

## **TERMS OF REFERENCE**

### **PROVISION OF LEGAL SERVICES FOR A PERIOD OF TWELVE MONTHS**

#### **1. INTRODUCTION**

##### **Enterprise iLembe**

Enterprise iLembe is an economic development agency wholly-owned by the iLembe District mandated to pursue and facilitate investment, economic development and empowerment in iLembe. The objective of Enterprise iLembe is to improve the competitiveness of the iLembe Region by creating an environment that will enable local business to compete successfully on the international stage.

##### **OBJECTIVE**

The purpose of this appointment is for the provision of specialised legal advice and services to Enterprise iLembe on an ad hoc basis, as and when the need arises, over a period of twelve months from the date of appointment.

#### **2. THE PROJECT DESCRIPTION**

Enterprise iLembe hereby invite proposals from competent and experienced service providers with regards to the provision of the following services;

- Provision of general legal services for civil/commercial matters
- Provision of general services for labour matters
- Provision of general services for conveyancing and land legal matters
- Provision of general legal services for contract management

In preparing a proposal, it is emphasized that a profile of the firm of attorneys together with demonstrated expertise in the particular fields of law be submitted.

**The proposal must be limited to a maximum of 5 pages.**

It is important that the firms of attorneys ensure continuous quality and consistency of advice.

### 3. CONTRACT DURATION AND CONDITIONS

The contract will be for a duration of 12 months and the appointed service provider will be used as and when required during this time. Please note that this contract will not be subject to a guaranteed quantum of work

Service providers will be compensated based on their **quoted hourly rate** and the actual hours worked.

#### The following conditions apply:

- Only legal practices established in accordance with the provisions of the Attorneys Act, 1979 (Act No. 53 of 1979 as amended) will be considered for this tender.
- All proposals received shall firstly be evaluated on functionality and thereafter only those who qualify for the next stage of evaluation will be evaluated in terms of the PPPFA (No.5 of 2000), read together with the 2017 Preferential Procurement Regulations and the 2011 B-BBEE Regulations.
- A minimum of 60 points must be scored in the functionality evaluation, in order for service providers to qualify for the price evaluation.
- A service level agreement will be signed between Enterprise iLembe and the appointed service provider.
- The basis of engaging firms of attorneys will be on an assignment basis, as and when the need arises
- Enterprise iLembe may at its own discretion vary an instruction to include more work
- The firm of attorneys may not cede or assign any part of its agreement with Enterprise iLembe nor subcontract any part of the work assigned to them without the prior written authorisation of Enterprise iLembe
- Assignments awarded in the last three months of the contract period will be allowed to continue after expiry of this contract period.
- The firm of attorneys must declare any interest it has in an assignment
- In the event that any conflict of interest is discovered during the assignment, Enterprise iLembe reserves the right to summarily cancel the agreement and demand that all information, documents and property of Enterprise iLembe be returned forthwith.
- Price quoted for assignments should include VAT and disbursements.

### 4. PROPOSAL REQUIREMENTS

Each proposal must include the specialist fields of law of the firm. If a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with **demonstrated experience** in the specified areas of law.

The hourly rate of attorneys must be included in the proposal as well as the travel rates per kilometre to be charged during the term of the contract.

## 5. REPORTING RELATIONSHIP

The respective firms of attorneys will report to the Chief Executive Officer of Enterprise iLembe or his nominee.

## 6. APPOINTMENT OF SERVICE PROVIDER

### Adjudication Criteria

### Procurement Policy

Bids will be evaluated in terms of the Procurement Policy of Enterprise iLembe and shall be applied as follows:-

- All proposals received shall firstly be evaluated on functionality and thereafter only those who qualify for the next stage of evaluation will be evaluated in terms of the PPPFA (No.5 of 2000) read together with the 2017 Preferential Procurement Regulations and the 2011 B-BBEE Regulations.

**Any bid that fails to achieve a minimum of 60 points on the functionality evaluation shall not be evaluated further and will be deemed to be non-responsive.**

### Functionality Evaluation

The functionality evaluation points will be applied as per the table below;-

**NB:** Bidders must demonstrate by submitting documentary proof in relation to the claim of points with respect to the following key competencies/areas:

Competency	Point Allocation	Maximum Points
Demonstrable knowledge of the specialist field <b>(Please attach copies of qualifications to claim points for this)</b>	<b>Qualifications:</b> Bachelor's Degree/ National Diploma – 15 points Honours degree/ Post Graduate Diploma – 25 points Masters/ Doctorate and above – 50 points	50
Demonstrated experience in the specified areas of law <b>(Please include a summary of previous experience to claim points for this)</b>	0 years 0 1 – 5 years 20 5 – 10 years 30 Above 10 years 50	50

**Only bidders who achieve a total of 60 points for functionality in terms of the above will then be evaluated in terms of the 80/20 points scoring system. Bidders wishing to claim preferential points must attach B-BBEE certificate.**

Quotations will be evaluated in terms of the 80/20 points scoring system as set out in the SCM Policy of Enterprise iLembe, as follows:

<b>COMPONENT</b>	<b>80/20</b>
B-BBEE Status Level	20
Price	80
<b>Total</b>	<b>100</b>

Service providers who wish to claim preference points must submit a B-BBEE Certificate.

The 20 preference points will be allocated based on B-BBEE status level of contribution and shall be allocated as per table below:-

<b>Status Level of Contributor</b>	<b>Preference Points on scorecard (80/20 System)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-contributor	0

**Please ensure that your proposal contains the following information:**

- Full name of company
- Physical address
- Full contact details, including cell phone number (if applicable) of contact person
- Experts qualifications (**compulsory**);
- Previous experience (**compulsory**)
- Valid, original SARS Tax Clearance Certificate / SARS TCS Pin (**compulsory**);
- MBD 4 – Declaration of Interest Form (compulsory);
- and B-BBEE Status Level Certificate/ sworn affidavit for B-BBEE exempted micro enterprises (if you have) as all quotations will be evaluated in terms of the 80/20 points scoring system as set out in the PPPFA (No.5 of 2000), taking into account the 2017 Preferential Procurement Regulations and the 2011 B-BBEE Regulations.

- Central Suppliers Database (CSD) Registration report (**compulsory**); (**NB: All service providers must be registered on the Central Suppliers Database (CSD) for government. Please visit <https://secure.csd.gov.za> to register your business and to download the CSD registration report as the submission thereof is a compulsory requirement for this request for quotations. )**

## 7. PAYMENT TERMS

Payments will be made on invoices rendered for work completed. On receipt of invoices rendered the service provider should allow at least 4 weeks for the payments to be processed.

## 8. NON APPOINTMENT

Enterprise iLembe has a right not to make an appointment should it find that proposals received do not meet the specified criteria / requirements and is not compelled to accept the lowest quotation.

## 9. CLOSING DATE AND TIME

Interested individual service providers are required to submit the proposal by **07 MAY 2018 2018 - 11h00**, via e-mail.

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