



F A S S E T

Make the future count

**THE FINANCIAL AND ACCOUNTING SERVICES SECTOR EDUCATION AND
TRAINING AUTHORITY**

INVITATION TO TENDER: LEGAL SERVICES PANEL

TENDER NO: FAS/MD/LLEGAL/LEGALSERVICESPANEL/CON3077/20

LEGAL SERVICES PANEL

Closing Date: **19 March 2021**

TIME: 11:00 am

Bidder Name:.....

THE DETAILS AND CONTENTS OF THIS DOCUMENT ARE CONFIDENTIAL AND FOR
CONSIDERATION AND RESPONSE BY THE RECORDED RECIPIENTS ONLY.

BID SUBMISSION

Fasset is seeking to appoint a suitably qualified and experienced service provider for the provision a Legal Services Panel

Completed tender submissions must be hand delivered / deposited into the Tender Box at the reception area of FASSET offices, located at **296 Kent Avenue, 1st Floor, Ferndale, Randburg** for the attention of: **“Manager: Supply Chain Management”**.

No submissions sent by e-mail or facsimile will be accepted, and no late submissions will be accepted.

Bidders are requested to submit four (4) submissions marked “Functionality or/and Financial” **one (1) original, two (2) hard copies and one (1) electronic copy (memory stick, USB etc)**

FASSET - ATTENTION: Manager: Supply Chain Management, 296 Kent Avenue, 1st Floor, Ferndale, Randburg, by no later than **11:00 am** (eleven o'clock) on the **19 March 2021**. Late submissions will not be considered. All enquiries are to be directed to Supply Chain Management Office at:

Contact Details: (011) 476 8570 or Email: tenders@fasset.org.za

Closing date and time for submission of tenders **19 March 2021 at 11:00 am**

PROPOSAL GUIDELINE

Bidders are advised that their proposal should be comprehensive, concise, written in plain English, legible and simply presented. The proposal should include:

Technical/Functional Proposal – one (1) original, two (2) hard copies and one (1) electronic copy (memory stick, USB etc)

- Introduction and executive summary;
- Company profile and detailed CVs of key personnel to be used or suitable human resources to undertake this project;
- Bidder must provide historical work done relating to Legal Services.
- Bid documents must be completed in full and signed;
- **Bidders must initial all pages of SBD forms;**
- **Bidders must submit contactable, accurate and precise references letters of similar work done in the past 3 years. Fasset will verify the references provided.**
- **SARS Tax Compliance Status report;**
- **Company registration documents;**
- **Original or certified BBBEE certificate or Sworn affidavit.**

https://etenders.treasury.gov.za/sites/default/files/tenders/Sworn%20Affidavit_20.pdf

Price/Financial Proposal – one (1) original, two (2) hard copies and one (1) electronic copy (memory stick, USB etc)

- Proposed total budget including vat;

- Detailed of cost/fee breakdown for services to be rendered.
- A trust, Consortium/Joint Ventures must submit their consolidated BBEE Certificate and a joint venture agreement. Each Bidder in a trust, joint venture must also submit all its supporting documents (SBD forms, Tax certificate, CSD.)
- **Latest Audited Financial Statements not older than three years. (or an independent review of financial statements in a case of companies not required to have audited financial statements per the companies act)**

Failure to comply with the specifications will lead to disqualification of your bid

SECTION ONE - TERMS OF REFERENCE

THE APPOINTMENT OF A LEGAL SERVICES PANEL TO PROVIDE LEGAL SERVICES TO FASSET FOR A PERIOD OF THREE (3) YEARS

1. INTRODUCTION

The Finance and Accounting Services Sector Education and Training Authority (FASSET) is a Schedule 3A Public Entity in terms of the Public Finance Management Act, 1999 (Act 1 of 1999)(PFMA). FASSET has been established in terms of Section 9 of the Skills Development Act 97 of 1998, as amended.

