



NON - COMPUSORY BRIEFING SESSION

RFP:02/06/2022/CL

APPOINTMENT OF A PANEL OF ATTORNEYS/LAW FIRMS/LEGAL PRACTITIONERS FOR GENERAL ASSISTANCE, ADMINISTRATIVE LAW AND CIVIL LITIGATION ON AN “AS-AND-WHEN REQUIRED” BASIS FOR A PERIOD OF 36 MONTHS.



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

CLOSING DATE BID

Closing Date : 15 July 2022
Time : 11h00
Date of closing for questions: 06 July 2022
Date for publishing answers: 08 July 2022
E-mail address: scm@siu.org.za

SCOPE OF WORK/ TERMS OF REFERENCE (TOR)(Page 18 of 59)

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

- a. Assist and advise the SIU on all aspects relevant to conduct civil litigation, including advice on evidence and other legal opinions.
- b. Assist the SIU in the preparation for the institution and 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 assist the SIU in the preparation for the opposition and defence of, and enforcement of all steps and processes relevant to civil litigation (whether by motion or action proceedings), from the perspective of a Defendant/Respondent, whichever may be applicable to the SIU.

SCOPE OF WORK/ TERMS OF REFERENCE (TOR)—cont.. (Page 19 of 59)

- c. Preparing and settling papers for the Special Tribunal or Courts of law.
- d. 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 or for the preparation of papers.
- e. The sourcing and briefing of subject matter experts.
- f. Ensure compliance with processes required by relevant civil procedure prescripts including but not limited to service of process and preparation and pagination of court/tribunal files etc.
- g. Advice on reviews and appeals, and conducting such processes.
- h. Advice on enforcement and execution of orders and judgment.
- i. Settlement Negotiations.
- j. Advice on how sequestration, liquidation, debt-rescue, deregistration and/or death may affect the enforcement and execution of orders and judgment.

SCOPE OF WORK/ TERMS OF REFERENCE (TOR)

- k) The SIU intends to appoint four (04) bidders to be in the panel of Attorneys/Law Firms/Legal Practitioners.**

THE BIDDING PROCESS (**Page 9 of 59**)

- **This bid is evaluated through a three (3) stage process**
- **Stage 1 – Administrative Compliance requirements are GO/NO GO gates (i.e. may result in bid/proposal rejection or disqualification)**

ADMINISTRATIVE COMPLIANCE REQUIREMENTS TO QUALIFY FOR EVALUATION (Page 7 of 59)

(Failure to meet all administrative compliance requirements will result in rejection/disqualification)

Administrative Requirements	Envelope 1	
<p>Proof of Registration on the Government's National Treasury Central Supplier Database (CSD) or proof of such Application for Registration on the CSD, as part of the bid documents submitted by the bidder to the SIU.</p> <p>Bidders must indicate the MAAA..... or submit the CSD report or submit proof that the bidder applied for CSD registration.</p>	YES	NO
<p>Signed and completed Standard Bidding Document (SBD 1) including the SBD 4, SBD 5 if applicable, SBD 6.1, and SBD 6.2 if applicable, must be submitted in First Envelop marked PROPOSAL Section.</p>	YES	NO

ADMINISTRATIVE COMPLIANCE

REQUIREMENTS (Cont..) (Page 8 of 59)

	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>		

ADMINISTRATIVE COMPLIANCE

REQUIREMENTS (Cont..) (Page 8 of 59)

<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>	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>		

ADMINISTRATIVE COMPLIANCE

REQUIREMENTS (Cont..) (Page 9 of 59)

<ul style="list-style-type: none"> - Detail pricing in the SBD 3.1 format, and an electronic version of the completed Pricing Schedule on a USB (To be submitted in Second Envelope marked PRICING Section). - Detail price sheets and supporting documents (To be submitted in Second Envelope marked PRICING Section). 	YES	NO
<p>B-BBEE Certificate (South African Companies) or, for companies that have less than R 10 million annual turnover, a sworn affidavit is required. A copy of the template for this affidavit is available on the Department of Trade and Industry website https://www.thedti.gov.za/gazette/Affidavit_EME.pdf</p> <p><i>(Failure to submit an original or certified true copy of the B-BBEE Certificate or a sworn affidavit will results in the bidder receiving no preference in the PPPFA / B-BBEE evaluation stage of the bid/proposal evaluation).</i></p>	YES	NO

ADMINISTRATIVE COMPLIANCE

REQUIREMENTS (Cont..)

N/B: The SIU evaluates only bids responses that are 100% acceptable in terms of the Administrative compliance requirements. The SIU disqualifies bidders not compliant with the Administrative compliance requirements, to proceed further for stage 2.

