its directors / trustees / shareholders / members.
- 8.7 The IDC reserves the right, at its sole discretion, to appoint any number of vendors to be part of this panel of service providers.
- 8.8 The IDC reserves the right of final decision on the interpretation of its tender requirements and responses thereto.

## 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 IDC require such and the bidder will be required to make such presentation within five (5) days from the date the bidder is notified of the presentation. 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 him/her and receptive for acceptance by the IDC during the bid validity period indicated in this RFP and its acceptance shall be subject to the terms and conditions contained in this RFP document read with the bid.
- 9.4 The bidder furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all his/her obligations under a resulting contract for the services

contemplated in this RFP; and that he/she accepts that any mistakes regarding price(s) and calculations will be at his/her risk.

- 9.5** The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under the supply agreement and SLA to be concluded with IDC, as the principal(s) liable for the due fulfilment of such contract.
- 9.6** The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with its bid will become IDC property unless otherwise stated by the bidder/s at the time of submission.

## **10. Reasons for disqualification**

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- 10.1** The IDC reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder will be notified in writing of such disqualification:
- 10.1.1 it is the responsibility of the bidder to ensure that they are registered on the National Treasury Central Supplier database with a compliant Tax status /
  - 10.1.2 failure to provide the IDC with its SARS issued Tax Verification PIN code giving access to the IDC to electronically verify tax compliance;
  - 10.1.3 bidders who submit incomplete information and documentation according to the requirements of this RFP document;
  - 10.1.4 bidders who submit information that is fraudulent, factually untrue or inaccurate information;
  - 10.1.5 bidders who receive information not available to other potential bidders through fraudulent means;
  - 10.1.6 bidders who do not comply with any of the **mandatory requirements** as stipulated in the RFP document;
  - 10.1.7 bidders who fail to comply with FICA requirements

## **11. Local Production and Content**

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The IDC promotes Local Production and Content. In the case of designated sectors, only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered. IDC reserves the right at its sole discretion to set minimum thresholds for sectors which may not have been declared as designated sectors by the dti in an effort to stimulate local production and content where relevant.

Bidders are required to assess their product and /or service offering against the designated sector lists as published by the Department of Trade and Industry (the **dti**) and to ensure full compliance to the minimum local content threshold, if relevant, before submitting its response to this tender. The **dti's** latest list of designated sectors can be accessed on: [http://www.dti.gov.za/industrial\\_development/ip.jsp](http://www.dti.gov.za/industrial_development/ip.jsp).



## 12. South African based law Firms

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The IDC promotes Local Production and Content; and for the purpose of this tender, the IDC reserves the right to use its sole discretion in considering South African based law firms for appointment under this tender.

## 13. Returnable Schedules

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

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

### 13.2 Schedule 1:

12.2.1 Executive Summary (explaining how you understand the requirements of this RFP and the summary of your proposed solution)

12.2.2 Annexure 1 of this RFP document (duly completed and signed)

### 13.3 Schedule 2

12.3.1 Valid Tax Clearance Certificate(s) (TCC) and / or proof of application as endorsed by SARS and / or SARS issued tax verification pin code;

12.3.2 Originally certified copies of bidder's CIPC company registration documents listing all members with percentages, in case of a CC.

12.3.3 Copy of Board Resolution, duly certified;

12.3.4 Originally certified copy of ID document for the Company Representative (directors/partners)

12.3.5 Annexure 2 of this RFP document (duly completed and signed);

12.3.6 Annexure 3 of this RFP document (duly completed and signed);

12.3.7 Annexure 4 of this RFP document (duly completed and signed);

12.3.8 Annexure 5 of this RFP document (duly completed and signed);

12.3.9 Annexure 6 of this RFP document (duly completed and signed);

12.3.10 Response to Annexure 8: BEE Commitment Plan

12.3.11 Bidders must submit a B-BBEE verification certificate indicating the contribution level of the bidding entity. For Exempted Micro Enterprises (EME) with an annual revenue of less than R10 million and Qualifying Small Enterprises (QSE) with an annual revenue of between R10 million and R50 million per annum, a sworn affidavit confirming the annual total revenue and level of black ownership may be submitted. Any misrepresentation in terms of the declaration 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 must be submitted for each Consortium/ JV member or Prime Contractor and Subcontractor(s).**

12.3.12 Annexure 9 of this RFP document (duly completed and signed);

12.3.13 Statement of Financial Position of the Bidder: Latest Audited Financial Statements (where applicable in terms of the Company's Act) and/or independently reviewed

financial statements and/or Cash flow Budget for new entities with no financial records.

