



REQUEST FOR PROPOSAL

RFP NUMBER: RFP/LEG/2019/23

RFP TITLE: PANEL OF LEGAL FIRMS ON AN “AS AND WHEN REQUIRED” BASIS FOR A PERIOD OF FIVE (5) YEARS

Tender documents are obtainable from **02 May 2019** from the following websites:

- **Government E- Tender Portal**
- **SABC Website.**

No Briefing Session will be held, bidders can send their queries to the email address provided

Closing Date: 24 May 2019 at 12h00

For enquiries contact the Tender Office in SABC - Radio Park, Henley Road, Auckland Park, Johannesburg, Email: tenderqueries@sabc.co.za



SOUTH AFRICAN BROADCASTING SABC SOC LIMITED

(“The SABC”)

REQUEST FOR PROPOSAL/BID (RFP) NUMBER: RFP/LEG/2019/23

**RFP TITLE: PANEL OF LEGAL FIRMS ON AN “AS AND WHEN REQUIRED” BASIS FOR
A PERIOD OF FIVE (5) YEARS**

EXPECTED TIMEFRAME

BID PROCESS	EXPECTED DATES
Bid Advertisement Date	02 May 2019
Bid documents Available From	02 May 2019
Briefing Session Date & Time	No briefing session will be held, bidders can send their queries to the email address provided
Venue for Briefing Session	None
Bid Closing Date & Time	24 May 2019 @ 12h00 noon

The SABC retains the right to change the timeframe whenever necessary and for whatever reason it deems.

BIDS DELIVERY

Bids must be lodged in the

SABC's Tender Box
Main Entrance Radio Park Office Block
Cnr Artillery and Henley Road
Auckland Park
Johannesburg

Contact:

Email: - tenderqueries@sabc.co.za

1. PHASE 1 - MANDATORY DOCUMENTS

All bid respondents must submit documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

MANDATORY REQUIREMENT	
1.	Proof of valid law society membership
2.	Proof of valid Fidelity Fund Insurance Cover
3.	Proof of (Central Supplier Database) CSD registration

NB: NON-SUBMISSION OF THE MANDATORY DOCUMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION.

REQUIRED DOCUMENTS

- 1.1 Valid Tax Clearance Certificate or SARS “Pin” to validate supplier’s tax matters
- 1.2 Valid TV License (Please supply statement) for Company’s, Shareholders’ and all Directors’ in possession of TV Licence – further verification will be done with SABC TV Licence
- 1.3 Original or Certified copy of Valid BBBEE Certificate (from SANAS accredited Verification Agency) OR
- 1.4 All EME’s and 51% black Owned QSE’s are only required to obtain a **sworn affidavit** on an annual basis, confirming the following;
 - 1.4.1. Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
 - 1.4.2. Level of Black Ownership
- 1.5 Last Three years audited financial statement

Note 2:

Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE act as amended.

- 1.6 Certified copy of Shareholders’ certificates.
- 1.7 Certified copy of ID documents of the Directors or Members.
- 1.8 Recent (not older than 3 months) Certified copy of Company Registration Document Reflecting Company Name, Registration number, date of registration and active Directors or Members.

NB: NO CONTRACT WILL BE AWARDED TO BIDDERS WHOSE TAX MATTERS ARE NOT IN ORDER.

C O N T E N T S

DOCUMENT A: CONDITIONS TO BE OBSERVED WHEN BIDDING

DOCUMENT B: GENERAL CONDITIONS OF THE BID/PROPOSAL

DOCUMENT C: QUESTIONNAIRE

DOCUMENT D: DECLARATION OF INTEREST

DOCUMENT E: FUNCTIONALITY REQUIREMENTS

DOCUMENT F: CONFIDENTIALITY

DOCUMENT G: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2011- SBD 6.1

DOCUMENT H: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT
PRACTICES - SBD 8

DOCUMENT I: CERTIFICATE OF INDEPENDENT BID DETERMINATION SBD 9

DOCUMENT J: ACCEPTANCE OF CONDITIONS OF BID

ANNEXURE A: PRICING SCHEDULE

DOCUMENT A

CONDITIONS TO BE OBSERVED WHEN BIDDING

1.0 LODGING OF PROPOSALS

- 1.1 Bidders are required to complete and sign the RFP Document and initial all pages (including proposal and brochures).
- 1.2 Bids must be submitted in one (1) original, one (1) copy of the original and 1 (one) electronic copy (CD) or memory stick, by hand and be enclosed in a sealed envelope marked distinctly with the RFP number. All electronic copies should be in PDF format and must contain the proposal, all completed forms, and attachments. This envelope must indicate the Bid number and the name and delivery address of the Bidder.
- 1.3 Bidders should ensure that bids are delivered in time to the correct address. Bids not received in a specified manner, and by the specified time and date as set out in this RFP document, will be rejected. The bid box is generally open during working hours from Monday to Friday (08H00 AM- 17H00 PM), on weekdays.

