



REQUEST FOR QUOTATION (RFQ)

RFQ NUMBER	SS/132/11/2018
DATE ISSUED	16 November 2018
PROJECT NAME	Preferred Supplier: Legal Advisor on Commercial and Property Law
CLOSING DATE AND TIME	Friday 23 November @12h00
NAME OF PROPOSER/TENDERER	
CSD SUPPLIER NUMBER (MA NUMBER)	
TELEPHONE NUMBER	
FAX NUMBER	
EMAIL ADDRESS	
PHYSICAL ADDRESS	
B-BBEE STATUS LEVEL OF CONTRIBUTION	
FULL NAME OF BIDDER OR HIS OR HER REPRESENTATIVE	
IDENTITY NUMBER	
POSITION OCCUPIED IN THE COMPANY (DIRECTOR, TRUSTEE, SHAREHOLDER)	
COMPANY REGISTRATION NUMBER	
TAX REFERENCE NUMBER	
VAT REGISTRATION NUMBER	
QUOTE PRICE (INCL VAT)	
SIGNATURE	

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Personnel Number

1. DECLARATION OF INTEREST (SBD 4)

Any legal person, including persons employed by the state¹, SANSA Board members or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, 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-

- The bidder is employed by the state;
- SANSA Board member; and/or
- 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

¹“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

Are you or any person connected with the bidder presently employed by the state? If so, furnish the following particulars: Name of person / director / trustee / shareholder/ member:..... 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:.....	YES / NO
If you are presently employed by the state, did you obtain the appropriate authority to undertake unenerative work outside employment in the public sector? If yes, did you attach proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the qualification of the bid If no, furnish reasons for non-submission of such pf:.....	YES / NO YES / NO
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:.....	YES / NO
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:.....	YES / NO
Are you, or any person connected with the bidder aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? If so, furnish particulars:.....	YES / NO

Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? If so, furnish particulars:.....	YES / NO
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2. Declaration of Bidder's past supply chain management practices (SBD 8)

2.1 This Standard Bidding Document must form part of all bids invited.

2.2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system

2.3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-

2.3.1 Abused the institution's supply chain management system

2.3.2 Committed fraud or any other improper conduct in relation to such system; or

2.3.3 Failed to perform on any previous contract.

2.4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
2.4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.1.1	If so, furnish particulars:		
2.4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.2.1	If so, furnish particulars:		
2.4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.3.1	If so, furnish particulars:		
2.4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.4.4.1	If so, furnish particulars:		

3. Certificate of Independent Bid Determination (SBD 9)

- 3.1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 3.2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3.3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
- a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 3.4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 3.5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

Certificate of Independent Bid Determination

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

- A. I have read and I understand the contents of this Certificate;
- B. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- C. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- D. 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;

- E. 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
- F. 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 consortium³ will not be construed as collusive bidding.
- G. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (i) prices;
 - (ii) geographical area where product or service will be rendered (market allocation)
 - (iii) methods, factors or formulas used to calculate prices;
 - (iv) the intention or decision to submit or not to submit, a bid;
 - (v) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (vi) bidding with the intention not to win the bid.
- H. 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.
- I. 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.
- ³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**
- J. 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.

4 REQUEST FOR QUOTATION : PREFERRED SUPPLIER FOR LEGAL ADVISOR ON COMMERCIAL AND PROPERTY LAW

The South African National Space Agency (SANSA) requires a **Legal Advisor on Commercial and Property Law to be appointed as a preferred supplier for the period of 36 (thirty six) months to advise the Space Science Facility located in Hermanus, Western Cape, regarding unlawful occupation or claims on property and related matters.**

4.1 BACKGROUND TO SANSA

The South African National Space Agency (SANSA) has a mandate, as outlined in the South African National Space Agency Act, 2008 (Act No 36 of 2008), to co-ordinate and integrate national space science and technology programmes and conduct long-term planning and implementation of space-related activities in South Africa, for the benefit of the citizens of South Africa

4.2 SCOPE OF WORK(TERMS OF REFERENCE)

SANSA requires a Commercial and Property Lawyer (legal advisor on Property related matters) to be appointed on a consultancy basis to assist the **Space Science Facility located in Hermanus** with property related situations as detailed in the scope of services below, as and when required.

Scope of Services

- Advise SANSA on a course of action based on legal rights and responsibilities
- Initiate legal actions regarding unlawful occupation or claims of property
- Provide expertise in Property Law, Commercial Law and Corporate Law
- Litigation in property issues related to government ownership
- Filing urgent court applications
- Property Rights, the enforcement thereof or resolving property related matters
- Mediation and negotiation on relevant matters.

Requirements of service provider:

- Analytical ability and interpretation of laws and legal rulings
- Excellent Verbal and Written communication skills
- Mediation and negotiation skills
- Excellent problem solving skills.
- Relevant Law Degree
- Must be fully competent in English. Afrikaans and isiXhosa would be an advantage.
- Min 3 -5 Years' experience as a Property Lawyer
- Must have a valid SA Driver's license and/or be able to be on site within a maximum of two (2) hours from initial notice if required by SANSA.
- The appointment of an attorney, if required, will be the responsibility of the property lawyer

A service level agreement (SLA) will be entered into with the successful bidder for services provided on an as and when required basis. A detailed written quotation must be submitted before a service is being rendered and no services shall be rendered unless a purchase order is issued by SANSA. The service provider must be able to respond urgently with the required documentation in emergency situations as described in the SLA.