12.3.14 Copy of Joint Venture/ Consortium/ Subcontracting Agreement duly signed by all parties (if applicable)

**13.4 Schedule 3:**

12.4.1 Response to Section 3 of this document, in line with the format indicated in this RFP document.

12.4.2 Annexure 7 of this RFP document, duly completed and signed

**13.5 Schedule 4:** Price Schedule (response to Section 4 of this RFP document) (*Must be submitted as a separate file/document marked Schedule 4: Price Schedule*)

**14. Evaluation Criteria and Weightings**

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Bids shall be evaluated in terms of the following process:

**14.1 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 and also the Specific Conditions of Bid, which requirements include the following:

- Submission of a valid Tax Clearance Certificate as referenced in 12.3.1 above
- Submission of Company Registration Forms as referenced 12.3.2 above
- Submission of ID copy for the Company Representative as referenced in 12.3.4 above
- BEE Status Certification as referenced in 12.3.12 above and the consideration of the Specific Bid Conditions as referenced in Section 2
- Completion of all Standard Bidding Documents and other requirements, as reflected in this RFP, which covers the following:
  - Section 3: Statement of compliance with the Functional Evaluation Criteria for this RFP
  - Section 4: Cost Proposal and Price Declaration Form
  - Annexure 1: Acceptance of Bid Conditions
  - Annexure 2: Tax Compliance Requirements
  - Annexure 3: Supply Chain Management Questionnaire
  - Annexure 4: Declaration of Interest
  - Annexure 5: Certificate of Independent Bid Determination
  - Annexure 6: Shareholders' Information/ Group Structure
  - Annexure 7: Bidders Experience & Project Team
  - Annexure 8: BEE Commitment Plan
  - Annexure 9: Disclosure Statement

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

## 14.2 Phase 2: Technical/ Functionality Evaluation

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

### 14.2.1 Mandatory Functional/ Technical Requirements

All bid responses that do not meet the Mandatory Functional Requirements will be disqualified, and will not be considered for further evaluation on the Other Functional Requirements. The Mandatory Functional Requirements are stated in section 2 of this RFP document.

Failure to comply with the Mandatory Functional Requirements assessed in phase 2 may lead to disqualification of bids.

### 14.2.2 Other Functional/ Technical Requirements

With regards to the other Functional Requirements, the following criteria (set out in more detail in section 2 of this RFP document) and the associated weightings will be applicable:

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

#### 14.2.2.1 Criteria for Small and Medium Sized Firms

ELEMENT	WEIGHT
Demonstrable Relevant Experience of the Bidder/ Bidder's team (The Bidder must have existed for at least 5-10 (five to ten) years or directors/partners of the firm must have at least 5-10 (five to ten) years post admission experience.	60
Bidder's policy on management of conflict of interest.	10
References Letters from 3 (three) clients of the Bidder, confirming the nature of services (referred to in 3.2 below) rendered by the Bidder.	30
<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.**

**14.2.2.2 Criteria for Large Firms**

<b>ELEMENT</b>	<b>WEIGHT</b>
Demonstrable Relevant Experience of the Bidder (The Bidder must have existed for at least 15 (fifteen) years or Partners/Directors of the firm must have at least 15 (fifteen) years post admission experience)	20
References Letters from 3 (three) clients of the Bidder, confirming the nature of services (referred to in 3.2 below) rendered by the Bidder.	30
Experience of the bidder’s proposed team of lawyers	10
Bidder’s policy on management of conflict of interest	20
Skills Transfer Plan	20
<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.**

**14.3 Phase 3: 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	10

**15. Promotion of Emerging Black owned Service Providers**

It is the IDC’s transformation objective to promote participation of Black law firms and Black law professionals through its panel of legal firms.

**SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATION**

## **SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATION**

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### **1. Special instructions to bidders**

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- 1.1 Should a bidder have reason to believe that the Functional Requirements are not open/fair and/or are written for a particular service provider; the bidder must notify IDC Procurement within five (5) days after publication of the RFP.
- 1.2 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.
- 1.3 Failure to comply with Mandatory Requirements may lead to the bidder being disqualified.

### **2. Background Information**

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The IDC is a self-financing, national Development Finance Institution (DFI). It was established in 1940 to promote economic growth and industrial development in South Africa.

The IDC invites bidders for the provision of legal services on behalf of the Legal Services (“LSD”) and Recoveries, Business Rescue & Insolvencies (“RBI”) Departments. The purpose of this RFP is to appoint a panel of Legal firms who shall be engaged on a need basis to provide legal advisory services to the IDC.

### **3. Scope of work/Terms of reference**

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- 3.1 The Legal Services and RBI Departments are responsible for providing objective, value adding and innovative legal advisory services and solutions to the IDC. The Departments ensure that the organisation’s legal risks are managed adequately and reduces the IDC’s exposure to litigation. To this end, the IDC seeks to establish a panel of external attorneys from whom assistance shall be sought on a need basis. Therefore, the IDC requests proposals from capable legal firms or practitioners of good standing within the legal fraternity.
- 3.2 The required legal advisory services have been categorised into 14 (fourteen) categories as reflected below. The bidder must indicate, in the table below, with a **tick (✓)** the category the bidder is bidding for:

<b>SERVICE CATEGORIES</b>		<b>PLEASE TICK (✓)</b>
1	Foreclosure and insolvency law	
2	Debt Collection	
3	Structured Finance	
4	Project Finance	
5	Corporate Finance	
6	Corporate Law	

SERVICE CATEGORIES		PLEASE TICK (✓)
7	Conveyancing	
8	Intellectual Property Law	
9	Competition Law	
10	Administrative Law & Public Law (including expertise in PFMA, Public Procurement, and other applicable legislation impacting IDC/SOEs)	
11	Environmental Law	
12	Tax Law	
13	Litigation relating to categories 1 to 12 above	
14	Labour Law	

**Note: The bidder must ensure that they provide the required response/ information to the evaluation criteria for each service category the bidder is bidding for.**

- 3.3 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	Firm with an annual turnover of not more than R10 million	
Category 2: Medium Firms	Firm with an annual turnover greater than R10 million but below R50 million	
Category 3: Large Firms	Firm with an annual turnover greater than R50 million	

**Note: The bidder must submit their latest Financial Statements as proof of their annual turnover as 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.**

**It is for this purpose that the IDC will be using different evaluation criteria for the small and medium sized law firms as depicted in Section 2 (A) of this document and a different set of evaluation criteria applicable to large law firms as depicted in Section 2(B) of this document.**

**Note: Bidders bidding for Labour Law, must in addition to the relevant requirements of this tender also provide a detailed response to the Labour requirements of the IDC as depicted in Section 2 (C) irrespective of whether they are a small, medium or large firm.**

#### 4. Project timelines

The appointed service provider(s) will be required to start immediately after signing the contract and provide the services for a period of five (5) years subject to annual review of service provider's performance.

**SECTION 2 (A) TECHNICAL REQUIREMENTS APPLICABLE TO SMALL AND MEDIUM SIZED LAW FIRMS**

**5. Technical evaluation criteria (Small and Medium Firms)**

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**5.1. Mandatory Technical Requirements**

The service provider must indicate their compliance/ non-compliance to the following requirements and to substantiate as required. The bidder must respond in the format below, where additional information is provided/ attached somewhere else; such information must be clearly referenced.