2.0 COMPLIANCE WITH CONDITIONS OF PROPOSAL

- 2.1 No alteration, amendment or variation of the submitted proposal by the closing date of this bid shall be permitted unless otherwise agreed in writing by both the SABC and the bidder. Should the bidder desire to make any amendments to the conditions of their proposal document, they shall stipulate upfront in their proposal document. The SABC reserves the right to reject such bid document.

3.0 COMPLIANCE WITH TECHNICAL SPECIFICATIONS

- 3.1 All bidders are required to submit bids in accordance with stipulated technical specification as indicated in this bid document. Failure to comply with the required technical specification will result in disqualification.

4.0 BID PRICES

- 4.1 No change in the submitted bid prices shall be accepted and/or approved by the SABC after receipt and before the award of this bid.
- 4.2 All prices are to be quoted in the Republic of South African Rand with VAT as a separate item.
- 4.3 The prices quoted should be inclusive of all costs needed to perform the specified services, not limited to, all kinds of local guarantee bonds, taxes and duties, customs, customs clearance, inland transportation, storage, unpacking, positioning, installation, integration and testing. The prices quoted should be inclusive of all costs for the duration of the project.
- 4.4 This bid document is not an offer to purchase, order or contract.
- 4.5 Prices must be fixed for the first year and shall, where applicable, be subject to an increase of not more than the applicable Consumer Price Index (CPI).
- 4.6 Bid prices for supplies in respect of which installation/erection/assembly is a requirement shall include ALL costs on a basis of delivery on site as specified.
- 4.7 Bid prices shall, where necessary, include packaging. If desired, the packaging material may be returned to the bidder provided the amount of credit that will be allowed for the returnable packaging is shown against each item concerned.
- 4.8 Any response submitted by a Bidder is subject to negotiation and review by the SABC.

5.0 SOURCE OF SERVICE AND MATERIAL

- 5.1 In the case of equipment/goods, which are partially or completely designed and/or manufactured in the Republic of South Africa, Bidders shall state the local content percentage.
- 5.2 Documentation certifying the local content percentage shall be submitted.

ACCEPTANCE OF PROPOSALS

- 5.3 The SABC does not bind itself to accept the lowest or any bid/proposal, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Bidders in the preparation and delivery of its/his/her bid/proposal. The SABC reserves the right to accept a separate bid/proposal or separate bids/proposals for any one or more of the sections of a specification. The SABC also reserves the right to withdraw the bid at any stage.
- 5.4 No bid shall be deemed to have been accepted unless and until a formal contract/ letter of award is prepared and signed.
- 5.5 The SABC reserves the right, should it deem it necessary, to monitor every stage of the contract to ensure:
- that the directors who were awarded the bid are in control of the company and/or that changes in directors does not affect the delivery of the goods/services/work adversely;
 - that, if there are changes in the control of the company, these should be brought to the attention of the SABC;
 - that in the event that the bid or any part thereof is to be subcontracted to another company or organisation after the bid was awarded, the Bidders must immediately advise the SABC and the SABC shall approve same as it deems fit;
 - successful delivery of the goods/services/works in terms of the contract, or timeous termination of the contract should such action be in the best interest of the SABC;
 - audit the successful Bidder's contract from time to time.
- 5.6 This bid will remain valid 180 (one hundred and eighty) days from the date of bid closing.

6.0 DEFAULT BY BIDDERS

- 6.1 If Bidders purport to withdraw their bid(s)/proposals within the period for which they have agreed that their bid/proposal shall remain open for acceptance, or fails to enter into a written contract when called upon to do so, or fails to accept an order in terms of the bid, the SABC may, without prejudice to any other legal remedy which it may have, accept their bid(s) notwithstanding the purported withdrawal, or proceed to accept any other less favourable bid or call for bids afresh and may recover from the defaulting Bidders any additional expense it has incurred for the calling for new bids or the acceptance of any less favourable bid.