2. OBJECTIVE

- 2.1. The objective of this tender is to invite and appoint a panel of suitable law firms as per the areas of law referred to in paragraph 4, to provide legal services to FASSET on an ad hoc basis for specific assignments. The successful bidders will not be entitled to any retainer fee. Dependant on the quality of the proposals submitted and bidders complying with the evaluation criteria (refer to paragraph 11), FASSET intends to select the bidders who scored the highest points during the Evaluation Criteria for Functionality for each of the five (5) areas of law. Therefore, a maximum of twenty-five (25) or minimum of twenty (20) law firms will constitute the panel of providers.
- 2.2. The successful bidders will be appointed to form a panel of legal service providers and will enter into an agreement with FASSET on terms and conditions to be agreed upon. The duration of the approved panel will be for a period of three (3) years effective from the date of contracting.
- 2.3. The panel of service providers shall provide legal services to FASSET on a non-exclusive basis and FASSET is not obliged to procure services from the service providers.

- 2.4. This Request for Proposals (RFP) sets out clear specifications for the service requirements in each of the five areas of law identified by FASSET (see paragraph 4). Each assignment(s) will be awarded through a Request for Quotation process and evaluated in accordance with Regulation 6 Preference Point System of the preferential Procurement Regulation (PRP),2017. The request for a clear profile from the bidders as outlined in the scope of work (SOW) is to ensure that FASSET acquires the necessary skills and expertise over the contractual period when necessity dictates.

3. BACKGROUND

- 3.1. FASSET is a Schedule 3A in terms of the PFMA, governed by applicable legislative frameworks and it is accountable to Parliament through the Minister, who is the Executive Authority.
- 3.2. The functions of FASSET are comprehensively set out in section 10 of the SDA. Copies of the latest Annual Reports are available on the FASSET website. Additional information can be requested from SCM Office via email tenders@fasset.org.za

4. EXPECTED OUTCOMES/TENDER SCOPE

- 4.1. The Legal Services Unit of FASSET is responsible for in-house legal services. However, the need arises from time to time to outsource some of the work to external law firms. The panel of service providers will be required to provide services in one or more of the following:

Legal opinions on a variety of legal aspects, pertaining to FASSET's mandate, performance and related matters as requested by FASSET through the Legal Services Manager.

- Drafting and/or vetting of contracts entered(or to be entered) with other parties which may be in a specialised field(Intellectual Property ; Skills Development jurisprudence and Administrative Law) and may be highly technical to a person who is not an expert in that field, e.g. Cyber Law, or which Management is of the opinion that there may be the existence of a risk.
- Provide legal advice on Corporate and Employment Law matters as and when requested. Including handling and representing FASSET on industrial relations matters, inclusive of appearance at the CCMA, Labour Court and Labour Appeal Court
- Advising, handling and representing FASSET on any litigious matter that may be brought against or initiated by FASSET in the execution of its mandate, protection of its goodwill and/or acting in the public interest
- Any other legal matter relevant to the execution of FASSET's mandate.

The list provided is by no means comprehensive and elements of it may be changed in line with best practice in the field.

5. SPECIAL INSTRUCTIONS AND CONDITIONS.

- 5.1. Bidders must be willing to work under pressure, providing professional work within a short space of time if required.
- 5.2. Bidders must be willing to assign a specific resource required by FASSET during the period of the contract as the main point of contact. Should the point of contact change, FASSET must approve this change.
- 5.3. The approved Panel will be appointed for three years, commencing from the effective date of contracting and service providers should be available to commence with provision of required services from the contracting date.
- 5.4. In case of complex work the preferred service provider must enter into a Service Level Agreement (SLA) with FASSET.

Relevant legislation will be utilised to determine the appropriate rates/tariffs of each team member during the RFQ process. A price schedule by bidders is mandatory.

- 5.5. The agreement may be terminated by either party by giving the other party thirty (30) days written notice.
- 5.6. FASSET has a right to appoint a law firm outside of the panel in instances where services required are not part of the scope of work provided for in this tender. In such cases the prescribed Supply Chain Management processes will be followed in appointing such law firm(s).

