



**sanedi**

South African National Energy  
Development Institute.

**REQUEST FOR QUOTATIONS  
FOR  
LEGAL SERVICES**

NAME OF BIDDER.....

POSTAL ADDRESS .....

STREET ADDRESS .....

CONTACT PERSON .....

TELEPHONE NUMBER Code ..... Number .....

CELL PHONE NUMBER Code ..... Number .....

FACSIMILE NUMBER Code ..... Number .....

E-MAIL ADDRESS .....

**Signature of Bidder** ..... **Date** .....

<b>RFQ Number</b>	4820
<b>Date of RFQ</b>	23 <sup>rd</sup> February 2021 2021
<b>Sanedi Contact</b>	All enquiries must be directed to:  Name: Ms Thuso Ralekwa Tel: 011 038 4300 e-mail address: <a href="mailto:enquiries.procurement@sanedi.org.za">enquiries.procurement@sanedi.org.za</a> Website address: <a href="http://www.sanedi.org.za">www.sanedi.org.za</a>
<b>Closing date</b>	3 <sup>rd</sup> March 2021 at <b>11:00am</b>
<b>Submission methods</b>	The submissions should be made to the following email:  <a href="mailto:quotes.procurement@sanedi.org.za">quotes.procurement@sanedi.org.za</a>  NB: failure to submit in the correct email will render your submission non-responsive.
<b>Work specification (and Technical specifications)</b>	<b>Scope of works</b>  SANEDI requires legal advisory services. SANEDI seeks a suitable service provider to review agreements that it regularly utilizes. The service provider will review the following agreements to create a template:  <ul style="list-style-type: none"> <li>• Collaboration Agreement</li> <li>• Project Agreement flowing from a Collaboration Agreement.</li> <li>• Addendum</li> <li>• Project Funding Agreement</li> <li>• Employment Agreement</li> <li>• SANEDI Non-Disclosure Agreement</li> </ul> <b>6.2. Focus of Review.</b> The service provider will review the following each Agreement Type with special emphasis on: <ul style="list-style-type: none"> <li>• Contractual sanctity and completeness;</li> <li>• Protecting the interest of SANEDI as a party to the agreement;</li> <li>• Standardizing the formats and terms and conditions of: <ul style="list-style-type: none"> <li>○ Pre-payments/ advanced payments;</li> <li>○ SMME development and support;</li> <li>○ Operational expenses;</li> <li>○ International / Foreign based Contracting;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ BBBEE development and support;</li> <li>○ Shadowing and twinning</li> <li>○ Grants;</li> <li>○ Payments;</li> <li>○ Financial Recoveries</li> <li>○ Cancellation and Recoveries;</li> <li>○ Information sharing;</li> <li>○ Patents;</li> <li>○ Risk management;</li> <li>○ Co-funding;</li> </ul> <p>Unsolicited contracts etc</p> <p><b>7. Confidentiality</b></p> <p>Due to the confidentiality of the information that will be made available, the service provider may be required to sign a SANEDI Non-Disclosure Agreement.</p> <p>Kindly quote an hourly fee as a fixed price contract will not suit the nature of the services that will be rendered</p>
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<b>Evaluation Criteria</b>	<p><b>8. Technical evaluation criteria</b></p> <p>Service providers are invited to submit the following for a technical appraisal:</p> <ul style="list-style-type: none"> <li>• a capability statement;</li> <li>• the composition of the proposed team with CVs of team members;</li> <li>• a proposed methodology for conducting such a review; and</li> <li>• indicative timelines for completing the review.</li> </ul>		
	<b>Criteria</b>	<b>Scoring Criteria (1-5)</b>	<b>Weighting</b>
	<p><b>The Firms' experience in conducting legal service.</b></p> <p><b>Evidence:</b> Reference letters where the same work was undertaken in the name of the individual assigned to the Project or in the firms' name</p>	<p>no response = 0  1 letters = 1  2 letters= 2  3 letters= 3  4 letters= 4  5 letters= 5</p>	<b>30%</b>
	<p>The capability of the team allocated for this Project. We require a team comprising of a lead attorney and one associate</p>		
	<p><b>Experience of the Lead Attorney</b></p> <ul style="list-style-type: none"> <li>• A minimum of five post-admission</li> </ul>	<p>5 years =1  6 years =2  7 years =3  8 years =4  9 years and above =5</p>	<b>15%</b>
	<p><b>Experience of the Associate</b></p> <p>Post admission experience</p>	<p>1 years = 1  2 years= 2  3years=3</p>	<b>10%</b>

