

NON - COMPUSORY BRIEFING SESSION

RFP:002/07/2021

APPOINTMENT OF A PANEL OF LEGAL EXPERTS FOR
GENERAL ASSISTANCE, ADMINISTRATIVE LAW AND
CIVIL LITIGATION FOR A PERIOD OF 36 MONTHS



The State's preferred and trusted anti-corruption forensic investigation and litigation agency

CLOSING DATE BID

Closing Date: 17 AUGUST 2021

Time :11:H00

Date of Closing for Questions:10 August 2021

Date for publishing answers:13 August 2021

E-mail address: scm@siu.org.za

SCOPE OF WORK/ TERMS OF REFERENCE (TOR)

The Panel of Attorneys/Law Firms for General Legal Assistance Administrative law and civil litigation the SIU on a wide range of issues pertaining to, inter alia the following;

- Assist and advise SIU on all aspects relevant to conduct civil litigation, including advice on evidence and other legal opinions.
- Assist the SIU in the preparation for institution, conducting of and enforcement of all steps and processes relevant to civil litigation (whether by motion or action proceedings), from the perspective of a Plaintiff/Applicant or a Defendant/Respondent, whichever may be applicable to the SIU.
- Preparing papers for the Special Tribunal or Courts of law.
- Ensure the briefing of appropriate Counsel to conduct civil litigation and appropriate continued interaction with such Counsel. Facilitation of consultations with and preparation of witnesses and experts for hearings/trials.

SCOPE OF WORK/ TERMS OF REFERENCE (TOR)

- The sourcing and briefing of subject matter experts.
 - Ensure compliance with processes required by relevant civil procedure prescripts including but not limited to service of process and preparation and pagination of court files etc.
 - Advice on reviews and appeals, and conducting such processes.
 - Advice on enforcement and execution of orders and judgment.
- Settlement Negotiations.
- *The SIU intends to appoint four (4) bidders to be in the panel of legal experts represented in the SIU Gauteng office.*

THE BIDDING PROCESS

- This bid is evaluated through a three (3) stage process
- **Stage 1 – Compliance to Requirements including Mandatory**

MANDATORY REQUIREMENTS TO QUALIFY FOR EVALUATION

Mandatory Requirements	Envelope 1		
<p>Proof of Registration on the Government's National Treasury Central Supplier Database (CSD)</p> <p>Bidders must indicate the MAAA number on page 15 of the bid document or submit the CSD report</p>	M	YES	NO
<p>Signed and completed Procurement Invitation (SBD 1) including the SBD 4, SBD 5 if applicable, SBD 6.1, SBD 6.2 if applicable, SBD 8 and SBD 9 (To be submitted in First Envelope marked PROPOSAL Section).</p>	M	YES	NO
<p>The director/s must submit a Letter of Good Standing from the South African Legal Practice Council.</p> <p>If a bidder is an Attorney's Practice or Practice as Trust Account Advocates, each one of the Owners/Partners/Directors must submit proof of Admission as Attorney by the High Court of South Africa, or proof of admission as a Legal Practitioner by the South African Legal Practice Council.</p> <p><i>Where a company has more than two (2) directors, two directors must submit their letter of good standing.</i></p> <p><i>Proof such as CIPC, CSD report or any relevant proof must be submitted to verify the company director/s</i></p>	M	YES	NO

<p>The director/s must submit a Fidelity Fund Certificate, or equivalent thereof.</p> <p>If a bidder is an Attorney's Practice or Practice as Trust Account Advocates, each one of the Owners/Partners/Directors (as the case may be) in the firm must submit her/his current Fidelity Fund Certificate, or equivalent thereof.</p> <p><i>Where a company has more than two (2) directors, two directors must submit their letter of good standing.</i></p> <p><i>Proof such as CIPC, CSD report or any relevant proof must be submitted to verify the company director/s.</i></p>	M	YES	NO
<p>The bidder must have proof of a physical office within the Republic of South Africa (in Gauteng) i.e. Rental lease, municipality bills etc.</p>	M	YES	NO

Stage 2 – Evaluation of Bids against Specifications and Quality

- Scores will be tabulated to 100 points. Respondents must **score 75%** and above to be further evaluated on Price and Preference score.