<b>5.1.1 REGISTRATION WITH LAW SOCIETY</b>	<b>Comply</b>	<b>Not Comply</b>
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.		
<b>Substantiate / Comments</b>		

<b>5.1.2 FIDELITY FUND INSURANCE</b>	<b>Comply</b>	<b>Not Comply</b>
The Firm of Attorneys 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 be provided.		
<b>Substantiate / Comments</b>		

<b>5.1.3 CONVEYANCING CERTIFICATE</b>	<b>Comply</b>	<b>Not Comply</b>
For firms applying for the category of conveyancing a certificate of admission as a conveyancer of the individual conveyancer employed on a full time basis by the law firm must be provided.		
<b>Substantiate / Comments</b>		



**5.2 Other Technical Requirements (Small and Medium Sized Firms)**

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 that the bidder is bidding for.

5.2.1 BIDDER'S / TEAM'S EXPERIENCE	Comply	Partially Comply	Not Comply
<p>The bidder or lawyers in its current employ must have at least 5 years demonstrable experience in the service categories that the bidder is bidding for.</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 commercial legal services.</li> </ul> <p>Bidders tendering for labour law must in addition to this criterion, also submit the requirements of Section 2(C) of this tender for assessment purposes.</p>			
<p><b>Substantiate / Comments</b></p>			

5.2.2 MANAGING CONFLICT OF INTEREST	Comply	Partially Comply	Not Comply
<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>			
<p><b>Substantiate / Comments</b></p>			

5.2.3 RECOMMENDATION/ REFERENCE LETTERS	Comply	Partially Comply	Not Comply
<p>The bidder must provide 3 reference/ recommendation letter(s) from a client(s), not older than 6 months from the date of submission, where the bidder recently provided each service category the bidder is bidding for.</p> <p>The bidder must also furnish the IDC with relevant contact details of its key clients for reference check purposes.</p>			
<p><b>Substantiate / Comments</b></p>			

**SECTION 2 (B) TECHNICAL REQUIREMENTS APPLICABLE TO LARGE  
SIZED LAW FIRMS**

**6. Technical evaluation criteria (Large Sized Firms)**

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**6.1. Mandatory Technical Requirements**

The service provider must indicate their compliance/ non-compliance to the following requirements and to substantiate as required. The bidder must respond in the format below, where additional information is provided/ attached somewhere else; such information must be clearly referenced.

<b>6.1.1 REGISTRATION WITH LAW SOCIETY</b>	<b>Comply</b>	<b>Not Comply</b>
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.		
<b>Substantiate / Comments</b>		

<b>6.1.2 FIDELITY FUND INSURANCE</b>	<b>Comply</b>	<b>Not Comply</b>
The Firm of Attorneys 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 be provided.		
<b>Substantiate / Comments</b>		

<b>6.1.3 CONVEYANCING CERTIFICATE</b>	<b>Comply</b>	<b>Not Comply</b>
For firms applying for the category of conveyancing a certificate of admission as a conveyancer of the individual conveyancer employed on a full time basis by the law firm must be provided.		
<b>Substantiate / Comments</b>		

<b>6.1.4 WILLINGNESS TO ACCEPT JOINT ENGAGEMENT FOR INDIVIDUAL ASSIGNMENTS WITH SMALL BLACK LAW FIRMS</b>	<b>Comply</b>	<b>Not Comply</b>
The IDC intends promoting the transformation of the legal field through inclusive development of small Black owned law firms. Successful Bidders may be required from time to time to enter into twinning arrangements with small Black owned law firms. Bidders are required to confirm their acceptance of this condition.		
<b>Substantiate / Comments</b>		

**6.2 Other Technical Requirements (Large Sized Firms)**

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 that the bidder is bidding for.

<b>6.2.1 BIDDER'S EXPERIENCE</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The bidder or the partners / directors of the firm must have demonstrable experience in the service categories that they are offering.</p> <p>The bidder must provide details of recent transactions/ matters they have 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.</p> <p>Bidders tendering for labour law must in addition to this criterion, also submit the requirements of Section 2(C) of this tender for assessment purposes.</p>			
<b>Substantiate / Comments</b>			