7.0 AMPLIFICATION OF PROPOSALS

- 7.1 The SABC may, after the opening of bids; call on the Bidder to amplify in writing any matter which is not clear in the Bidder's submission and such amplification shall form part of the original bid.
- 7.2 In the event of the Bidders failing to supply such information within the specified timeframe, the bid will be liable to rejection.
- 7.3 The SABC reserves the right to:
- 7.3.1 not evaluate and award bids that do not comply strictly with this bid document.
 - 7.3.2 make a selection solely on the information received in the bids and
 - 7.3.3 enter into negotiations with any one or more of preferred Bidder(s) based on the criteria specified in the evaluation of this bid.
 - 7.3.4 contact any Bidder during the evaluation process, in order to clarify any information, without informing any other Bidders. During the evaluation process, no change in the content of the bid shall be sought, offered or permitted.
 - 7.3.5 award a contract to one or more Bidder(s).
 - 7.3.6 accept any bid in part or full at its own discretion.
 - 7.3.7 cancel this bid or any part thereof at any time.

Should Bidder(s) be selected for further negotiations, they will be chosen on the basis of the greatest benefit to the SABC and not necessarily on the basis of the lowest costs.

8.0 IMPORT/EXPORT PERMITS

8.1 Bidders are required to include complete information on equipment and/or components requiring export/import permits.

9.0 COST OF BIDDING

9.1 The Bidder shall bear all costs and expenses associated with preparation and submission of its bid/proposal, and the SABC shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

10.0 COMMUNICATION

10.1 The SABC has provided a single point of entry for any questions or queries that the Bidder may have. All queries must be submitted in writing and directed to the authorised contact person. **Unauthorised communication with any other personnel or member of the staff of the SABC, with regard to this bid, is strongly discouraged and will result in disqualification of the respective Bidder's bid/proposal submission.**

10.2 Should there be a difference of interpretation between the Bidder and SABC; SABC reserves the right to make a final ruling on such interpretation.

10.3 The closing time for clarification of queries is 3 (three) days before the deadline for bid/proposal submission. The Bidders should take note that questions together with responses will be sent to all prospective bidders.

Prospective Bidders who are interested in participating must register their interest by providing company name, contact person, telephone, cell number and email address to the SABC Contact Person, please indicate – **PANEL OF LEGAL FIRMS ON AN “AS AND WHEN REQUIRED” BASIS : RFP/LEG/2019/23** on the subject line. This will ensure that any addenda and clarification to this bid are communicated to all participants.

11.0 AUTHORISED CONTACT PERSONS

11.1 All enquiries in respect of this bid must be addressed to:

SABC Bid Office

SCM Division

Radio Park Office Block

Henley Road

Auckland Park

Johannesburg

South Africa

E-mail: tenderqueries@sabc.co.za

12.0 BROAD-BASED ECONOMIC EMPOWERMENT

12.1 According to the 2013 B-BBEE Revised Coded of Good Practice the Exempted Micro Enterprise (EME) is only required to produce a sworn affidavit signed by the Commissioner of Oaths as per the requirement in the Justice of Peace and Commissioners of Oaths Act, 1963 (Act No. 61 of 1963) or the Companies and Intellectual Property Commission ("CIPC") certificate on an annual basis.

12.2 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by SANAS.

12.3 Only South African Accreditation Systems (SANAS) is the authorised body to issue B-BBEE certificates

12.4 IRBA and Accounting Officers are **not** allowed to issue B-BBEE affidavit or certificates to EMEs and QSEs as it was under 2007 Codes

12.5 100% black-owned EMEs and QSEs are now Level 1

12.6 An affidavit confirming that the entity's turnover is below R10 million (Ten Million Rand) and percentage of black ownership will be accepted for EMEs

12.7 QSEs have to comply with all elements

- 12.8 Start-up enterprises are verified similar to EMEs but can opt to be rated using the QSE and Generic Scorecard
- 12.9 QSE with at least 51% black ownership or above are only required to obtain a sworn affidavit on an annual basis with a confirmation of turnover and black ownership
- 12.10 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 12.11 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 12.12 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 12.13 A bidder will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 12.14 A bidder awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

13.0 MISREPRESENTATION AND FRONTING IS PROHIBITED

Fronting means a deliberate circumvention or attempted circumvention of the B-BBEE Act and the Codes. Fronting commonly involves reliance on data or claims of

compliance based on misrepresentations of facts, whether made by the party claiming compliance or by any other person.

It is an offence to misrepresent or provide false information regarding a company's information or engaging in a fronting practice. If there is any contravention of some sought, the SABC may open a criminal and/or civil case/s against the bidder and its directors/members in terms of applicable legislation, and ban the bidder & its directors/members from doing business with the SABC for a pre-determined period.

It is important to note that any proposal that does not conform fully to the instructions and requirements in this RFP may be disqualified.

Suppliers might be required to demonstrate their proposed capabilities by means of a presentation, clear and easily verifiable reference documentation and/or a visit to an existing client site where their capabilities may be demonstrated.

Bids, which do not meet the technical requirements, will not be considered for further evaluation.

