

TENDER SUMMARY

Issuer : SACNASP

Tender Reference : Panel of Legal Experts - SACNASP

Sector : Legal and Regulatory Compliance

Validity and Date : 90 Days

Issue Date : 29 November 2023

Region : Tshwane, Gauteng Province

Tender number: : DF1104

Closing date and time : 20 December 2023

URL: : www.sacnasp.org.za/tenders

TERMS OF REFERENCE

<p>THE APPOINTMENT OF A PANEL OF LEGAL EXPERTS TO PROVIDE LEGAL AND ADVISORY SERVICES TO SOUTH AFRICAN COUNCIL FOR NATURAL SCIENTIFIC PROFESSIONS (SACNASP) FOR A PERIOD OF THREE YEARS</p>
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1. INTRODUCTION

SACNASP was established in terms of the Natural Scientific Professions Act, 27 of 2003 as amended, by the Science and Technology Laws Amendment Act (7 of 2014). SACNASP is a registration and regulatory body for natural science professionals. Due to the specialised nature, the entity seeks to appoint service providers to provide assorted legal and advisory services to strengthen the regulatory function of SACNASP.

2. OBJECTIVE

The objective of this tender is to invite and appoint suitable law firms or professionals to provide legal and advisory services to SACNASP. The purpose of the tender is to appoint a panel of legal experts to provide legal and advisory services to strengthen the regulatory function of SACNASP. The preferred bidder(s) will be appointed as part of a panel of legal and advisory service providers and will enter an agreement with SACNASP on terms to be agreed to between the parties. The duration of the approved panel will be a period of three (3) years with an option of renewal. The panel of service provider(s) shall provide services to SACNASP on a non-exclusive basis and SACNASP is not obliged to offer the service provider(s) a minimum number of orders or volume of professional service.

3. BACKGROUND

It is crucial to have specialized categories within the legal panel of experts to safeguard the best interests of SACNASP consistently. The required categories for legal and advisory services appear in the table below paragraph 4.1, legal categories. Therefore, Bidders should apply for any one or more of the categories/areas of law listed under the Legal Categories below and not use any other category not stipulated below. Where a Bidder applies for more than one category, each separate proposal must address a specific category chosen as per "FUNCTIONALITY CRITERIA" below. A bidder may submit individual proposal that addresses each chosen category separately. However, Bidders may not use one generic proposal for multiple categories chosen as such proposal will not be considered as acceptable. Bidder must submit each functionality evidence that support each category/area of law chosen and

each category will be subjected to meet the minimum required score of 70 points. See 3rd Stage below. The purpose of the bidder proposal is to clearly demonstrate the capability of the bidder for each category chosen.

4. TENDER SCOPE

The SACNASP Legal Department would outsource various legal activities to external service providers to protect the best interest of SACNASP. The Legal Manager oversees and coordinates the activities carried out by these service providers, unless explicitly stated otherwise.

4.1 LEGAL CATEGORIES

The Bidders will be required to provide effective and competent legal and advisory services as and when instructed by SACNASP in the following, but not limited to the below mentioned areas of law.

The bidder will be required to provide services in one or more of the following categories/areas of specialization of the law:

Category No.	Category/Professional Discipline	Bidder's Area of Specialization - Bidder's choice of discipline to be considered for on this panel, must be accompanied by a specific detailed proposal for the area chosen. NB: Bidders are advised that the company profile does not serve as a substitute for the required Bidder proposal. Bidder's company profiles may be noted and not considered for the functional evaluation.	Bidder to tick the chosen category(s)/ area(s) of specialization
1.	Regulatory Law	Legal specialist in the field of regulatory law, legal framework, compliance, applications, legal research and any relevant area on the sector.	
2.	Transactional Advisory	Transactional Advisory. Expertise in structuring of complex transactions including but not limited to Public Private Partnerships (PPP), investment transactions, finance options, finance, and operating leases.	
3.	Scientific Laws	Legal specialist in the field of scientific law, legal framework, compliance, applications, scientific research, impact assessment and any relevant area on the sector.	
4.	Intellectual Property Law	Intellectual Property Law, Copyright, Trademarks, Patents, Industrial Designs, and Trade secrets	
5.	International Law and	Specialist legal services on cross borders transactions	

	International trade Law	and multi-national transactions.	
6.	Constitutional Law, Public Procurement and Administrative Law	Specialist legal services on the relevant legal framework of Constitutional Law, Public Procurement and Administrative Law.	
7.	Disputes and Litigation	Specialist legal services on Alternative Dispute Resolution. Civil and Criminal Law litigation.	
8.	Corporate and Commercial Law	Specialist legal services in the field of commercial law contracts, corporate law, corporate governance, partnerships, risk and compliance management, insolvency, tax law, competition law.	
9.	Labour and Related Disputes Law	Specialist legal services in the field of labour law, employee relations matters, collective bargaining, bargaining council, dispute resolution. Managing matters related to the Commission for Conciliation, Mediation and Arbitration (CCMA), Labour Court and Labour Appeal Court. Be able to Chair disciplinary hearings and investigations proceedings.	
10.	Forensic Investigation	Specialist legal services in the field of conducting forensic investigations services.	