Stage 2 – Evaluation of Bids against Functionality, Specifications and Quality

Summary of evaluation criteria (Page 26 of 59)

No	Description	Maximum points
1	Bidders'/Company experience	30
2	Experience of Lead Partner/Director or such equivalent	40
3	Experience of Senior Associate or such equivalent	15
4	Experience of Junior Associate or such equivalent	15
Minimum Threshold		75
Total points		100

Stage 2 – Evaluation of Bids against Functionality, Specifications and Quality (Cont..)

Only bidders who achieved the minimum predefined **functionality/quality threshold of 75 points** will be put through to Stage 3, the remaining bidders will be disqualified from further evaluation/consideration.

Stage 2 – Evaluation of Bids against Functionality, Specifications and Quality (Cont..) (Page 27 of 59)

- **BIDDERS/ COMPANY PREVIOUS EXPERIENCE – 30 Points**

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*

Stage 2 – Evaluation of Bids against Functionality, Specifications and Quality (Cont..) (Page 27 of 59)

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 letters.</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

Evaluation of Bids against Functionality, Specifications and Quality (Cont..)

COMPANY LEAD PARTNER OR DIRECTOR EXPERIENCE - 40 Points (Page 28 of 59)

SCORE	CRITERIA	WEIGHT
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/CV or submitted Profiles/CV's which are not relevant or contain irrelevant information. 	40
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 	

Evaluation of Bids against Functionality, Specifications and Quality (Cont..)

SENIOR ASSOCIATE – 15 Points (Page 29 of 59)

SCORE	CRITERIA	WEIGHT
Non scoring (0 points)	No experience indicated in the Profile/CV <ul style="list-style-type: none">Evaluation rating 0 equals to non-allocation of points, for failure to submit CV/Profile	15
Score 05 points	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. <ul style="list-style-type: none">Evaluation rating 1 equals to 05 points	
Scores 10 points	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. <ul style="list-style-type: none">Evaluation rating 2 equals to 10 points	
Scores 15 points	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. <ul style="list-style-type: none">Evaluation rating 3 equals to 15 points	

Evaluation of Bids against Functionality,

Specifications and Quality (Cont..)

JUNIOR ASSOCIATE - 15 Points (Page 30 of 59)

SCORE	CRITERIA	WEIGHT
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 	15
Score 05 points	<p>One (1) to two (2) 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>Three (3) to four (4) 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 3 equals to 10 points 	
Scores 15 points	<p>Five (5) or more 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 3 equals to 15 points 	

Stage 3 – Price and Preference (B-BBEE)

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Only bidders who score a minimum quality threshold of **75 points** on functionality, will be evaluated on this stage of Price and Preferences (B-BBEE).

The bidders are required to complete Annexure A – Pricing Schedule.

- The Pricing Schedule must be printed out, signed and dated and be submitted as part of the returnable documents.
- An electronic version of the completed Pricing Schedule must be submitted on a USB as part of the returnable documents.

**Award/Objective Criteria - Award or
Objective Criteria will be used
interchangeably across the bid document**

(Page 10 of 59)

**Bidders who fail to meet the following award/objective
criteria will not be considered for appointment:**

Award/Objective Criteria(Page 11 of 59)

- a) The 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 and also at any stage during the validity period of the contract, 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, or to revoke/terminate the award or to cancel the contract early.

- a) In terms of the SIU’s procedures, the SIU may before appointment and also at any stage during the validity period of the contract 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 the SIU procedures, the SIU reserves the right not to award the contract to the recommended/highest scoring bidder; or to revoke/terminate the award or to cancel the contract early

Award/Objective Criteria (Page 11 of 59)

- c) The Bid will only be awarded to bidders who successfully pass the SIU's IIU screening and SSA vetting; failure to pass could result in the SIU not awarding the bid to a bidder irrespective of the points scored after the final evaluation, or the SIU revoking/terminating the award or cancelling the contract early.
- d) The SIU reserves the right not to award a bid if the bidding entity's financial statements and/or supporting financial information creates doubt with the SIU, in the SIU's sole discretion, that the bidder would not be able to meet its short and longer term financial commitments.
- e) The SIU reserve a right not to award a bid if the recommended bidder failed to conclude the registration process on the National Treasury Central Database (CSD report) within seven (7) working days after receiving a notification form the SIU.
- f) The SIU requires the last three (3) years Audited Financial Statement ("**AFS**") of the bidders. If AFS are not available or not fully available, then 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 / Management Accounts*".

Award/Objective Criteria (Page 11 of 59)

- g) 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 four (4)** scoring bidders (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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