BIDDERS/ COMPANY PREVIOUS EXPERIENCE – 30 Points

The bidder must provide demonstrable experience of similar project/s in General Legal Assistance, Administrative law and civil litigation.

The requirement of the SIU is for the respective periods of service to be full-time active work as an admitted and practicing attorney, working with a valid fidelity certificate, and performing the functions usually associated with running of an attorney's practice.

The submitted reference letter must be relevant to General Legal Assistance, Administrative law and civil litigation. This reference must relate to a matter dealt with during the last years (i.e. any time after January 2017).

The bidder reference letter must indicate or cover the following ;

- ***Dates of appointment and end date of the contract***
- ***Mention cause of action***
- ***Complexity of the case***
- ***Final outcome***

BIDDERS/ COMPANY PREVIOUS EXPERIENCE – 30 Points

SCORE	Criteria
Non scoring (0 points)	<ul style="list-style-type: none"> • Evaluation rating 0 equals to non-allocation of points, to the bidders who : <p>Failed to submit the required reference letters or detailing list of clients supported by number of years of experience or Submitted irrelevant information or letter submitted.</p>
Score 10 points	<p>One (1) - three (3) reference letters attached</p> <ul style="list-style-type: none"> • Evaluation rating 1 equals to 10 points
Scores 20 points	<p>Four (4) - five (5) reference letters attached</p> <ul style="list-style-type: none"> • Evaluation rating 2 equals to 20 points
Scores 30 points	<p>Six (6) or more reference letters and above were attached</p> <ul style="list-style-type: none"> • Evaluation rating 3 equals to 30 points

COMPANY LEAD PARTNER OR DIRECTOR EXPERIENCE - 40 Points

The bidder must expressly identify the Director/Partner or equivalent in respect of each cv/profile submitted. If more than once CV/Profile is submitted, the bidder must clearly indicate the CV/Profile that will be eligible for evaluation.

SCORE	CRITERIA
Non scoring (0 points)	<p>No experience indicated in the profile/CV</p> <ul style="list-style-type: none"> Evaluation rating 0 equals to non-allocation of points, to the bidders who failed to submit the director's profile or the submitted profile information is irrelevant.
Score 20 points	<p>One (1) - five (5) years' experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience</p> <ul style="list-style-type: none"> Evaluation rating 1 equals to 20 points
Scores 30 points	<p>Six (6) - ten (10) years' experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience</p> <ul style="list-style-type: none"> Evaluation rating 2 equals to 30 points
Scores 40 points	<p>Eleven (11) or more years' of experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience.</p> <ul style="list-style-type: none"> Evaluation rating 3 equals to 40 points

SENIOR ASSOCIATE – 15 Points

The bidder must expressly identify the Senior Associate or equivalent in respect of each cv/profile submitted. If more than once CV/Profile is submitted, the bidder must clearly indicate the CV/Profile that will be eligible for evaluation.

SCORE	CRITERIA
Non scoring (0 points)	<p>No experience indicated in the profile/CV</p> <ul style="list-style-type: none">• Evaluation rating 0 equals to non-allocation of points, for failure to submit CV/Profile
Score 05 points	<p>One (1) to three (3) years' experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience.</p> <ul style="list-style-type: none">• Evaluation rating 1 equals to 05 points
Scores 10 points	<p>Four (4) to seven (7) years' experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience.</p> <ul style="list-style-type: none">• Evaluation rating 2 equals to 10 points
Scores 15 points	<p>Eight (8) or more years of experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience.</p> <ul style="list-style-type: none">• Evaluation rating 3 equals to 15 points

JUNIOR ASSOCIATE - 15 Points

The bidder must expressly identify the Junior Associate or equivalent in respect of each cv/profile submitted. If more than once CV/Profile is submitted, the bidder must clearly indicate the CV/Profile that will be eligible for evaluation.