5. EVALUATION CRITERIA

In line with Preferential Procurement Regulation 2017 (PPR2017). The evaluation of responsive tender offers shall be on the 80/20-point preference system, being a maximum of 80 points for price and a maximum of 20 points for B-BBEE Status level of Contributor substantiated by the Broad-Based Black Economic Empowerment Status Level Certificate to be submitted in accordance with Regulation of the Preferential Procurement Regulations, 2017 (As Amended). Only bidders who score 70 points or more on functionality will be able to proceed to be evaluated further.

The procedure for the evaluation of responsive tenders will be as follows: -

- 1st Administrative Compliance (refer to item 6. of the document)
- 2nd Mandatory Requirements
- 3rd Functionality
- 4th Price & BBBEE (for bidders who met the minimum required functionality points of 70)
- 5th Fixed Hourly Rates

5.1 2 ND STAGE – MANDATORY REQUIREMENTS

The following mandatory requirements criteria will apply for this bid: -

Bidder must submit a separate proposal for each category chosen as per scope of work detailed on paragraph 4 (table above paragraph 4.1, Legal Categories) in respect of any one or more of the above categories in separately marked envelope(s) indicating the category bidding for. A bidder may submit one proposal that addresses each chosen category specifically. However, bidders may not use one generic proposal for multiple categories chosen, that does not specifically address each category chosen, as such proposal will not be considered as acceptable.

NB: If the proposal is not clearly marked or indicated for each of the area of law/category chosen, will render the submission as vague and may not be evaluated.

Bidders are required to provide their registration certificate with relevant practice number issued by the relevant Law Society/Legal Practice Council. Bidders and their practicing attorneys/advocates are required to provide proof that they are be in good standing with the relevant Law Society/Legal Practice Council. In addition to the Good Standing Certificate, further provide a valid Fidelity Fund Certificate for the team members and lead attorney. Bidders or team members who belong to any specific profession where registration with such profession is a mandatory required to practice such profession must attach proof of relevant registration with the relevant professional institution.

NB: Failure to submit any of the above will lead to your bid being unacceptable and will not be considered for any further evaluation process. SACNASP reserves the right to verify the registration of a Bidder, or any documents submitted by the Bidder in response to this bid.

5.2 3 RD STAGE - FUNCTIONALITY

An assessment of Functionality will be based on the evaluation criteria noted in the table below. Each of the evaluation criteria in the table will carry a weighting as indicated, and the bidder will be required to score a minimum of 70 points (out of the 100 points), i.e. 70%, for Functionality in order to qualify to proceed to Stage 4 of the evaluation process.

FUNCTIONALITY	EVIDENCE	MAXIMUM POINTS	POINTS SCORED
1. BIDDER (COMPANY) 'S EXPERIENCE: (Experience of Company should be relevant to the category chosen)		15	
<p>Proposal must detail Bidder's experience especially in dealing with similar matters. Experience of the Company.</p> <ul style="list-style-type: none"> ➤ 1 - 5 years' experience of the Company = 5 points ➤ 6 - 10 years' experience of the Company = 10 points ➤ More than 10 years' experience of the Company = 15 point <p>*The proposal evidence/supporting information must clearly state the years of the Company experience relevant to the category chosen and list the nature of the projects previously undertaken, that are specifically relevant to the category chosen. Failure to expressly stipulate the aforesaid details and number of years of Company experience in the category chosen would result in the score of 0 points.</p>	<p>Submit company Proposal that stipulates the Company experience in the relevant category chosen with a list of the nature of matters handled.</p> <p>NB: The Company registration with the Companies and Intellectual Property Commission (CIPC) will not be the determining factor for the allocation of points.</p>		
2. CONTACTABLE REFERENCE LETTERS (All letters should be relevant to the area of law chosen)		20	
<p>NB: 5 points will be allocated for each valid reference letter submitted.</p> <ul style="list-style-type: none"> ➤ 1x Reference letter = 5 points ➤ 2x Reference letters = 10 points ➤ 3x Reference letters = 15 points ➤ 4x Reference letters = 20 points <p>*Only reference letters that are relevant to the specific area of the law chosen would be considered as valid. If the letter of reference is not dated and/or does not clearly state the nature or type of legal services rendered, it will be scored as 0 points.</p>	<p>Provide a copy of a dated, signed reference letter/s on the client's letterhead with contactable details and clear description of services.</p> <p>*SACNASP reserves the right to contact any of the references to verify the contents of the reference letters. The letter should be dated.</p>		