6. COMPETENCY, EXPERTISE AND EXPERIENCE REQUIREMENTS

- 6.1. Basic competencies and expertise which will be required include:
 - Experience of the bidder on specialist fields;
 - Ability to produce quality work on all requirements by having experienced and qualified personnel;
 - Ability to formulate legal opinions, advise and vet contracts.
 - Expertise in and knowledge of skills development issues and related legislation including the Skills Development Act, the Skills Development Levies Act, The National Qualifications Framework Act, regulations related to the aforesaid Acts, the Black Economic Empowerment Act, the Employment Equity Act, the Labour Relations Act, the Basic Conditions of Employment Act, Public Finance Management Act, the Promotion of Administrative Justice Act and any other issues/legislation which may be relevant from time to time.
 - Litigation experience in the Seta environment would be beneficial.
 - Evidence of knowledge of case law relating to the skills development environment would be beneficial.
- 6.2. Conformance with these requirements must be demonstrated in the response.

7. PERSONNEL REQUIREMENTS

- 7.1. The response must include CV's of key personnel who are being put forward to work on this contract. The CVs included must indicate their role in this project, their skills, experience and expertise in terms of the above section.

8. CONDUCT OF THE WORK

- 8.1. Legal firms will be expected to work with and through the Legal Services Manager of FASSET except where such an official is the subject matter of a sought legal opinion.

9. METHOD OF INSTRUCTION

- 9.1. FASSET will instruct through a telephone call but such communication must be reduced to writing(email) for the purpose of authenticity and record keeping.
- 9.2. The Seta will request a quotation for work to be completed as the budgets for work and legal fees are not unlimited. It is expected that bidders will effectively estimate the time anticipated to complete a deliverable. Time sheets may be requested. The quotation may not be exceeded without the permission of the SETA.
- 9.3. Where the cost of the matter may not be estimated prior to the onset of the work. In this case the Seta will request a detailed description of the hourly and daily rates of the professionals working on the matter, in line with the fees noted in the pricing schedule and will require regular communication regarding the fees incurred at intervals which may be negotiated.

10. PAYMENT TERMS

- 10.1. Payment will be made within thirty (30) days and only once valid invoices have been submitted, A valid invoice is one in which there are no outstanding supporting documentation and importantly where the deliverables have been realised to FASSET satisfaction.

11. EVALUATION CRITERIA

11.1 COMPLIANCE WITH MINIMUM REQUIREMENTS

All bids duly lodged as specified in the Request for Bid will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further evaluation.

Evaluation of the bids will be conducted in one stage as per the Preferential Procurement Regulations, 2017 issued in terms of section 5 of the PPPFA, Act 5 of 2000 as follows:

Stage One will consist of the evaluation of bids on Administrative Compliance and Functional Evaluation.

The evaluation criteria and weights for functionality as indicated in the table below, will apply.