<b>6.2.2 RECOMMENDATION/ REFERENCE LETTERS</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The bidder must provide 3 reference/ recommendation letter(s) from a client(s), not older than 6 months from the date of submission, where the bidder recently provided for each service category the bidder is bidding for.</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>6.2.3 QUALIFICATIONS AND EXPERIENCE OF THE LAW</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The bidder must have in its current employ lawyers that have at least 5 years post admission experience in the service categories the bidder is bidding for.</p> <p>The bidders must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> <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 and years of experience/ competence relevant to commercial legal services.</li> </ul>			
<b>Substantiate / Comments</b>			

<b>6.2.4 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>6.2.5 SKILLS TRANSFER PLAN TO NEWLY QUALIFIED LEGAL PROFESSIONALS FROM PREVIOUSLY DISADVANTAGED GROUPS IN SOCIETY</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The IDC intends promoting the transformation of the legal field through inclusive development of newly qualified legal professionals. Bidders are required to indicate their commitment to assist the IDC through this tender / contract by indicating its plans to support this objective of the IDC. Please indicate your detailed commitment plan in this regard.</p>			
<p><b>Substantiate / Comments</b></p>			

**SECTION 2 (C) LABOUR LAW REQUIREMENTS (APPLICABLE TO ALL FIRMS WHO TENDER FOR THE LABOUR LAW CATEGORY)**

**In addition to the Technical Requirements applicable to small, medium and large firms as referenced in Sections 2 A and B, bidders tendering for the Labour law category should also respond to the requirements listed 9.1 hereunder.**

**7. Labour Law requirements for All Firms**

<b>7.1 LABOUR LAW</b> The bidder must demonstrate relevant experience of at least 5 years post admission in providing legal advisory services in labour relations matters which may include the following:	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<b>1. Provision of general labour related advice, legal opinions or related services including but not limited to:</b> <ul style="list-style-type: none"> <li>• Changing labour law employment legislation and its potential impact (e.g. BCEA, LRA and Employment Equity Act etc.)</li> <li>• Represent the employer at arbitrations, mediations, the Labour Courts and other administrative hearings;</li> <li>• Handling grievance and, disciplinary and arbitration hearings;</li> <li>• Workplace discipline and counselling</li> <li>• Preside over disciplinary and grievance hearings and also act as initiators/prosecutors at hearings;</li> <li>• Dealing with Dismissals for Misconduct, Incapacity and Operational requirements matters under Section 189.</li> </ul>			
<b>2. Drafting of relevant labour related documentation including but not limited to:</b> <ul style="list-style-type: none"> <li>• employment contracts, disciplinary codes, grievance procedures and collective agreements;</li> </ul>			
<b>3. Provision of specific labour related advice, legal opinions or related services as it relates to collective bargaining, union related matters, where applicable</b>			
<b>4. Provision of Labour Relations training as and when required</b>			
<b>5. Litigation relating to Labour Law matters</b>			
The bidder must provide details of recent matters handled by the bidder as it relates to the above categories 1-5. Please refer to <b>Table (a) of Annexure 7</b> of this document for the format in which the required information must be provided.			
<b>Substantiate / Comments</b>			

## **SECTION 3: ANNEXURES**



## Annexure 1: Acceptance of Bid Conditions and Bidder's Details

---

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.]**

### CENTRAL SUPPLIER DATABASE (CSD) INFORMATION

<b>Bidders are required to be registered on the Central Supplier Database (CSD) of National Treasury. Failure to submit the requested information may lead to disqualification. Bidders are therefore required to submit as part of this proposal both their CSD supplier number and CSD unique registration reference numbers below:</b>	
<b>Supplier Number</b>	
<b>Unique registration reference number</b>	

### BIDDING STRUCTURE

<b>Indicate the type of Bidding Structure by marking with an 'X':</b>	
<b>Individual Bidder</b>	
<b>Joint Venture/ Consortium</b>	
<b>Prime Contractor with Sub Contractors</b>	
<b>Other</b>	

### REQUIRED INFORMATION

<b>If Individual Bidder:</b>	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	

<b>If Individual Bidder:</b>	
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>	
<b>Category 3: Large Firm</b>	