END OF DOCUMENT A

DOCUMENT B

GENERAL CONDITIONS OF PROPOSAL

1.0 COMPLIANCE WITH COMPLETION OF PROPOSAL

- 1.1 The bid forms should not be retyped or redrafted but photocopies may be prepared and used.
- 1.2 Bid forms must be signed in the original form; in ink and forms with photocopied signatures or other such reproduction of signature will be rejected.
- 1.3 Bid forms should be filled in, ink, preferably black.
- 1.4 Bidders shall check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability shall be accepted with regards to claims arising from the fact that pages are missing or duplicated. Incomplete bids will result in disqualification.

2.0 COMPLIANCE WITH TECHNICAL SPECIFICATIONS

- 2.1 Unless a departure is clearly stated by the Bidder at the time of bidding, the works shall be taken as complying in detail with the Technical Specifications, and the Bidder shall be held liable on all the terms and conditions of the contract as if this bid contained no departures. Technical specifications contained in any brochures or any other descriptions submitted shall apply for acceptance test purposes.

3.0 WARRANTY

- 3.1 If there are any defects arising from the failure of goods to meet the specifications within the period specified in the contract, the Bidder shall replace the defective items at his expense or shall refund the SABC such costs as the SABC may incur in replacing such defective item. The Bidder shall also bear the cost of transporting replaced/repaired items to the place of destination.

4.0 INSPECTION

- 4.1 The Bidder shall permit and assist the SABC's representatives in carrying out any inspections that are called for in the proposal or specifications.

5.0 PACKAGING

- 5.1 Goods purchased on this bid must be adequately protected and securely packaged during shipment and until delivery at the destination.
- 5.2 Goods must be clearly marked with the Bidder's name, description of contents and the SABC's order number and delivery address.

6.0 RISK

- 6.1 The Bidder will be responsible for losses that SABC incurred due to Bidder's negligence or intention and Bidder must provide Liability Insurance. This will be a condition of the contract.

7.0 PAYMENT

- 7.1 Payment, in currency other than South African Rand, will be made by means of a telegraphic or wired bank transfer.

The Bidder must provide:

- Name and address of their bank.
- Company account number to be credited.
- Sort/swift code of bank.

- 7.2 The SABC's standard payment terms are 60- 90 days from the date of Invoice.

8.0 ASSIGNMENT OF CONTRACT

- 8.1 The Bidder shall not have the right to cede any right or delegate any obligation in terms of this contract to any third party unless with the prior written approval of the SABC.

9.0 PROPOSALS ARE CONSIDERED TO BE BINDING ON THE BIDDERS

- 9.1 Representations made in the bid/proposal, including claims made in respect of commitments to dates of delivery, shall be considered binding on the Bidder on acceptance of the bid/proposal by the SABC and same will be form part of the contract to be concluded, unless specifically noted by the Bidder in the bid/proposal that same may be subject to change;

10.0 COMPLIANCE WITH SABC POLICIES

- 10.1 SABC will not procure any goods, services, works or content from any employee or employee-owned business, to ensure that suppliers competing for the SABC's business have confidence in the integrity of SABC's selection process.
- 10.2 SABC will not procure any goods, services, works or content from any SABC Independent Contractor's owned business, to ensure that suppliers competing for the SABC's business have confidence in the integrity of SABC's selection process.
- 10.3 No former employees, SABC's Non-Executive members and Independent Contractors will be awarded contracts with the SABC within a year after resigning from SABC employment or not being engaged with the SABC.
- 10.4 Should former employees, SABC's Non-Executive members and Independent Contractors resign from the employment of the SABC or not being engaged with the SABC and become directors of other businesses bidding with SABC, such bid will not be considered until the cooling off period of one year has expired.

11.0 FAILURE TO COMPLY WITH THESE CONDITIONS

- 11.1 These conditions form part of the bid and failure to comply therewith may invalidate a bid.

12.0 RFP SCHEDULE

- 12.1 Bidders will be contacted as soon as practicable with a status update. At this time, short-listed Bidders may be asked to meet with SABC representatives

Bidders should provide a list of persons and their contact details who are mandated to negotiate on behalf of their company.

13.0 ADDITIONAL NOTES

- 13.1 All returnable documents as indicated in the bid form must be returned with the response
- 13.2 Bidders are to note that bids in which firm prices are quoted for the duration of any resulting contract may receive precedence over prices which are subject to adjustment.
- 13.3 Changes by the Bidder to his/her submission will not be considered after the closing date.
- 13.4 The person or persons signing the bids must be legally authorized by the Bidder to do so. A list of the person(s) authorized to negotiate on your behalf must be submitted along with the bid.
- 13.5 SABC reserves the right to undertake post-bid negotiations with the preferred Bidder or any number of short-listed Bidders.