#	Criteria for Functionality											
1	Experience											
1.1	Competency of bidder	40 points										
1.1.1	Ensure that an explanation and evidence is included to show the bidder (or their staff) have the technical experience and expertise to advise FASSET on a range of areas. Clearly detail areas of expertise, number and nature of assignments undertaken.											
1.1.2	<table border="1"> <thead> <tr> <th>Scoring Criteria</th> <th>Points</th> </tr> </thead> <tbody> <tr> <td>Between 8 and 10 assignments over a 5-year period.</td> <td>5</td> </tr> <tr> <td>Between 4 and 7 assignments over a 5-year period.</td> <td>3</td> </tr> <tr> <td>Between 1 and 3 assignments over a 5-year period.</td> <td>1</td> </tr> <tr> <td>None of the above</td> <td>0</td> </tr> </tbody> </table>		Scoring Criteria	Points	Between 8 and 10 assignments over a 5-year period.	5	Between 4 and 7 assignments over a 5-year period.	3	Between 1 and 3 assignments over a 5-year period.	1	None of the above	0
Scoring Criteria	Points											
Between 8 and 10 assignments over a 5-year period.	5											
Between 4 and 7 assignments over a 5-year period.	3											
Between 1 and 3 assignments over a 5-year period.	1											
None of the above	0											
2	Capability of staff to be used and CV's											
2.1	Expertise of staff proposed	40 points										
2.1.1	<ul style="list-style-type: none"> For each team member there must be a complete Curriculum Vitae (CV) confirming suitability for the position. A format is provided as a guideline only for the compilation of the CVs. 											
2.1.2	<table border="1"> <thead> <tr> <th>Scoring Criteria</th> <th>Points</th> </tr> </thead> <tbody> <tr> <td>Between 8- and 10-years' experience</td> <td>5</td> </tr> <tr> <td>Between 4- and 7-years' experience</td> <td>3</td> </tr> <tr> <td>Between 1- and 3-years' experience</td> <td>1</td> </tr> <tr> <td>None of the above</td> <td>0</td> </tr> </tbody> </table>		Scoring Criteria	Points	Between 8- and 10-years' experience	5	Between 4- and 7-years' experience	3	Between 1- and 3-years' experience	1	None of the above	0
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Between 8- and 10-years' experience	5											
Between 4- and 7-years' experience	3											
Between 1- and 3-years' experience	1											
None of the above	0											
3	Contactable References											
		20 points										
3.1	Detail of reference letters or assignment undertaken on a similar work in the past 24 months with contact information from clients for the company proposed											
3.1.1	<ul style="list-style-type: none"> Detail of past assignments, referral letter from clients or employers (on letterheads or on emails) with contact information from clients for the company proposing will be beneficial for this section. Three contactable references for similar work undertaken in these areas in the past three years for the company should be included. Detail of assignment, referral letter and contact information from clients for the company proposing should be included. Such information could include a company profile, a list of engagements. However sufficient detail must be included – not just a list of clients. 											

#	Criteria for Functionality	
	<ul style="list-style-type: none"> Please include relevant information only. 	
	Scoring Criteria	Points
	5 or more reference letters to reflect details of assignments	5
	2 to 4 reference letters reflect details of assignments	3
	1 to 2 reference letters reflect details of assignments	1
	No reference letters provided.	0

Bids that do not obtain a minimum score of 70 for functionality will be disqualified and will not be considered for further evaluation on price and BBEE points.

Bidders who obtained a minimum score of **70** on functionality will be evaluated further on Price and Preference points (B-BBEE status level contributor). Evaluation will be conducted on **80/20** preferential procurement principles. **80** Points will be allocated to price and **20** Points will be allocated to the BBEE status level. BBEE points in terms of the Preferential Procurement Policy Framework Act Regulations are as follows:

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

SECTION TWO

1. Terms of Engagement

- 1.1. The successful bidder shall not take more than one (1) month from date of the Bid being awarded to render the required service unless otherwise indicated and agreed between the successful Bidder and Fasset.
- 1.2. The successful Bidder shall be available for consultation with the Fasset representative.
- 1.3. The successful Bidder shall manage as confidential all data, information and insights gained in execution of work for the Fasset
- 1.4. Fasset retains the right to require the successful Bidder to obtain permission in writing from Fasset prior to replacement of individuals proposed for execution of this Bid.
- 1.5. The successful Bidder to accept professional liability for services rendered, including those rendered under sub-contract to the successful Bidder.
- 1.6. All documentation and responses will be supplied and exchanged utilising standard Microsoft Office (Word, Excel and PowerPoint) products.
- 1.7. The successful bidder will be required to submit reports to Fasset on a regular basis.
- 1.8. Any attempt to gain information in a manner deemed to be fraudulent or disadvantageous to other respondents or any attempt to influence the outcome of the response evaluation/adjudication will result in immediate disqualification from the bid process.
- 1.9. Fasset reserves the right **NOT** to appoint/award this bid

CONDITIONS OF THE TENDER

2. Contents of Submission

- 2.1. Proposals shall include all relevant information about the Bidder, which is deemed appropriate to assist Fasset to assess the bidder's capabilities, capacity, outputs, value adding abilities, competitive advantage, etc.
- 2.2. The proposals presented should describe the methodology to be used in executing the required services. Bidders should also indicate value added services expected to be provided to Fasset.
- 2.3. The proposals presented are to be as comprehensive as possible and Fasset reserves the right to request the Bidder to provide more details.
- 2.4. Bidders shall adhere to the conditions stipulated in the General Conditions of Contract as prescribed by the National Treasury.

