



Compulsory briefing session Legal Services Tender #UMALUSI(19-20) T0005

28 February 2020
Tllhame Boardroom

Bongani Mankwane

Agenda

- 1 Welcome
- 2 Introduction of the Umalusi members
- 3 Circulation of Attendance Register
- 4 Presentation by Umalusi:
 - a) Scope of work
 - b) Procurement – Process and Compliance
 - c) Q & A
- 5 Pricing Schedule
- 6 Closing

Umalusi Background

- Umalusi is a Schedule 3A Public Entity that sets and monitors standards for general and further education and training in South Africa in accordance with the National Qualifications Framework Act No. 67 of 2008 and the General and Further Education and Training Quality Assurance Act No 58 of 2001.
- The Council is tasked with the development and management of a sub-framework of qualifications for general and further education and training and for the attendant quality assurance. More information can be obtained from www.umalusi.org.za

Details of the Bid

- Bid Name

The appointment of a panel of legal firms to provide legal services and legal support to Umalusi for a period of three (3) years

Closing date: 12 March @ 12:00 Telkom Time

- Access to bid document: Umalusi
- Closing for bid enquiries: 04 March 2020 @ 12:00
- Date for publication of questions & answers 06 March 2020 @ 12:00

Evaluation Criteria

- The tender will be evaluated in four stages: Name Pre-qualification criteria; Mandatory; Functionality and Price and B-BBEE
- First stage- Pre-qualification Criteria

This stage aims checks and validates the bidders' compliance to the legal requirements to conduct business in South Africa, as well as to the industry requirement for the supply of goods and services.

No points will be allocated to this stage; however, bidders' that do not comply with the pre-qualification requirements below will be disqualified and will not advance to the next stage of evaluation.

- Attendance of compulsory Information Session.
- Correctly completed tender signed and initialed by authorized signatories.
- Include board resolution for delegation of authority. The following proof MUST be produced: Proof that the person who signed the proposal has the authority to do so.
- A valid SARS Tax Status/ Certificate / SARS tax pin.
- Central Supplier Database proof of registration.
- Companies and Intellectual Property Commission, Company Registration.
- The above stated requirements (4-6) are also applicable to all members of consortia or joint venture who submit joint Bids.
- • Bidder has submitted all returnable documentation to Umalusi (

- Annexures and SBD forms)
- (SBD1; SBD 2; SBD 3.1 or 3.2; SBD 4; SBD 6.1; SBD 8 & SBD 9)
- Certificate of Authority for Joint Ventures/Joint Venture agreement
- Company profile(s) indicating expertise of key personnel
- General Conditions of Contract – signed or Initialed on all pages

Second stage Mandatory criteria

Please complete the table below by indicating comply or to comply to confirm whether this requirement is met and provide explanations/ comments to support your answers.

Bids that score not for any items in the compulsory technical specification section will be disqualified and will not advance to the next stage of evaluation

- The bidder (s) must have a physical presence in Gauteng Province in the form of site/branch or partnership arrangement/working relationship with a firm based in Gauteng Province. Proof must be submitted in the form of a lease agreement, rental office agreements, sale agreement, or municipal statements, which will be verified accordingly. The municipal statement must not be older than three (3) months

- The Bidder(s) must provide a Certificate of Good Standing not older than six (6) months at the time of submission, from the relevant Law Society in respect of Director and Lead Attorney who will represent Umalusi. Please furnish copies of certificate(s) of Director and Lead Attorney(s) who will be representing Umalusi
- The Bidder(s) may not act against Umalusi in any way whatsoever after entering into the Service Level Agreement. (Conflict of interest must be avoided at all times)
- The Bidder(s) must furnish a valid Fidelity Fund Certificate for the Firm. Certificate(s) to be provided for Gauteng Province
- The Bidder(s) accept that Umalusi may distribute or redistribute instructions in any manner that will ensure equitable file allocation to the panellists

Stage 3: Functionality

The evaluation criteria for functionality aim to assess the bidder's capability, reliability and ability to execute and maintain a bid and / or contract. The minimum number of points that bidders have to obtain in order to progress to the next stage of evaluation is 75.