FAILURE TO OBSERVE ANY OF THE ABOVE-MENTIONED REQUIREMENTS MAY RESULT IN THE BID BEING OVERLOOKED.

14.0 DISCLAIMERS

- 14.1 Bidders are hereby advised that the SABC is not committed to any course of action as a result of its issuance of this BID and/or its receipt of a bid in response to it. In particular, please note that the SABC may:
- 14.2 change all services on the bid and to have Supplier re-bid on any changes.
- 14.3 reject any bid which does not conform to instructions and specifications issued herein
- 14.4 disqualify bids after the stated submission deadline
- 14.5 not necessarily accept the lowest priced bid
- 14.6 reject all bids, if it so decides
- 14.7 award a contract in connection with this bid at any time
- 14.8 the award only a portion of a contract
- 14.9 split the award of the contract to more than one Supplier
- 14.10 make no award of a contract.

Kindly note that SABC will not reimburse any Bidder for any preparation costs or other work performed in connection with this bid, whether or not the Bidder is awarded a contract.

END OF DOCUMENT B

DOCUMENT C

QUESTIONNAIRE TO BE COMPLETED WHEN BIDDING

If the information required in respect of each item cannot be inserted in the space provided, additional information may be provided on a separate sheet of paper with a suitable reference to the questionnaire number concerned.

1. Company's Treasury CSD unique registration reference number.	
2. Have your company been issued with a SARS Compliance Status PIN.	
3. If yes, please provide PIN number. The provision of the PIN will be construed as your permission to SABC Procurement to access your tax status online.	
4. Are you registered in terms of section 23(1) or 23(3) of the Value-added Tax Act, 1991 (Act 89 of 1991)?	
5. If so, state your VAT registration number and original current tax clearance certificate to be submitted	
6. Are the prices quoted fixed for the full period of contract?	
7. Is the delivery period stated in the bid firm?	
8. What is the address in the Republic of South Africa where an item of the type offered by you may be inspected	

preferably under working conditions? (Where Applicable)	
9. What is the approximate value of stock in the Republic of South Africa for this particular item? (If required).	
10. Where are the stock held?	
11. What facilities exist for servicing the items offered?	
12. Where are these facilities available?	
13. What are the names and addresses of the factories/suppliers where the supplies will be manufactured and may be inspected if required?	

❖ ALSO, INDICATE WHICHEVER IS NOT APPLICABLE

END OF DOCUMENT C

DOCUMENT D - SBD-4

DECLARATION OF INTEREST

1.0 Any legal person, including persons employed by the state, 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; 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.

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

2.1 Full Name of the bidder or his or her representative:

.....

2.2 Identity Number:

2.3 The position occupied in the Company (director, trustee, shareholder²):

.....

2.4 Company Registration Number:

2.5 Tax Reference Number:.....

2.6 VAT Registration Number:.....

2.6.1. The names of all directors/trustees / shareholders/members, their individual identity numbers, tax reference numbers and, if applicable, employee/personnel numbers must be indicated in paragraph 3 below.

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.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder **YES / NO**
presently employed by the state?

2.7.1 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

.....

The position occupied in the state institution:.....

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the state? **YES/NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 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? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person **YES / NO**

employed by the state and who may be involved with the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.

.....

.....

.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
aware of any relationship (family, friend, other) between
any other bidder and any person employed by the state
who may be involved in the evaluation and or adjudication
of this bid?

2.10.1 If so, furnish particulars.

.....

.....

.....

2.11 Do you or any of the directors/trustees / shareholders/members **YES/NO**
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....

.....

.....

3.0 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Number / Employee Pers. Number

4.0 DECLARATION

I, THE UNDERSIGNED (NAME)

.....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

END OF DOCUMENT D

DOCUMENT E

SCOPE OF WORK FOR PANEL OF LEGAL FIRMS ON AN “AS AND WHEN REQUIRED” BASIS

1. INTRODUCTION AND BACKGROUND

The SABC is a state-owned company, constituted in terms of the Broadcasting Act, No. 4 of 1999, as amended, and operates as a public broadcaster in the ICT sector. Among other laws, the SABC operates within the precincts of the PFMA and National Treasury Regulations. The SABC wishes to appoint private law firms (“Law Firms”) which will constitute a legal panel (the “Legal Panel”) to provide services to the SABC on an “as and when required” basis for a period of 5 years.