2.5. Bidders shall ensure that the complete bid document is submitted with all additional required information and any other documents that the bidder wishes to supply to substantiate or clarify specific aspects in the proposal.

2.6. Failure to submit the bid document and / or any required documentation may result in a disqualification.

3. Broad-based Black Economic Empowerment (BBBEE)

3.1. In terms of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000, amended in 2017, the 80/20 principle shall be applicable to this bid and points shall be allocated as indicated under functionality. Verifiable evidence for points claimed must be attached so that points can be allocated.

(Claim BBBEE points on SBD 6.1 and attach original or certified BBBEE certificate or a Sworn Affidavit for BBBEE points to be allocated)

4. Price and Pricing Structure

4.1. Bidders must provide the basis on which the services will be charged. In this regard the following information shall be required:

4.2. Where a Bidder lacks in-house expertise and may have to outsource certain services, the detail and basis of charges of any such service that may be required must be outlined.

4.3 The Bidder shall reflect service discounts that they will offer throughout the contract duration.

4.3. Bidders submissions must reflect the detailed breakdown of the bid price as per the bill of quantities

4.4. Prices must include VAT, if it is applicable and all other costs related to the execution of the required services.

4.5. The bidder agrees not to change the price with VAT or any other Tax subsequent to submitting the tender. This includes subsequent VAT registration.

5. Site Visit

5.1. There will be no site visit required.

6. Compliance with General Conditions of Contract

6.1. No alteration, variation or amendment of the Contract (of which this Bid represents the offer) shall be permitted unless otherwise agreed to in writing. Should the prospective provider, in the case of non-compliance, wish to make any amendments to the conditions stipulated by Fasset in this Bid, then such proposed amendments shall be clearly stipulated by the prospective Bidder and where possible stating the increase or decrease in the cost involved by such proposal. Fasset reserves the right to reject such submissions. Misrepresentation of facts will result in disqualification and cancellation of the Contract.

7. Acceptance of Submissions

7.1. No submission shall be deemed to have been accepted, unless and until a formal appointment letter has been commissioned and executed. Submissions shall remain open for acceptance by Fasset for a period of **90 (ninety) days** from the date on which they are returnable in terms of this Bid.

8. Fasset Liability

8.1. Fasset does not bind itself to accept the lowest or any Bid proposal, nor shall it be responsible for or pay any expenses or losses that may be incurred by the prospective Bidders in the preparation and delivery of its submission.

9. Pricing

9.1. No change in the prices submitted shall be considered after receipt of response to the Bid submission within the 90 days' validity.

10. Amplification of Submissions

10.1. Fasset may, after the opening of submissions, call on the prospective Bidder to amplify in writing any matter which is not clear in the prospective Bidder's submission and such amplification shall form part of the original submission. In the event of the prospective Bidder failing to supply such information within a reasonably stipulated time, the submission will be liable to rejection.

11. Cost of Proposal

11.1. Bidders shall bear all costs associated with the preparation and submission of their proposals, Fasset will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the Bid

12. Bid Documents

12.1. This document in its entirety serves as the complete Bid document. Proposals offering only part of the requirements will be rejected. The Bidder is expected to examine all corresponding instructions, forms, terms and specifications contained in this document. Failure to comply with these documents will be at the Bidder's risk and may affect the evaluation of their proposal.

13. Documents Comprising the Proposal

13.1. In preparing the technical and price components of the submissions all references to descriptive material and brochures should be included in the appropriate response paragraph, although material documents themselves may be provided as annexes to the proposal / response. Bidders are requested to focus on the provision of relevant information and to limit the amount of marketing and "boilerplate" material. The successful Bidder's proposal may be incorporated in whole or in part in the final contract. Any information that the Bidder considers proprietary should be marked as such.