SCORE	CRITERIA
Non scoring (0 points)	<p>No experience indicated in the profile/CV</p> <ul style="list-style-type: none">• Evaluation rating 0 equals to non-allocation of points, for failure to submit CV/Profile
Score 05 points	<p>One (1) to three (3) years' experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience.</p> <ul style="list-style-type: none">• Evaluation rating 1 equals to 05 points
Scores 10 points	<p>Four (4) to seven (7) years' experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience.</p> <ul style="list-style-type: none">• Evaluation rating 2 equals to 10 points
Scores 15 points	<p>Eight (8) or more years of experience post admission as Attorney of the High Court or post commencing to practice law (whichever may be the later date). The duration of any periods that the person did not actively practice law (for whatever reason) must be declared and subtracted from the years of experience.</p> <ul style="list-style-type: none">• Evaluation rating 3 equals to 15 points

Stage 3 – Price and Preference (B-BBEE)

- Bidders who score a minimum quality threshold of **75%** on functionality, will proceed to be evaluated on Price and Preferences (B-BBEE).

Stage 3 – Price and Preference (B-BBEE)

Please note that the "units per annum" is for illustrative and evaluation purposes only, and is not indicative of how the actual units will realise in practice when the tender is awarded. The service provider needs to supply one percentage that it will charge for all of the line items, it should not give different percentages for each line item. The percentage supplied by the service provider will be measured against the base price in the table and used to calculate a total price for evaluation purposes. To illustrate the application of the percentage supplied by the service provider, the following example:

- 1. Assume the service provider gives a percentage of 85%.**
- 2. So, for line 1, the calculation will be: $R213 \times 85\% = R181,05$; $\times 2000$ hours per annum, therefore 6,000 hours over contract period, therefore R1,086,300 for line item 1 for evaluation purposes. The siu will add all the individual line items to arrive at the total bid price to used for evaluation purpose.**
- 3. If the percentage given by the service provider is 110%, similarly, the calculation will be: $R213 \times 110\% = R234,30$ $\times 2000$ hours per annum, therefore 6000 hours over the contract period, therefore R1,405,800 for line item 1 for evaluation purposes.**
- 4. Where applicable and if the service provider is registered for VAT, the final total evaluation contract price will be calculated, inclusive of VAT.**
- 6. The line items indicated below exclude the appointment of Counsel.**

The pricing list has been extracted from the Rules of the High Court Document

Stage 3 – Price and Preference (B-BBEE)

7. The prices will be firm for the duration of the contract period, subject to price review of the rates based on the Rules of the High Court Document.

The pricing list has been extracted from the Rules of the High Court Document

Award/Objective Criteria

Bidders who fail to meet below award/objective criteria will not be considered for appointment.

- SIU reserves the right to screen the bidder and the team assigned to the SIU in terms of its own Internal Integrity Unit (“IIU”) before appointment, should such screening results have a negative outcome, the SIU reserves the right not to award the bid to the subjected/recommended/highest scoring bidder.
- In terms of SIU’s procedures, SIU may subject the prospective bidder to vetting process in terms of State Security Agency (“SSA”), should such vetting results have a negative outcome as per SSA and SIU procedures, SIU reserves the right not to award the contract to the recommended/highest scoring bidder; or to revoke/terminate the awarded.
- Bid will only be awarded to the bidder who successfully pass the SIU’s Internal Integrity Unit screening and/or State Security Agency vetting; failure to pass could result in SIU not awarding the bid to a bidder irrespective of the points scored after the final evaluation and.

Award/Objective Criteria

Bidders who fail to meet below award/objective criteria will not be considered for appointment.

- The SIU reserves the right not to award a bid if the bidding entity's financial statements and/or supporting financial information creates doubt to the SIU, in its sole discretion, that the bidder would not be able to meet its short and longer term financial commitments.
- SIU reserve a right not to award a bid if the recommended bidder failed to conclude the registration process on National Treasury Central Database (CSD report) within seven (7) working days after receiving notification form the SIU.
- SIU requires last three (3) years Audited Financial Statement (AFS), If Audited Financial Statements are not available, the bidder should provide justifiable reasons and provide the SIU with a copy of the latest Unaudited AFS/ Management Accounts signed off by the directors/members/ management "certifying accuracy and completeness of the said AFS".
- The SIU intends to appoint four (4) bidders, as such, the bidders who get to Stage 3 will be evaluated and ranked and the top scoring bidder (except where there are reasons for pass-over) will be appointed. Subject to the SIU reserving the right (within its sole discretion) to still make use of the services of the Office of the State Attorney.



THANK YOU

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