## Service Category

Indicate the service category your is bidding for by marking with an 'X':		
1	Foreclosure and insolvency law	
2	Debt Collection	
3	Structured Finance	
4	Project Finance	
5	Corporate Finance	
6	Corporate Law	
7	Conveyancing	
8	Intellectual Property Law	
9	Competition Law	
10	Administrative Law & Public Law (including expertise in PFMA, Public Procurement, and other applicable legislation impacting IDC/SOEs)	
11	Environmental Law	
12	Tax Law	
13	Litigation relating to categories 1 to 12 above	
14	Labour Law	

## Annexure 2: Tax Compliance Requirements

1. TAX COMPLIANCE REQUIREMENTS		
1.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
1.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	
1.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.	
1.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.	
1.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.	
1.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS		
2.1	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.2	DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.3	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2.4	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p><b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 ABOVE.</b></p>		
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:	

## Annexure 3: Supply chain management practices questionnaire

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

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

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

[Note to the Respondent: The Respondent must complete the information set out below. If the Respondent 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

---

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 presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed:  
.....

Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

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

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:  
.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with 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 / Peral 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

**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;

---

<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.

- (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.
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

## Annexure 6: Shareholders and Directors Information

[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 Section 2 par 5.2.1 & 6.2.3):

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

## **Annexure 8: BEE Commitment Plan**

---

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: Disclosure Statement**

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### **Disclosure Statement**

**In terms of the tender condition 8.6, which allows the IDC to conduct background checks on bidders and its shareholders and directors, the IDC hereby requires bidders to provide the following additional information:**

- 9.1 The IDC considers the integrity of its appointed service providers to be of critical importance. The IDC reserves the right to disqualify from further consideration, any bidder whose integrity, based on past conduct (during the 5 years immediately preceding the bid submission date), it considers questionable.
- 9.2 To this end, the IDC requires each bidder to include in its bid, a disclosure statement which details the following (with sufficient information and supporting documentation for the IDC to make its own assessment as to the materiality or seriousness of allegations regarding the bidder's integrity or conduct):
  - 9.2.1 any criminal charges made against the bidder or any of its directors, shareholders or management officials regarding their professional conduct;
  - 9.2.2 any civil proceedings initiated against the bidder or any of its directors, shareholders or management officials regarding their professional conduct; and
  - 9.2.3 any other enquiry or similar proceedings initiated or threatened against the bidder or any of its directors, shareholders or management officials regarding their professional conduct.
- 9.3 Where the bidder is a consortium, the disclosure statement referred to in paragraph 9.2 above must be made separately in respect of each consortium partner
- 9.4 In the event that the bidder's circumstances change, after submission of its bid, in regard to any matter referred to in paragraph 9.2 above or in regard to any matter referred to in its disclosure statement, the bidder must submit a written notification to IDC indicating the nature and extent of such changed circumstances.
- 9.5 The IDC reserves the right to seek such additional information from any bidder, in respect of the disclosure statement referred to in paragraph 9.2 above, as it may, in its sole discretion, determine, whether such information has been requested under this RFP or otherwise, and may require the bidder to make oral presentations for clarification purposes or to present supplementary information, in respect of the disclosure statement if so required by the IDC.
- 9.6 Based on its own assessment of the contents of the bidder's disclosure statement and any publicly available information which is relevant to the contents of such disclosure statement, the IDC will decide whether the bidder's conduct or any allegations relating thereto pose a risk, reputational or otherwise, to the IDC; and if it reaches an adverse conclusion the IDC will in its sole discretion have the right to disqualify a bidder from further participation in the tender process. Disqualification on this ground may be done at any stage in the bid evaluation process prior to contract award.

## Annexure 10: Price Schedule

Bidders must complete the below Pricing Schedule. The completed Pricing Schedule must be submitted with the bid response as Returnable Schedule 4.

