



Tenders are hereby invited for the following:

PROVISION FOR A PANEL OF LEGAL SERVICES FOR SENQU LOCAL MUNICIPALITY

NOTICE No: 115/2017-2018

Completed tender documents must be in a sealed envelope endorsed with the name, **"PROVISION FOR A PANEL OF LEGAL SERVICES FOR SENQU LOCAL MUNICIPALITY – NOTICE No: 115/2017-2018"** and must be deposited in the Tender Box at the Senqu Local Municipality Offices, Lady Grey not later than **12:00, Friday 29th September 2017** when tenders will be opened in public.

Enquiries should be addressed to: Mrs Z Koyana 051 603 1323/1300

The Senqu Municipality Supply Chain Management Policy as well as the following conditions shall apply:

- Canvassing of municipal staff or councillors will automatically disqualify any tender.
- The tender should be bound with own documents and all SCM documents and tender advertisement.
- The tender should be bound with the tender bidding checklist as the first page of the document with the completed page numbers.
- The Tenderer must submit a copy of the Central Supplier Database registration form.
- A current Tender Tax Clearance Certificate (original) must be supplied with the tender or the SARS PIN number or else the tender will not be considered.
- All prices must include VAT.
- The municipal rates and taxes or municipal charges owed by the preferred bidder or any of its directors, to the municipality or municipal entity, or to any other municipality or its entity, must not be in arrears for more than three months. Proof must be submitted in the form of a recent municipal account or letter of good standing.
- If a municipal account is not available, a copy of the lease contract with the confirmation from the Owner of the property that confirms in writing that the rental is paid up to date or a letter from the Councillor or Headman confirming that the bidder does not pay any rates or taxes.
- The successful bidder will be required to register on the Senqu Municipality data base.

- Prices must be valid for a minimum period of 120 days.
- The tenders will be evaluated on the 80/20 preference points system as prescribed in the PPPFA; these documents will be available on the Senqu Municipality website – www.senqu.gov.za
- Preferential Procurement Regulation 2017 (B-BBEE) principles will apply, whereby a tenderer's submission will be evaluated according to the sum of the Award of Points in respect of the tender value and the status of the enterprise
 - Adjudication criteria are as follows:
 - 80 Points for Price
 - 20 Points for B-BBEE status level of Contribution

Points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contribution:	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

- The Senqu Municipality does not bind itself to accept the lowest or any other bid and reserves the right to accept the whole or part of any bid.
- No emailed or faxed documents will be accepted.
- It is the responsibility of the Tenderer to ensure that tenders sent via courier are placed in the Tender Box at the advertised date and time.
- Submission of an original B-BBEE Verification Certificate or certified copy.
- A trust, consortium or joint venture must obtain and submit a consolidated B-BBEE status Verification Certificate with the tender.
- **A consolidated Tax clearance and bank account will be required if the winning bidder is a joint venture before any payments will be made.**
- The successful tenderer will be requested in certain circumstances to be requested to enter into a Service Level Agreement.
- Bids which are late, incomplete, unsigned will not be accepted including couriered documents
- The following Municipal Bid Documents are compulsory documents and must be included in the tender document:
 - Advertisement (This document)
 - Specifications (Terms of reference) and (Tick and sign)
 - MBD 1 (Invitations to bid)
 - MBD 3.3 (Pricing schedule)

- MBD 4(Declaration of Interest) If declared in service of the State please provide full details and reference letters.
 - MBD 6.1(Preference points claim form) Attach the valid BBEEE certificate
 - MBD 8(Declaration of Bidder's past supply chain management practices)
 - MBD 9(Certificate of independent bid determination)
- **Failure to complete all supplementary information and the RETURNABLE SCHEDULES including requested MBD Forms not completed in full and not signed will result in the tender being disqualified.**
 - The municipality reserves the right to request minor documents from responsive bidders which will not have an impact on the final award of the tender.
 - **EXISTING LEGAL SERVICE PROVIDERS ALREADY REGISTERED FOR THE THREE YEARS NEED TO REGISTER AGAIN**

All documents are available on the Senqu Municipality website- www.senqu.gov.za

M. M. Yawa

Municipal Manager
08/09/2017



SPECIFICATIONS: TERMS OF REFERENCE – PROVISION FOR A PANEL OF LEGAL SERVICES FOR SENQU LOCAL MUNICIPALITY

NOTICE NO: 115/2017-2018

1. The Senqu Local Municipality ("the Municipality") wishes to review its pool of legal service providers and accordingly invites suitably qualified and experienced practitioners to apply for evaluation and listing as accredited prospective service providers for a period of 3 years.
2. The closing date for submission of applications is at 12h00 on Monday, 29th of September 2017 and applications must be placed in sealed envelopes and clearly marked "**PROVISION OF LEGAL SERVICES TO THE SENQU LOCAL MUNICIPALITY – NOTICE No: 41/2017**" and delivered to the offices of the Municipality at 19 Murray Street, Lady Grey and placed in the tender box.
3. The Municipality requires legal services in respect of the following categories:
 - 3.1. Litigation, which includes alternative dispute resolution, mediation and arbitration;
 - 3.2. Collections;
 - 3.3. Local Government law, which includes constitutional, administrative, environmental law and expropriation;
 - 3.4. Labour law;
 - 3.5. Commercial & Contract law;
 - 3.6. Conveyancing.