The SABC has its headquarters in Auckland Park Johannesburg, with a national footprint in terms of operational offices in all the 9 Provinces. It operates in the ICT sector which is a regulated and highly competitive space, and as a result, it requires a wide range of legal expertise across the areas of legal specialization. Through its Legal Services Division, the SABC outsources certain legal services that require execution by legal practitioners who are in private practice. The SABC Legal Services Division will oversee and manage the services to be performed by the Legal Panel as a group of service providers.

2. SCOPE OF WORK

The scope of the legal services required relate to, (without limitation), the following areas of the law:

- Information and Communication Technology (ICT) Laws
- Administrative Law;
- Commercial Law;
- Debt Collection
- Property Law (Conveyance and/or Notary)
- Procurement Law;
- Competition Law;
- Intellectual Property Law;
- Litigation and Dispute Resolution ;
- Labour Law;
- Broadcasting Law;
- Media Law;
- Criminal Law;
- Tax Law; and
- Constitutional Law.
- The Immigration Act
- The Employment Services Act

Law Firms will be required to provide legal services in one or more of the aforesaid areas of law, on an "as and when required" basis. The bidder must indicate, in the table below, with a tick (✓) the area of law that the law firm is bidding for:

AREA OF LAW		PLEASE TICK (✓)
1.	ICT Laws	
2.	Administrative Law;	
3.	Commercial Law;	
4.	Property Law (Conveyance and/or Notary)	
5.	Procurement Law;	
6.	Competition Law;	
7.	Intellectual Property Law;	
8.	Litigation and Dispute Resolution ;	
9.	Labour Law;	
10.	Broadcasting Law;	
11.	Media Law;	
12.	Criminal Law;	
13.	Debt Collection	
14.	Tax Law	
15.	Constitutional Law	
16.	Immigration laws	
17.	The Employment Services Law	

SABC would also like to promote broad-based transformation and development of small and medium firms in this sector and as such will appoint firms in the following categories. The bidder must indicate, in the table below, with a tick (✓) the relevant category that they fall into:

CATEGORY	DEFINITION	PLEASE TICK (✓)
Category 1: Small Firm	Firm with an annual turnover of not more than R10 million	

Category 2: Medium Firm	Firm with an annual turnover greater than R10 million but below R50 million	
Category 3: Large Firm	Firm with an annual turnover greater than R50 million	

Bidder must submit their last three years audited and signed financial statements as proof of their annual turnover. Small businesses with no financial history, must submit a letter from their independent accounting firm (registered with body of accountants) confirming their financial status and management accounts.

3. SERVICE LEVELS

- Law firms will be required to sign confidentiality and indemnity agreements with the SABC.
- The fees and disbursements of every instruction will be negotiated with the relevant firm through service level agreement.
- Panel members are not guaranteed any work under this request for proposal.
- The basis of engaging legal firms will be on an instruction basis.
- The SABC may at its own discretion vary an instruction to include more work or to reduce work.
- Law firms may not cede or assign any part of its agreement with the SABC nor subcontract any part of the work assigned to them without the prior written authorization of the SABC.
- Assignments awarded in the last 3 (three) months of the contract period will be allowed to continue after the expiry of the proposed contract period.
- Law firms must declare any interest it has in an assignment as well as declare any possible conflict of interest with the SABC in the pursuance of the proposed assignment. In the event that any conflict of interest is discovered during the assignment, the SABC reserves the right to summarily cancel the agreement and demand that all information, documents and property of the SABC be returned. (Subject to applicable legislation)
- All copyright and intellectual property rights that may result as consequences of the work to be performed will become the property of the SABC.
- Law firms must hand over all documents and information in any format, including copies thereof, that it received from the SABC or that it had access to during the assignment immediately after completion of the assignment.
- Law firms will be required to sign a service level agreement for each assignment with the SABC.

- Law firms must in exercising professional judgment in consultation with the SABC opt for a course of action that best serves the interests of the SABC
- Law firms are obligated to update the SABC on progress regarding any matter that they may be dealing with.
- Law firms are obligated to consult and provide regular reports to the SABC before making and/or implementing a decision regarding any matter that the may be dealing with on behalf of the SABC.
- In conducting work for the SABC the Law firms must take cognisance of the provisions of the relevant applicable legislation including but not limited to the PFMA and its Treasury Regulations and any other relevant public sector legislation applicable to State Owned Entities.
- Where the SABC is of opinion that there is a conflict of interest or a possible conflict of interest situation in respect of a particular Law firm, the SABC reserves the right to decide whether to appoint the Law firm into the SABC Legal Panel in terms of this tender, and where the conflict is identified after the appointment of such Law Firm, the SABC reserves its right to decide whether it wishes to continue to receive the services from the relevant Law firm or not. By way of example, conflict of interest can be litigation carried by such Law firm against the SABC. It is expected of the law firms to give the SABC all the facts, advice and any other information relevant or otherwise to enable the SABC in any particular matter to make an informed decision.
- The Law firms will be expected to be efficient, act with due diligence and care and always in the best interests of the SABC.

