

REQUEST FOR PROPOSAL (RFP)

RFP NUMBER	CO 256/12/2022
DATE ISSUED	09 December 2022
PROJECT NAME	SANSA Online Legal Library
CLOSING DATE AND TIME	20 December 2022 @ 16:30 Closing date extended to 13 January 2023 @ 16:30
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	
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Full details of directors / trustees / members / shareholders.

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

A. BIDDER'S DISCLOSURE (SBD 4)

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature	Date
.....
Position	Name of bidder

² 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.

B. REQUEST FOR PROPOSAL FOR SANSA ONLINE LEGAL LIBRARY FOR A PERIOD OF THREE (3) YEARS.

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 coordinate and integrate national space science and technology programmes and conduct long-term planning and implementation of space-related activities for the benefit of the citizens of South Africa.

The online legal library is a resource that the Legal and Compliance Services unit requires to assist the provision legal opinions to SANSA business units on a variety of issues.

In order to assist the SANSA in executing its mandate, the Legal and Compliance Services unit is required to deliver services that include but are not limited to the following:

- Ensure agreements and other legal papers are drafted and reviewed,
- Provide well-researched legal opinions to SANSA's various business units,
- Ensure effective litigation management , both for and against SANSA,
- Act as an independent review body to ensure that compliance issues within the organisation are evaluated, investigated, and resolved appropriately.

Google is frequently used to conduct legal research. This carries significant risk, and it is not always easy to verify the accuracy and reliability of information obtained from a search engine such as Google. The required online legal library solution is therefore intended to provide the SANSA Legal and Compliance Services team access to credible information from various sources of law to ensure efficient execution of their functions.

2. SCOPE OF WORK (TERMS OF REFERENCE)

The essence of providing legal advice and mitigating legal risk is dependent on the ability to do research, provide legal opinions and keep up to date with developments in the law. The legal system essentially consists of the common law as developed during centuries, the codification of statutes and precedent of case law. The solution is required to be accessed for a period of three (3) years.

Requirements:



- The solution must focus on South African and International Law
- The solution must be an online tool that is available at all times
- The solution must be current and continuously updated
- The solution must be accessible to five (5) users
- The solution must be able to send out e-mail updates on recent developments/changes on the selected areas of law
- The solution must have an option to print available sources or publications (at no extra cost to SANSA)
- Access to new publications must be included in the package
- Continuous technical support to the users as and when required (at no extra cost to SANSA)
- With no limitation to the list hereunder, the solution must be able to provide users access to the following South African and International legal sources or publications:
 - Regulations
 - Legislations
 - Corporate Governance Practice Notes
 - Case Law / Law Reports
 - Journals
 - Electronic Articles
 - Legal news publications
 - Citatory
 - Government Gazette
 - Reference works

Fields of law required:

- Civil Procedure
- Administrative and Constitutional
- Contract
- Corporate and Commercial
- Tax
- Labour
- Public
- Intellectual Property
- International
- Telecommunication
- Information, Communication & Technology (ICT)
- Corporate Governance
- Construction and Engineering
- Property
- Space and Aviation

C. 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 R1 million (all applicable taxes included) and therefore the **80/20** system shall be applicable.

The procedure for the evaluation of responsive tenders is **price, functionality (quality) and preference** method. The evaluation of the bids will be conducted in the following two stages:

- Firstly, the assessment of quality will be done in terms of the evaluation criteria (Table 3) and the minimum threshold of 80 points explained below. A bid will be disqualified if it fails to meet the minimum threshold for functionality as per the bid invitation
- Thereafter, only the qualifying bids are evaluated in terms of the 80/20 preference points systems, where the 80 points will be used for price 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

1. 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 Table1 below

Table 1: B-BBEE level and points

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

2. Eligibility Criteria

To be eligible for the functionality, price and preferencing evaluation, the bidder must submit the following as per table 2 below.