PLEASE NOTE: Only one service provider will be appointed for the period of 36 (thirty-six) months. The service provider will be utilised as and when required, and should understand that the requirements will vary throughout the contract period depending on the need. The contact person for SANSA will be the Facilities Services Manager based in Hermanus, Western Cape, and all the requirements will be pertaining to the Hermanus, Western Cape branch of SANSA. The service provider must be in a position to get to the Hermanus site as quickly as possible when required and this must be demonstrated in the proposal.

4.2.1 Capability of service provider

The requirements for the property commercial lawyer are set out in the table below. The Service Provider is required to indicate their ability to meet these requirements as well as adding any comments pertaining to the service they can provide. **All requirements in the tables below must be answered and portfolio of evidence to be submitted with quotation. The service provider must also indicate their location, and proximity to the site in Hermanus.**

Description of requirement	Yes/No	Comments
a) Advise SANSA on a course of action based on legal rights and responsibilities	Yes/No	
b) Initiate legal actions regarding unlawful occupation or claims of property but not limited to	Yes/No	
c) Experts in Property Law, Commercial Law and Corporate Law	Yes/No	
d) Litigation in property issues related to government ownership	Yes/No	
e) Filing urgent court applications	Yes/No	
f) Property Rights, the enforcement thereof or resolving property related matters	Yes/No	
g) Mediation and negotiation on relevant matters.	Yes/No	

5 EVALUATION CRITERIA

SANSA promotes the concept of “best value” in the award of contracts, as opposed to merely looking for the cheapest price, which does not necessarily provide the best value. Best value incorporates the expertise, experience and technical proposal of the organisation and individuals who will be providing the service and the organisational capacity supporting the project team.

SANSA is committed to achieving Government’s transformation objectives in terms of the Preferential Procurement Policy Framework Act.

The value of this bid is estimated not to exceed R500 000 (all applicable taxes included) and therefore the **80/20** system shall be applicable.

The procedure for the evaluation of responsive tenders is Price and Preference method.

Bids will be evaluated in terms of the 80/20 preference points systems, where the 80 points will be used for price only and the 20 points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the Table below

Preference

(ORIGINAL/CERTIFIED B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

Calculation of points for B-BBEE status level contributor

Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the Table below

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14

4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

6 PRICING SCHEDULE

All services will be requested on an as required basis. Please complete the below schedule to indicate the rates charged for services rendered.

Total Value incl. VAT

Services rendered (reference to Scope of Work)	Unit Cost Year 1	Unit Cost Year 2	Unit Cost Year 3
Normal rate (per hour) within working hours (07h45-16h30) on weekdays other than public holidays and weekends			
After hours rate outside working hours and on public holidays and weekend (rate per hour)			
Travelling rate per km			
Any other costs			

7 SPECIAL CONDITIONS

- a) Quotations to be returned to: Gert Wepener spacesci-scm@sansa.org / 028 312 1196
- b) **The company representative should comply with the following requirements, failure to provide proof will result into disqualification:**
 - Relevant Law Degree or Diploma
 - Min 3 -5 Years' experience as a Property Lawyer
 - Must have a valid SA Driver's license
- c) Payment will be done on services rendered, with payments done within 30 days of receipt of invoice.
- d) Supplier must be registered on the Central Supplier Database (CSD) before closing date of the RFQ. Suppliers should contact SANSA well in advance of the closing date to request assistance with CSD registration if required.
- e) A supplier summary from the CSD should be submitted indicating verified tax clearance status.
- f) **Successful service provider must be willing to enter into a service level agreement with SANSA**
- g) The offices of SANSA are situated at the following address:
**Hospital Street
Hermanus, 7200**

8 TIMELINES

The successful service provider must be in the position to provide required services with immediate effect after both parties have signed the service level agreement.

9 SUPPORTING DOCUMENTATION AND MINIMUM CRITERIA

In order to demonstrate their capacity and score points with respect to the criteria, service provider should supply the following supporting documentation.

- a. Original/Certified B-BBEE status level verification certificate/Sworn affidavit must be submitted in order to qualify for preference points for B-BBEE);
- b. CV/CVs and supporting documents of representatives**
- c. 5 References including organisation name, contact person, contact numbers and an example of the kind of work done for them (Annexure A)**
- d. A supplier summary from the CSD should be submitted indicating verified tax clearance status
- e. The quote must be valid for a period of 30 days
- f. Quotation must reflect a cost breakdown, where applicable, prices quoted must be inclusive of VAT
- g. All pages of quotation must be signed by the responsible person
- h. SANSA has the right to withdraw any quotation at any time within the validity of the quotation.
- i. SANSA reserves the right to invite suppliers/companies to present their bid proposals for final decision**

10 DECLARATION

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise:

- i) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- ii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iii) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and ;
- iv) confirms that the contents of this questionnaire/forms (SBD 4, 8 & 9) are within my personal knowledge and are to the best of my belief both true and correct
- v) accept that, in addition to cancellation of a contract, action may be taken against me should the Declaration prove to be false.
- vi) confirms that the bidder has read the General Conditions of Contract (GCC) and agree with the conditions. The GCC can be found on SANSA website (<http://www.sansa.org.za/images/Procurement/GCC/GCC.pdf>)

Signed

Date

Name

Position

*Enterprise
name***Bid Conditions****1. Disqualification**

Please note that if a bid document is not filled in correctly or completely, or complied with the specification, or is delivered/send after the bid closing date and time, or the supplier is not registered on the CSD or supplier has a non-compliant tax status, then unfortunately that bidder will be disqualified. Please return this document with the supporting documents.

2. Bid Document Submission

Faxed and emailed tender documents will be accepted. However, the onus is on the tenderer to ensure that complete faxed or email documents have been received by the SANSA by the due date and time.

Please note that any alterations to the tender document other than filling in the tenderer's details and tender price will automatically disqualify the tenderer.

END