4. PROPOSAL STRUCTURE

The Format for response to this request for proposal.

Responses to this invitation must follow the following format, so as to enable SABC to adjudicate all tenders effectively and fairly.

Section 1 Company Profile reflecting the following:

- Description of the Company including registered name
- Differentiating factors that make the company competitive for the services required
- Company Services/focus areas of expertise
- Company Contact details
- **Brief Profiles** of law firms' key personnel and/ or partners or directors.

Section 2 Company proposal: Please provide detailed information required in the functionality evaluation criteria

Section 3 Previous related experiences/Track record: This section should contain reference letters from clients per area of specialization on the clients' letterhead where the law firm recently provided services or is currently providing services that are similar to the services that the law firm is bidding for. The following should be reflected in the reference letter; which must not be older than 2 years:

- Name of Client
- Contactable trade reference should be a senior personnel
- Services rendered
- Success rate of the client
- Start date (Month/Year)
- Completion date (Month/Year)

Section 4 Fee Structure: Fees should be indicated in an hourly rate. Distinction should be made between fees for Director, Senior Associate, Professional associate and Candidate Attorney Refer to Annexure A.

NB: Bidders will still be required to be amenable to negotiations of legal fees before signing SLA's with the SABC or during receipt of legal instructions from the SABC.

5. BID EVALUATION

Submissions will be evaluated in two (2) phases:

Phase 1 – PREQUALIFICATION MANDATORY DOCUMENTS

Will be based on submission of the following mandatory documents:

- Proof of valid law society membership
- Proof of valid Fidelity Fund Insurance Cover
- Proof of (Central Supplier Database) CSD registration

NB: Non-submission of the mandatory documents will result in disqualification of the bid.

PHASE 2 EVALUATION CRITERIA – PAPER BASED

The evaluation criteria is designed to reflect the SABC's requirements in terms of identifying a suitable service provider and ensure the selection process is transparent and afford all the bidders a fair opportunity for evaluation and selection.

Evaluation Area	Evaluation Criteria	Points
Infrastructure	Proof that the law firm has premises (2) Proof that law firm has a national footprint (2) Provide website details (2) Contact person, telephone number and email address (2) Proof that the law firm has access to research material and facility (2)	10
Capacity Knowledge and expertise	Proof that the individuals, directors/partners of firms who will be dealing with SABC matters have at least 3 (three) years post admission/articles experience. Curriculum vitae of the legal specialist, incorporating: <ul style="list-style-type: none"> • Proof of qualification and admission (10) • A brief summary of matters handled relating to the area of speciality specifying the nature of the work conducted as per the categories below: <ul style="list-style-type: none"> ○ Litigation Experience (10) ○ Legal Opinion Writing Experience (10) ○ Legislative Drafting Experience (10) ○ Labour law experience (10) ○ Intellectual Property experience (10) 	60
Methodology	Please submit a detailed plan on how the quality of service is ensured from the brief to finalization of matter to ensure efficient delivery of quality services to the SABC. e.g. a person dedicated to the SABC matters and how they will approach matters when instructed.	15
Value Added Services	Please specify/describe what value add services can be offered to the SABC. e.g. workshops, free services, etc.	15
TOTAL		100

NB: Bidders must score a minimum of 70 out of a maximum of 100 points. Bidders who obtain less than 70 points will not be evaluated further.

6. Preference Points

- 6.1 The award of the tender to panel of service providers will be based on functionality evaluation.
- 6.2 The preference points will only be applicable during the allocation of work after contracting.
- 6.3 Either the 80/20 or the 90/10 preference point system will apply during the allocation of work after contracting and that the lowest acceptable tender will be used to determine the applicable preference point system.
- 6.4 The quotation will be requested from legal firms in the panel based on the speciality required at a time and the response should be within one day.

7. Objective Criteria

- 7.1 The SABC reserve the right not to consider proposals from bidders who are currently in litigation with the SABC.
- 7.2 The SABC will not award this tender to any bidder based on the proven poor record of accomplishment of the bidder in previous services within the SABC.

END OF DOCUMENT E

DOCUMENT F

CONFIDENTIALITY

All information related to this bid both during and after completion is to be treated with strict confidence. Should the need, however,, arise to divulge any information gleaned from the service which is either directly or indirectly related to the SABC, written approval to divulge such information will have to be obtained from SABC.