If there is “**No**” on the Table 2 below, the bidder who didn't submit the required document (s) with their bid will be requested in writing to submit them within three (3) working days for inclusion in the Bid Evaluation Committee item, if a bidder fails to submit on the 3rd working day, the relevant bid will be rejected.

Table 2: Eligibility Criteria

Criteria	Attached (Yes/No)	Comments
CSD Registration Summary Report with a compliant tax status		

3. Quality/Functionality:

Scores will be tabulated to 100 points. Respondents must score **80 points** and over to be assessed on their financial offer and preference score.

The allocation of points for the evaluation of quality/functionality is set out in Table3 below:

Table 3: Quality/Functionality Criteria

Criteria	Maximum Points
Methodology	50

Company and Project Team Experience	30
User friendliness of the solution and presentation	20
Total evaluation points for quality	100

Evaluation criteria 1: Methodology

Description: In responding to this evaluation criteria, the bidder should provide a detailed approach as to how the services are to be provided through the proposed solution, and should also detail the wide range of online publications and sources that are available on their solution.

Score 50	Methodology
None Responsive (0)	The bidder did not provide any methodology
Poor (score 10)	The bidder does not meet the requirements of providing comprehensive methodology to the scope of work
Good (score 40)	The bidder meets all the requirements of providing comprehensive methodology to the scope of work
Excellent (Score 50)	The bidder exceeds all the requirements of providing comprehensive methodology to the scope of work. Bidder provided value added and/or innovative solutions

Evaluation criteria 2: Company and Project Team Experience

The bidder will be evaluated on their experience in providing Online Legal Library Services as well as the experience of the project team in providing support and training of the solution.

The technical support should include but not limited to adding/remove the names of users, offering training at no extra cost to new users and online real-time support, etc.

Maximum Score = 15	Project Team Experience (Technical Support)
Poor (score 5)	No CV/Profiles attached
Good (score 10)	Key personnel should have a minimum of 2-4 years' experience in providing support and training based on their CV's/Profiles attached.
Excellent (score 15)	Key personnel should have experience in providing support and training for 5 or more years on their CV's/Profiles attached.

Company Experience

The bidder MUST present at least 5 valid reference letters (on the client's letterhead) from companies for which they have provided an Online Legal Library system. Reference letters MUST indicate the periods in which such services were rendered and the letters will be used to evaluate this criterion.

Failure to provide a minimum of five (5) reference letters will result in a score of zero (0) in this category.

Please note that SANSA will be contacting the references provided to verify the information. Bidders must ensure they provide the correct contact details of references provided.

The scoring of the company experience will be as follows

Maximum Score = 15	Company Experience (References Letters)
Poor (score 5)	Company has provided less than 2 letters of reference reflecting experience in the past 5 years.
Good (score 10)	Company has provided 3-4 letters of reference reflecting experience in the past 5 years.
Excellent (score 15)	Company has provided 5 or more letters of reference reflecting experience in the past 5 years.

Evaluation criteria 3: User friendliness of the solution and presentation

Description:

The bidder will be required to provide a demonstration on the proposed solution. should detail how the solution will be used and the user-friendliness of the thereof. The bidder should also detail the level of training and support that is needed in order to interface with the solution. This will only be applicable to bidders who have scored **60 points** on the first two criteria.

Score 20	User Friendliness of the of the Solution
Poor (score 0)	Solution does not meet SANSA's requirements.
Good (score 10)	The solution is easy to interface, navigate and is user-friendly.
Excellent (score 20)	The solution exceeds SANSA's expectation and requirements in terms of user friendliness and ability to interface and navigate the system.

D. PRICING SCHEDULE

Pricing Instructions

1. The Bidder must price all items;
2. Rates are to include all costs with no unspecified cost to allow for a fair evaluation.

3. Payment will be made based on the deliverables (proven progress) for the services rendered/goods received.
4. Payment will only be made on the basis of invoices provided.
5. Offer to be valid for 30 days from the bid closing date.