4. Each applicant must indicate:
 - 4.1. for which of the above categories it intends submitting a bid;
 - 4.2. the experience it has in respect of the chosen category within the context of local government. For the sake of clarity, each applicant must provide at least 3 projects / tasks completed for each category, indicating the nature of the project / task, the client and a contactable reference; and
 - 4.3. please note that each category will be evaluated separately.
5. The proposals to be submitted to the Municipality must include the following:
 - 5.1. a profile of the applicant firm;
 - 5.2. the directors, partners or principal;
 - 5.3. the practitioners who will provide the legal services to the Municipality, their qualifications, experience (in years), *curricula vitae* and traceable references;
 - 5.4. the staffing composition;
 - 5.5. details of the geographic location of the applicant's practice and the office infrastructure supporting the practice including lease agreement and / or title deed;
 - 5.6. Certified copies of the Fidelity Fund Certificates in respect of all the directors / partners or the principal;
 - 5.7. Certified copy of the applicant's Professional Indemnity Insurance, including the extent of the cover;
 - 5.8. An original valid Tender Tax Clearance Certificate or the SARS PIN must be supplied with the tender or else the tender will not be considered;
 - 5.9. Central Supplier Database registration number must be submitted for verification, all information submitted will be verified with the Central Data Base
 - 5.10. Certified copy of the applicant's Broad-Based Black Economic Empowerment Status Level Certificate, valid as at the date of submission;
 - 5.11. Applicants who qualify as Exempted Micro Enterprises (EMEs) in terms of the Broad-Based Black Economic Empowerment Act, must submit a certified copy of its certificate issued by a registered auditor, or an accredited verification agency;

- 5.12. Current Municipal Billing Clearance Certificate. No contract will be awarded to an applicant who is in arrears (or who fails to make suitable arrangements to settle the arrears) in respect of municipal rates and other charges due to the Municipality or the municipality in whose jurisdiction its offices are located;
- 5.13. The service provider will be required to register in the Municipal database;
- 5.14. **The following Municipal Bid Documents are compulsory documents and must be included in the tender document:**
- a) Advertisement (This document)
 - b) Specifications (Terms of reference)
 - c) MBD 1(Invitations to bid)
 - d) MBD 4(Declaration of Interest)
 - e) MBD 6.1(Preference points claim form)
 - f) MBD 7.2(Contract form – Rendering of services)
 - g) MBD 8(Declaration of Bidder's past supply chain management practices)
 - h) MBD 9(Certificate of independent bid determination)

Failure to complete all supplementary information and the RETURNABLE SCHEDULES including requested MBD Forms not completed in full and not signed will result in the tender being disqualified. The municipality reserves the right to request minor documents from responsive bidders which will not have an impact on the final award of the tender.

6. The evaluation of submissions shall be subject to the following criteria and only applicants scoring a minimum of 75 points will then be evaluated on points and price and then be considered for the panel. The Municipality has the right to contact the references submitted.
- 6.1. In respect of the categories referred to in paragraph 3 above, applicant's having a Sole Proprietor, Director or Partner with:

Functionality

Experience		
more than 10 years' experience in providing legal services within the specified category shall be awarded	40 points	
more than 5 years but less than 10 years' experience in providing legal services within the specified category shall be awarded	30 points	

Verifiable References		
3 Verifiable references	15 points	
2 Verifiable references	10 points	
1 Verifiable reference	5 points	
Only bidders who score a minimum of 75 points will be considered		

- 7 Applicant's shall be awarded points for B-BBEE status level in accordance with the provisions of the Preferential Procurement Regulations, 2017 as amended:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 8 The Municipality intends to compensate legal service providers based for service rendered on the following rates, based on the experience of the practitioner who will be providing the service where applicable:
- a Litigation (excluding litigation in the Regional and Magistrate's Courts), Local Government law, Labour Law, Commercial & Contract law – the non-litigious tariff of the Cape Law Society;
 - b Litigation in the Regional and Magistrate's Courts (including Collections) – the prescribed tariff in the Magistrate's Court Rules;
 - c Conveyancing – the prescribed tariff of the Cape Law Society, less 10%.
- 9 Applicants must note that:
- a. No late applications will be considered;

- b. Failure to provide all required information will result in the application not being considered;
- c. The Municipality does not bind itself to accept any submitted proposal;
- d. Legal practitioners whose services are currently being utilised by the Municipality are required to comply with this notice;
- e. It is a condition for the listing of the Applicant that the Applicant agrees and undertakes not to act against the Municipality;
- f. Listing on the panel of the Municipality as an accredited legal services provider does not guarantee that the services of the Applicant will be utilised;
- g. Listing on the panel of the Municipality as an accredited Legal Services Provider shall be subject to the Applicant entering into a service level agreement with the Municipality upon terms and conditions in the sole discretion of the accounting officer of the Municipality; and
- h. The Municipality reserves the right to extend the duration of the above service level agreement.

10 COMPLETE THE FOLLOWING RATES ON THIS FORM AND SIGN AND SUBMIT WITH THE REQUIRED DOCUMENTS

ADDITIONAL COSTS

	1 st year	2 nd year	3 rd year
Accommodation	R	R	R
Travel cost per km	R	R	R
Rate for travel time	R	R	R

Please refer all enquiries relating to this invitation to Ms Zimasa Koyana at telephone number 051 603 1323/1300 or koyanaz@senqu.gov.za

M. M. Yawa
Municipal Manager
08/09/2017