14. Information

14.1. Information that the Bidder considers proprietary, if any, should be clearly marked "proprietary" next to the relevant part of the text and it will be treated as such accordingly,

15. Period of Validity

15.1. Proposals shall remain valid for ninety (90) days after the date of proposal submission. A proposal valid for a shorter period may be rejected by Fasset on the grounds that it is non-responsive.

15.2. In exceptional circumstances, Fasset may solicit the Bidder's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing.

16. Format and Signing of Proposals

16.1. The Bidder shall prepare four copies **one (1) original, two (2) hard copies and one (1) electronic copy (memory stick, USB etc)** of the proposal, clearly marking each “Original Proposal” and “Copy of Proposal” as appropriate. In the event of any inconsistencies between them, the original shall prevail. The four proposals shall be signed by the Bidder or a person or persons duly authorised to bind the Bidder to the contract.

17. Interlineations

17.1. A proposal shall contain no interlineations, erasures, or overwriting except, as necessary to correct errors made by the Bidder, in which case such corrections shall be initiated by the person or persons signing the proposal.

18. Performance Based Agreement

18.1. This is a performance-based agreement that shall run from awarding the tender to the successful bidder till the completion of the tender.

19. Payment

19.1. The successful Bidder shall be paid upon submission of an invoice for each transaction of satisfactory work detailed in the scope and submission of supporting documents

20. Due Diligence

20.1. Fasset reserves the right to exercise due diligence to submitted tenders.

21. Compliance to Legislations

21.1. The successful bidder shall comply with all relevant legislation that pertains to contracts of this nature.

22. Summary of Compliance & Elimination Reasons

22.1. The table below summarises the reasons for bid elimination which may be imposed in the pre-compliance checking process. Prior to the bid being evaluated for functionality the tabulated areas below are assessed, and where the bid does not meet the criteria, the bid will be eliminated and will not be submitted to the next phase for the assessment of functionality

Area	Fasset Requirement	If not met, then ...
1	one (1) original, two (2) hard copies and one (1) electronic copy (memory stick, USB etc)	Bid will be eliminated
2	CSD Summary Report with the supplier number and the unique code	Bid will be eliminated
3	Vendor acceptable with reference to National Treasury "Restricted List"	Bid will be eliminated
4	Vendor acceptable with reference to National Treasury "Tender Defaulters List"	Bid will be eliminated
5	POPI Act Consent form completed and signed and each page initialled.	Fasset publishes tender information on public platforms, consent to share details about bidders is required
6	SBD 1: Invitation to Bid completed in full, signed and each page initialled.	Bid will be eliminated
7	SBD 4: Declaration of Interest completed in full and signed and each page initialled.	Bid will be eliminated
8	SBD 6.1: Preference Points Claim Form completed in full and signed and each page initialled.	Bid will be eliminated
9	SBD 7.2: Contract Form – Rendering of Service completed and signed in full and each page initialled	Will be completed by the successful bidder
10	SBD 8: Declaration of Bidder's Past Supply Chain Management Practices completed in full and signed and each page initialled.	Bid will be eliminated
11	SBD 9: Certificate of Independent Bid Determination completed in full and signed and each page initialled.	Bid will be eliminated

12	Valid BBEE certificate, or certified copy thereof, issued by a SANAS accredited verification agency, or a sworn affidavit for EMEs and QSEs or an affidavit issued by the CIPC. A trust, Consortium/Joint Ventures must submit their consolidated BBEE Certificate and a joint venture agreement.	<p>Only BBEE Level 1 to Level 4 will be accepted</p> <p>BBEE Level 5 to 6 the bid will be eliminated</p> <p>For a sworn affidavit, please obtain the correct template provided by National Treasury using the link below,</p> <p>https://etenders.treasury.gov.za/sites/default/files/tenders/Sworn%20Affidavit_20.pdf</p>
13	The bidders must meet the stipulated minimum 51% Black ownership (shareholders certificate must be furnished to ascertain ownership/shareholding) or subcontracting at least 30% of the value of the contract to one or more majority black owned EMEs or QSEs	Bid will be eliminated. Fasset will request a signed contract between the bidder and sub-contractor in the case of subcontracting
14	Latest Audited Financial Statements not older than three years. (or an independent review of financial statements in a case of companies not required to have audited financial statements per the companies act)	Bid will be eliminated
15	SARS Tax Compliance Status report	Bid will be eliminated
16	Business Registration Certificates issued by CIPC	Bid will be eliminated