	Year One (2022-2023)	Year Two (2023-2024)	Year Three (2024-2025)
Annual fee (excl. VAT)			
VAT			
Total			
Total Cost for 3 years (Incl. VAT)			

E. SPECIAL CONDITIONS

- a) Proposals to be returned to Boitumelo Maredi: bmaredi@sansa.org.za
- b) The service provider shall commit to post support where and when required by SANSA.
- c) Contract will not be awarded unless supplier is registered on the Central Supplier Database. A supplier registration summary with a compliance tax status must be submitted with the proposal. Potential suppliers should contact SANSA should they require assistance in registering on the CSD)
- d) This RFP is part of the Supplier Development Programme (SDP). The recommended bidder will be required to sign a SDP agreement for shorter payment periods for EMEs.
- e) The offices of SANSA are situated at the following address:

**Shop 2 Enterprise Building
Mark Shuttleworth Street
The Innovation Hub
Pretoria, 0087**

F. TIMELINES

The successful service provider must be in the position to provide the service immediately after the purchase order has been issued by SANSA.

G. SUPPORTING DOCUMENTATION AND MINIMUM CRITERIA

In order to demonstrate their capacity and score points with respect to the criteria, tenderers should provide the following supporting documentation.

- a. B-BBEE status level verification certificate/Sworn affidavit must be submitted in order to qualify for preference points for B-BBEE);
- b. Minimum of five (5) references including organisation name, contact person and contact numbers;
- c. Quotation must reflect a cost breakdown, where applicable, prices quoted must be inclusive of VAT
- d. All pages of quotation must be signed by the authorised person
- e. SANSA has the right to withdraw any quotation at any time within the validity of the quotation.
- f. SANSA reserves the right to invite suppliers/companies to present their bid proposals for final decision

H. 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;
- iv) confirms that the contents of this questionnaire/forms (SBD 4) 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.treasury.gov.za/divisions/ocpo/sc/generalconditions/>)

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

Emailed tender documents will be accepted. However, the onus is on the tenderer to ensure that complete 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.

COMPLIANCE WITH PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) ("POPIA")

1. The Constitution guarantees citizens the right to privacy, including the right not to have the privacy of their communications infringed.
2. POPIA aims to promote the protection of privacy through the application of its guiding principles for the processing of personal information in a context-sensitive manner.

Committed to your Privacy

3. SANSA fully comprehends that your personal and company information is valuable to you; your privacy is just important to SANSA. SANSA commits to safeguarding and lawfully processing your personal information.

Purpose for Processing your Personal Information

4. SANSA collects, holds, uses and discloses your personal information mainly to provide you with access to its services. SANSA will only process your personal information for a purpose you would reasonably expect, including:

- Complying with any legal and regulatory requirements such as contract agreements, etc.
- Confirming, verifying and updating your details.
- Invoicing or paying you to ensure payment and tax compliance.

5. SANSA may collect your personal information which may include your first name and last name, company name and its registration number, identity numbers, email address, physical or postal address, other contact information, banking details, etc.

Consent to Disclose and Share your Personal Information

6. SANSA may need to share your personal information, with third parties, to provide advice, and/or services. Where SANSA shares your personal information, it will take all reasonable precautions to ensure that the third party will treat your personal information with the same level of protection as required by SANSA.

Request and Access to your Personal Information

7. Should you require further information on this or have any concerns about how your personal information is processed or used, you can contact SANSAS's Information Officer: Ms Andiswa Mlisa on popi_paia@sansa.org.za.

8. You can request access to the personal information SANSAS has on you at any time. If you think that SANSAS has outdated information, you may request to update or correct it. You can also opt-out and request the removal of your personal information at any time. If there are any lawful reasons for requiring SANSAS to retain any information, SANSAS will advise so.

9. PLEASE TAKE NOTE that your personal information is securely hosted on infrastructure / system managed by SANSAS. SANSAS assures you that your information will not be shared for any marketing or promotional purposes without your consent.

10. SANSAS will continue to manage, monitor, refine and develop policies, processes and systems. This will ensure that SANSAS takes every practical and reasonable step(s) to ensure data protection, is in line with POPIA.

END