The bidders must ensure that confidential information is: maintained confidentially; not disclosed to or used by any unauthorised person; so as to prevent any disclosure or unauthorised use with at least the standard of care that bidders maintain to protect their own confidential information; only used for the purpose of considering and responding to this RFP; and not reproduced in any form except as required for the purpose of considering and responding to this bid. Bidders must ensure that: access to confidential information is only given to those of its partners, officers, employees and advisers who require access for the purpose of considering and responding to this RFP; and those partners, officers, employee and advisers are informed of the confidential information section and keep that information confidential. This bid remains at all times the property of the SABC. No rights other than as provided in this bid and in respect of the confidential information are granted or conveyed to bidder/s

NAME OF BIDDER:_____

PHYSICAL ADDRESS: _____

Bidder's contact person: Name : _____

Telephone : _____

Mobile : _____

Fax.: _____

E-mail address : _____

END OF DOCUMENT F

DOCUMENT G - SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1.0 GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- Either the 80/20 or the 90/10 preference point system will apply during the allocation of work after contracting and that the lowest acceptable tender will be used to determine the applicable preference point system.

1.2 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

The maximum points for this bid are allocated as follows:

	POINTS
1.2.1.1 PRICE	90 / 80
1.2.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	10 / 20
Total points for Price and B-BBEE must not exceed	100

1.3 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.4 The SABC reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the SABC.

2.0 DEFINITIONS

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 **“consortium or joint venture”** 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;

- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with annual total revenue of R10 million or less as per the Amended Codes of Good Practice (COGP).
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

- 2.18 "trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3.0 ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4.0 AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for a price on the following basis:

80/20 or 90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5.0 Points awarded for B-BBEE Status Level of Contribution

13.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference 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 Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

6.0 BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7.0 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution:..... =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE affidavit or certificate issued by a Verification Agency accredited by SANAS.

8.0 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted?%

(ii) the name of the sub-contractor?

(iii) the B-BBEE status level of the sub-contractor?

(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9.0 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:

9.2 VAT registration number:

9.3 Company registration number

9.4 Type Of Company/ Firm

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 Describe Principal Business Activities

.....

.....

.....

.....

9.6 Company Classification

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 A total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is/are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/firm for the preference(s) shown and I/we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the SABC that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the SABC may, in addition to any other remedy it may have;
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem

(hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution

WITNESSES:

1.
.....

SIGNATURE(S) OF BIDDER(S)

2.

DATE:

ADDRESS:

.....

.....

.....

END OF DOCUMENT G

DOCUMENT H -SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1.0** This Standard Bidding Document must form part of all bids invited.
- 2.0** 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.
- 3.0** The bid of any bidder may be disregarded if that bidder or any of its directors have-
- abused the institution's supply chain management system;
 - committed fraud or any other improper conduct in relation to such system; or
 - failed to perform on any previous contract.
- 4.0** In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the homepage.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the homepage.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>

4.2.1	If so, furnish particulars:		
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"/>
4.3.1	If so, furnish particulars:		
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"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

END OF DOCUMENT H

DOCUMENT I - SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1.0 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2.0 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.
- 3.0 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.
- 4.0 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.
- 5.0 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 SABCs 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:

(RFP-PANEL OF LEGAL FIRMS ON AN "AS AND WHEN REQUIRED" BASIS for a period of five (5) years)

in response to the invitation for the bid made by:

(South African Broadcasting Corporation SOC Limited "SABC")

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)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. 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;
5. 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
6. 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.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) the geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

8. 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.
9. 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.

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

END OF DOCUMENT I

DOCUMENT J

ACCEPTANCE OF CONDITIONS OF BID

By signing the BID document, the Bidder is deemed to acknowledge and accept that all the conditions governing this BID, including those contained in any printed form stated to form part thereof and SABC Limited, will recognize no claim for relief based on an allegation that the Bidder overlooked any such condition or failed properly to take it into account for the purpose of calculating bided prices or otherwise.

SIGNED at _____ this _____

day of _____ 2019.

NAME OF COMPANY _____

NAME OF THE SIGNATORY(IES)

CAPACITY: _____

Are you authorised to sign on behalf of the company (YES/NO) _____

WITNESSES:

1. _____

2. _____

BIDDER

END OF DOCUMENT J

ANNEXURE A

PRICING SCHEDULE

NAME OF KEY PERSONNEL	ROLE / RESPONSIBILITY	RATE PER HOUR
Director		
Senior Associate		
Professional Associate		
Candidate Attorney		
Rate per hour excluding Vat		
Rate per hour Including Vat		

END OF THE REQUEST FOR PROPOSAL DOCUMENT