17	VAT registration certificate (VAT103) must be submitted (where applicable)	VAT cannot be charged by bidders not registered for VAT
18	Bidders must provide a certified copy of proof of registration with the Legal Practice Council and must be in good standing with such Council	Bid will be eliminated
19	Bidders must provide a copy of a current and valid Fidelity Fund Certificate	Bid will be eliminated

SBD 1 - INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FASSET

BID NUMBER: **FAS/MD/LLEGAL/LEGALSERVICESPANEL/CON3077/20**

CLOSING DATE: 19 March 2021

CLOSING TIME: **11:00**

DESCRIPTION: **LEGAL SERVICES PANEL**

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

BID DOCUMENTS MAY BE POSTED TO:

OR:

DEPOSITED IN THE BID BOX SITUATED AT (*STREET ADDRESS*)

.....
.....
Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 8 hours on weekdays from Monday to Friday 08h00 to 16h30

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER

CODE.....NUMBER.....

CELLPHONE NUMBER.....

FACSIMILE NUMBER:

CODE NUMBER.....

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2)

YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1)

YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT

(CCA).....

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM

(SANAS); OR.....

A REGISTERED AUDITOR

[TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED? YES or NO [IF YES
ENCLOSE PROOF]

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE.....TOTAL NUMBER OF ITEMS OFFERED.....

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Supply Chain Management

Contact Person: Mr Lebogang Tsagae

Tel: 011 476 8570

E-mail address: tenders@fasset.org.za

SBD4 - DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder², member):

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

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 / PERSAL 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:

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**
The appropriate authority to undertake remunerative

work outside employment in the public sector?

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **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 employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

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

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Persal Number

4 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 SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of bidder

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 BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser 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 purchaser.

DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents. (g) **“prices”** includes all applicable taxes less all unconditional discounts; (h) **“proof of B-BBEE status level of contributor”** means:

- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

$$Ps \square 80 \square 1 \square \frac{Pt \square Pmin}{Pmin} \square \square \quad \text{or} \quad Ps \square 90 \square 1 \square \frac{Pt \square Pmin}{Pmin} \square \square$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (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

BID DECLARATION

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

B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . = (maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted?.....%

ii) The name of the subcontractor..... iii) The B-BBEE status level of the subcontractor.....

iv) Whether the sub-contractor is an EME or QSE (**Tick applicable box**)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm.....

8.2 VAT registration number.....

8.3 Company registration number.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:

.....

8.8 I/we, the undersigned, who is / are duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser 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 favorable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
--

SBD 7.2 - CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

- (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder’s past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;

- (ii) General Conditions of Contract; and
- (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2
DATE:	

SBD 7.2 - CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as..... accept your bid under reference numberdated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

WITNESSES

1

2

DATE:

SBD 8 - DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution’s supply chain management system;

- b. committed fraud or any other improper conduct in relation to such system; or
- c. failed to perform on any previous contract.

4 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 home page.</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
4.1.1	<p>If so, furnish particulars:</p>		
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>The 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 home page.</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>

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 (FULLNAME).....

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

SBD 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 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. disregards 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 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 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.

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

SBD 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of : _____ that:

(Name of Bidder)

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) 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

CONSENT AND ACKNOWLEDGMENTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 2013 (POPI)

This section sets out how personal information will be collected, used and protected by Fasset, as required by the Protection of Personal Information Act. The use of the words “the individual” for the purposes of this document shall be a reference to any individual communicating with Fasset and/or concluding any agreement, registration or application, with the inclusion of each of those individuals referred to or included in terms of such agreement, registration or application.