<p>3. RELEVANT TEAM AND LEAD MEMBER EXPERIENCE IN RESPECT OF THE CATEGORY CHOSEN</p> <p>(Lead Member; Team experience should be relevant to the Category chosen)</p>		35	
<p>Lead Member Experience</p> <ul style="list-style-type: none"> ➤ Less than 5 years' experience = 5 point ➤ 5 – 10 years' experience = 10 points ➤ 15 years and more years' experience = 15 points <p>*The Bidder Proposal must expressly state the name of Lead Member and number of years in experience for each category chosen. Failure by the Bidder to identify the Lead Member and state the exact years of experience in the Proposal would result in the score of 0 points.</p> <hr/> <p>Team Experience</p> <p>(Max 5 points for each team member. Total points allocated up to a total maximum of 20 points for the team)</p> <ul style="list-style-type: none"> ➤ 2 years' experience per member = 2 points ➤ 3 - to 5 years' experience per member = 3 points ➤ More than 5 years' experience per member = 5 points <p>The Bidder Proposal must expressly state the name of Team Member/s and number of years in experience for each category chosen. Failure by the Bidder to identify each Team Member and state the exact years of experience in the Proposal would result in the score of 0 points.</p>	<p>Bidder to submit Proposal with Organogram of names and designation of each Team Member. The Lead Member should be expressly mentioned in the organogram.</p> <p>And</p> <p>Submit a Profile or CVs for Lead Member as per the organogram detailing their relevant sector experience.</p> <p>NB: Only a maximum of 4 team members will be allocated points to a total maximum of 5 points per team member.</p> <p>Submit a Profile or CVs for team personnel as per the organogram detailing their relevant sector experience.</p>		
<p>4. RELEVANT QUALIFICATION/S OF TEAM AND LEAD MEMBER. (Relevant to the category of law chosen)</p>		30	

<p>(The qualification/s of the Team and Lead Member)</p> <p>Post-graduate qualification (PGQ) of the Team and Lead Member as per the National Qualification Framework credits (NQF) aligned to the Higher Education Qualifications Sub-Framework (HEQSF) and the South African Qualification Authority (SAQA).</p> <ul style="list-style-type: none"> ➤ LLD/LLM = 5 points per member ➤ LLB Degree = 4 points per member ➤ Diploma = 3 points per member ➤ Certificate = 2 points per member <p>*The Proposal should expressly indicate the highest qualification of the Team Member/s and Lead Member and the NQF level for each. Failure by the Bidder to expressly state the highest qualification of the Team Member/s and Lead Member with NQF level and attach the supporting evidence would result in the score of 0 points.</p> <p>*The NQF accreditation score shall be the basis for the allocation of points. The NQF level may be verified by GGDA with the relevant bodies such as the SAQA. PGQ that do not bear any NQF accreditation will score 0 points. Only a maximum of 4 team members will be allocated points for the qualifications. Each member scoring a maximum of 8 points. Only the highest PGQ of the Team Member shall be allocated points where a Team Member has more than one PGQ.</p>	<p>The Proposal must expressly state the PGQ of the Lead Member and the Team.</p> <p>In line with the submitted organogram- Submit copies of qualification/s for the Lead Member and each Team member/s on the organogram.</p> <p>And</p> <p>Submit certified copies of each member's qualification</p>		
TOTAL POINTS		100	
MINIMUM POINTS REQUIRED		70	

6. SUBMISSION OF PROPOSAL DOCUMENTS

A completed and signed TENDER document (tender) must be submitted with one Original of the tender. Tenders must be submitted in one A4 arch lever files and properly paginated with the Annexures. The schedules and annexures must be in the form and numbered according to the numbering stated above and below.

That is:

SCHEDULE	DETAILS
1	A detailed Company Profile
2	A valid tax clearance certificate
3	CSD Registration Certificate
4	A certified copy of a valid Bidder's Registration Certificate, Fidelity Fund Certificate(s) and Good Standing for Directors and team members
5	Certified Copy of BBBEE Certificate
6	Certified copies of admission certificates issued by the Legal practice Council of Attorneys in the firm or relevant department(s)
7	Reference Letters
8	Compliance <ul style="list-style-type: none"> a) Employment b) Workplace Skills Development Plan

7. ENQUIRIES

All enquiries will be attended to telephonically on 012 748 6516 during office hours (08:00 to 16:00) or via email addressed to Mr T Seima at Tsapo.seima@sacnasp.org.za. The email must be referenced Panel of Legal Experts for SACNASP – Tender No DF1104. Bidders should not expect personalised responses. A hard copy of the final bid document must be delivered to SACNASP U13 Enterprise Building, Innovation Hub, Mark Shuttleworth Street, Pretoria 0087, for the attention of **Ms Lungile Buthelezi** by no later than **11:00 AM on 20 December 2023**. Please note that all deliveries must be made by appointment with Ms Buthelezi on sacnasp@sacnasp.org.za or 0127486525. An ID will be required at the entrance.