		4 years=4 5 years and above=5	
	<b>Qualification</b> Academic: Lead Attorney	No qualification= 0 LLB=2 Post grad certificate=3 LLM= 4 PhD=5	<b>15%</b>
	<b>Qualification</b> Academic: Lead Associate	No qualification=0 LLB=2 Post grad certificate=3 LLM= 4 PhD=5	<b>10%</b>
	<b>Project Plan</b>	No project plan submitted=0 Project plan submitted=1 Project plan submitted entails one of the four criterions=2 Project plan submitted entails two of the four criterions =3 Project plan submitted that entails three of four criterions=4 Project plan submitted entails all the criterions =5	<b>20%</b>
	<b>Threshold</b>		<b>70</b>
	<b>Total Weighted Score</b>		<b>100%</b>
<b>Preferential Point system</b>	<p><b>The Bid will be evaluated on 80/20 Preferential Point System according to the Preferential Procurement Policy Framework Act,2000</b></p> <p>The points scored out of 80 should be calculated according to the following formula:</p> <p>(i) The 80/20 preference point system</p> $Ps = 80 \left( 1 - \frac{Hs - Rs}{Rs} \right)$ <p>where  Ps = points scored for functionality and price of the bid/proposal under consideration  Hs = highest percentage scored by any acceptable bidder for functionality and price  Rs = percentage scored for functionality and price by bid/proposal under consideration</p>		
<b>The maximum score</b>	The maximum score for this bid shall be awarded as follows:		
	<b>POINTS</b>	<b>PRICE</b>	
	<b>BBBEE Status level of Contribution</b>	<b>20</b>	

	<b>Points for price</b>	<b>80</b>
	<b>Total points for price and BBBEE do not exceed</b>	<b>100</b>
<b>Terms and Conditions</b>	The RFQ shall be subjected to the SANEDI procurement terms and conditions which can be found on <a href="http://www.sanedi.org.za">www.sanedi.org.za</a> .	
<b>Quoted Price excluding Disbursements VAT inclusive</b>	<b>(Attach a formal quotation on company official letterhead to this RFQ)</b> R	
<b>Discounted amounts Disbursements VAT inclusive</b>	R	
<b>Total Amount VAT inclusive</b>	R	
<b>Other Requirements</b>	<p>The supplier must submit the following returnable schedules:</p> <ol style="list-style-type: none"> <li>1. Pricing schedule</li> <li>2. Attach SBD9, SBD 4 and BBBEE Bid Declaration</li> <li>3. Attach valid tax clearance</li> <li>4. Certified BBBEE certificate</li> <li>5. CSD Report</li> </ol>	

#### **SBD 4: Bidder's Declaration of Interest**

	Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or
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	<p>offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favoritism, 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</p> <ul style="list-style-type: none"> <li>- the bidder is employed by the state; and/or</li> <li>- 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.</li> </ul>
	<p><b>In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.</b></p>

<b>COMPANY &amp; REPRESENTATIVE DETAILS</b>	
Full Name of bidder or his or her representative	
Identity Number	
Position occupied in the Company (director, trustee, shareholder, member):	
Registration number of company, enterprise, close corporation, partnership agreement or trust	
Tax Reference Number	
VAT Registration Number	

<b>DECLARATIONS</b>	<b>YES</b>	<b>NO</b>
Are you or any person connected with the bidder presently employed by the state?		
<p>If so, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder/ member</p>		

	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:		
	If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?		
	<p>If yes, did you attach proof of such authority to the bid document?</p> <p><u>(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.</u></p>		
	If no, furnish reasons for non-submission of such proof:		
	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?		
	If so, furnish particulars:		
	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?		

	If so, furnish particulars:		
	Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies  Wither or not they are bidding for this contract?		
	If so, furnish particulars:		

<b>Full details of directors / trustees / members / shareholders.</b>			
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 the table below.			
<b>Full Name</b>	<b>Identity Number</b>	<b>Personal Income Tax Reference Number</b>	<b>State Employee Number / Persal Number</b>



“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.

“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.

**DECLARATION OF INTEREST**

I, the undersigned (name).....

Certify that the information furnished in this declaration is correct and I accept that SANEDI may reject the bid or act against me should this declaration prove to be false.

Name of Enterprise Bidding: .....

Name of Authorised Representative .....

Signature of Authorised Bidder .....

Date .....

**SBD 9: Certificate of Independent Bid Determination**

I, the undersigned, in submitting the accompanying bid for .....

in response to the invitation for the bid made by SANEDI do hereby make the following statements that I certify to be true and complete in every respect:

I therefore certify, on behalf of ..... that I have read and I understand the contents of this Certificate;

1. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
2. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
3. 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;
4. 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
5. 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 will not be construed as collusive bidding.
6. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.
7. 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.

8. 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.
9. 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.

Name of Enterprise Bidding: .....

Name of Authorised Representative .....

Signature of Authorised Bidder .....

Date .....

**B-BBEE Bid Declaration**

**BEE Terms and Conditions**

If it is detected that false information regarding the B-BBEE status level of contribution, local production content, or any other matter which will affect or has affected the evaluation of the tender, or where the tender has failed to declare any subcontracting arrangements, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:		
<b>B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED</b> (Points claimed for BBEE must be substantiated by means of a certified B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).	<b>Points Claimed</b>  .....	
<b>SUB-CONTRACTING</b>	<b>YES</b>	<b>NO</b>
Will any portion of the contract be sub-contracted?		
If yes, indicate: what percentage of the contract will be subcontracted?	%	
the name of the sub-contractor?		
the B-BBEE status level of the sub-contractor?		
is the sub-contractor an EME?		

I, the undersigned (full name).....

Certify that the B-BBEE information furnished on this declaration form is true and correct and attach a current broad-based black economic empowerment certificate as verified by an accredited agency.

i accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

Name of Enterprise Bidding: .....

Name of Authorised Representative .....

Signature of Authorised Bidder .....

Date .....