Legal Advisor / Attorney Levels	Level 1	Level 3	Level 3	Level 4	Level 5
Years of Experience	> 15 years post article experience	> 7 years to 15 years post article experience	> 3 years to 7 years post article experience	less than 3 years post article experience	Candidate Attorney
<b>Please indicate the proposed hourly tariffs for the following service types for each indicate Level.</b>					
<b>1. TAKING INSTRUCTIONS</b>					
1.1 Taking Instructions to sue or defend or for a counter claim					
1.2. Perusal of any necessary documents					
<b>2. LEGAL OPINIONS</b>					
2.1 Preparation of legal opinions					
<b>3. NOTICES</b>					
3.1 Drawing of Notice of Intention to Defend action and other formal notices					
3.2 Drawing filing sheets					
<b>4. PLAINTIFF / DEFENDANT'S PLEADINGS</b>					
4.2 Perusal of relevant papers					
4.3 Drawing pleading					
4.4 Taking instructions to brief counsel and drawing brief					
4.5 Sorting and arranging papers, delivery to counsel and uplifting of brief					

<b>Legal Advisor / Attorney Levels</b>	<b>Level 1</b>	<b>Level 3</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Years of Experience	> 15 years post article experience	> 7 years to 15 years post article experience	> 3 years to 7 years post article experience	less than 3 years post article experience	Candidate Attorney
<b>Please indicate the proposed hourly tariffs for the following service types for each indicate Level.</b>					
<b>5. CONSULTATIONS, PRE-TRIAL, INSPECTION IN LOCO</b>					
5.1 Consultation and /or attendance at pre-trial and / or inspection in loco					
5.2 Preparation of documents					
5.3 Drawing of statements					
<b>6. PREPARTION FOR TRIAL</b>					
6.1 Preparation for trial including perusal of necessary documents where attorney is attending to trial					
6.2 Taking instructions and briefing counsel on advice regarding the trial					
6.3 Sorting, arranging and paginating papers					
6.4 Drafting of Subpoena					
<b>7. INTERLOCUTORY APPLICATIONS</b>					
7.1 Instructions to make applications or to oppose same					
7.2 Preparation of documents					
7.3 Attorney's attendance at the hearing of an unopposed application					
7.4 Attorney's attendance at the hearing of an opposed application					

<b>Legal Advisor / Attorney Levels</b>	<b>Level 1</b>	<b>Level 3</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
Years of Experience	> 15 years post article experience	> 7 years to 15 years post article experience	> 3 years to 7 years post article experience	less than 3 years post article experience	Candidate Attorney
<b>Please indicate the proposed hourly tariffs for the following service types for each indicate Level.</b>					
7.5 Taking instruction to brief counsel and draw brief					
7.6 Attorney attendances at the hearing where counsel is employed					
<b>8 CORRESPONDENCE</b>					
8.1 Drafting letters (excluding legal opinions)					
<b>9. TELEPHONE CALLS</b>					
9.1 Cost of calls made and received (please indicate unit of measure here)					
<b>10. LABOUR LAW PRACTITIONERS</b>					
10.1 Pre-consultation meetings					
10.2 Provide advice in this changing environment on Labour and employment law matters;					
10.2 Draft Advise on employment contracts, disciplinary codes, grievance procedures and collective agreements;					
10.3 Represent the employer at arbitrations, mediations, the Labour Courts and other administrative hearings;					
10.4 Advise in handling grievance and, disciplinary and arbitration hearings;					
10.5 Workplace training in Labour Relations;					

Legal Advisor / Attorney Levels	Level 1	Level 3	Level 3	Level 4	Level 5
Years of Experience	> 15 years post article experience	> 7 years to 15 years post article experience	> 3 years to 7 years post article experience	less than 3 years post article experience	Candidate Attorney
<b>Please indicate the proposed hourly tariffs for the following service types for each indicate Level.</b>					
10.6 Workplace discipline and counselling advisory;					
10.7 Provide advice on all aspects of employment legislation, such as the LRA, Employment Equity Act, BCEA, etc.;					
10.8 Provide written legal opinions and to be available telephonically to give advice when needed;					
10.9 General employment advice i.e. Provide advice during collective bargaining negotiations where applicable; Preside over disciplinary and grievance hearings and also act as initiators/prosecutors at hearings; and Dealing with Dismissals for Misconduct, Incapacity and Operational requirements matters under Section 189.					
<b>11. OTHER SERVICE COSTS I.E. CONVEYANCE SERVICES AND FEES TO BE PROVIDED AND RATED PER HOUR / DELIVERABLE</b>					