NB: Bids that score less than 75 on functionality will be disqualified and will not progress to the next phase of evaluation

- The five sections give a total of 100
- The five sections are as follows
 - Section 1: Experience of the law firm in Civil Litigation and General and Further Education and Training sub-framework with a total score of 75
 - Section 2: Track record of law firm with a total score of 15
 - Section 3: Reference checks with a total score of 10

Section 1: Civil litigation & General & Further Education and Training sub-framework

Important notes to the bidder:

At least one Partner(s) and/or one Director(s) or Sole Proprietor must have a minimum of seven (7) years post admission experience in Civil Litigation

The maximum points a bidder can score in this section is 25 points and the lowest score a bidder can score in this section is zero (0)

More than 12 years post admission experience in Civil Litigation

as per CV= 25 points

Between 9 years and less than 12 years post admission experience in Civil Litigation

as per CV= 15 points

Between 7 years and less than 9 years post admission experience in Civil Litigation

as per CV= 10 points

Less than 7 years post admission experience= 0 points

Civil litigation & General & Further Education and Training sub-framework

- Important notes to be bidder:
 - Evidence of the firm's engagement in either of the following General and Further Education and Training Qualification sub-framework:
 - National Qualifications Framework Act, 2008
 - General and Further Education and Training Quality Assurance Amendment ACT No. 50 of 2008
 - FET Colleges Act 16 of 2006
 - South African Schools Act No, 84 of 1996
 - National Education Policy Act 27 of 1996

Note the points allocation:

Five cases = 40 points

Four cases = 35 points

Three cases = 25 points

Two cases = 20 points

One case = 10 points

No case = 0 points

Proof of engagement must be substantiated by a reference letter, summary of judgement or case number.

The Lead Attorney must have Right of Appearance in the High Court of South Africa

Note the points allocation:

Valid Certificate provided by Lead Attorney(s) = **10 points**

No proof or valid certificate provided by Lead Attorney(s) = **0 points**

Track record of law firm

Summary of judgement/evidence of the firm's engagement for services rendered in the past 7 years in the following areas:

- Corporate & Commercial law
- Constitutional Law
- Administrative law
- Legislative law
- Note the points allocation:
(judgement /evidence of engagement in the past 7 years)
- 4 fields = 15 points
- 3 fields = 12 points
- 2 fields = 7 points
- 1 field =5 points
- 0 field = 0 point

Reference checks

- Law firm must provide three (3) written references from clients whose legal services were provided to in the last three (3) years. The reference letters must be on the clients letterhead and contain the following information: contact person; contact number; and e-mail address
- Area of engagement in either Corporate & Commercial law; Constitutional, Administrative law; Legislative drafting
 - No reference letters 0
 - One (1) reference letter **3 points**
 - Two (2) reference letters **7 points**
 - Three (3) reference letters **10 points**
- The reference letter must explicitly specify the area of engagement for evaluation and point allocation purpose

Fourth stage

- We will use 80/20 preference points system
- 80 will represent price and 20 preference points
- In order to be eligible for preference points, bidders are advised of Preferential Procurement Regulations 2017 Sub-Reg (6) which states the following:
 - a) A tenderer must submit proof of its B-BBEE status level of contributor
 - b) A tenderer failing to submit proof of its B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified but may only score points out of 80 for price and scores 0 points out of 20 for B-BBEE
 - c) A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends sub-contracting more than 25% of the value of the contract

- To any person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the ability to execute the subcontract
- Proof includes original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their tenders or price quotations, to substantiate their B-BBEE rating claims.

Pricing

- Bidders are required to indicate rate per each level of resource inclusive of all applicable taxes for the legal services
- Bidders are required to indicate if prices are fixed or not, if not firm for the full period, provide details of the basis on which adjustments will be applied for e.g Consumer price index
- For evaluation purposes, bidders should use the below schedule to price. Bidders who ignore this instruction will be disqualified

Rate per hour (Including VAT and Disbursements)

Director/Partner

Senior Associate

Associate

Candidate Attorney