1. What is personal information?

The personal information that Fasset requires relate to names and surnames, birth dates, identity numbers, passport numbers, demographic information, education information, occupation information, health information, addresses, memberships, and personal and work email and contact details.

2. What is the purpose of the collection, use and disclosure (the processing) of personal information?

Fasset is legally obligated to collect, use and disclose personal information for the purposes of:

- reporting Fasset initiatives to the Department of Higher Education and Training;

- reporting to National Treasury all contracts awarded;
- obtaining information related to Tax Clearance Certificates from SARS;
- Verifying information on the National Treasury database of defaulters;
- evaluating and processing applications for registration on the database;
- compiling statistics and other research reports;
- providing personalised communications;
- complying with the law; and/or
- for a purpose that is ancillary to the above.

Personal information will not be processed for a purpose other than what is identified (the purpose) above without obtaining consent beforehand.

3. How will Fasset process personal information?

Fasset will only collect personal information for the purpose as stated above. Information will be collected in the following manner:

- directly from the individual;
- from an agent, work colleague or other duly authorised representative;
- from service providers that were provided with services or goods by the individual;
from service providers who provided with services or goods to Fasset;
- from Fasset's own records relating to previous supply of services or goods; and/or
 - from a relevant public or equivalent entity.

4. To whom will personal information be disclosed?

The personal information may be disclosed to other relevant public or other entities on whose behalf we act as intermediaries, other third parties referred to above in relation to the purpose or who are sources of personal information, service providers such as professional bodies who operate across the borders of this country (transborder flow of information) where personal information must be sent in order to provide the information and/or services and/or benefits requested or applied for. In the event of another party/ies acquiring all of or a portion of Fasset's mandate or functions, personal information will be disclosed to that

party but they will equally be obliged as we are, to protect personal information in terms of this policy and the law.

5. Consent and Permission to process personal information:

- I hereby agree with the policy and provide authorisation to Fasset to process the personal information provided for the purpose stated.

SECTION B: POPI ACT CONSENT FORM

- I understand that withholding of or failure to disclose personal information will result in Fasset being unable to perform its functions and/or any services or benefits I may require from Fasset.
- Where I shared personal information of individuals other than myself with Fasset I hereby provide consent on their behalf to the collection, use and disclosure of their personal information in terms of this personal information policy and I warrant that I am authorised to give this consent on their behalf.
- To this end, I indemnify and hold Fasset not responsible in respect of any claims by any other person on whose behalf I have consented, against Fasset should they claim that I was not so authorised.
- I understand that in terms of POPI and other laws of the country, there are instances where my express consent is not necessary in order to permit the processing of personal information, which may be related to police investigations, litigation or when personal information is publicly available.
- I will not hold Fasset responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

6. Rights regarding the processing of personal information:

- The individual may withdraw consent to the processing of personal information at any time, and should they wish to do so, must provide Fasset with reasonable notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then such withdrawal will only be effective if Fasset agrees to same in writing. Fasset specifically draws to the attention that the

withdrawal of consent may result in it being unable to provide the requested information and/or services and/or financial or other benefits.

- In order to withdraw consent, please contact the Information Officer at popi@fasset.org.za.
- A copy of the full Fasset policy is available at our offices, situated at 296 Kent Avenue, Ferndale, Randburg, South Africa.
- Individuals are encouraged to ensure that where personal information has changed in any respect to notify Fasset so that our records may be updated. Fasset will largely rely on the individual to ensure that personal information is correct and accurate.
- The individual have the right to access their personal information that Fasset may have in its possession and are entitled to request the identity of which third parties have received and/or processed personal information for the purpose. Please note however, that any request in this regard may be declined if:
 - the information comes under legal privilege in the course of litigation,
 - the disclosure of personal information in the form that it is processed may result in the disclosure of confidential or proprietary information,
 - giving access may cause a third party to refuse to provide similar information to Fasset,
 - the information was collected in furtherance of an investigation or legal dispute, instituted or being contemplated,
 - the information as it is disclosed may result in the disclosure of another person's information,
 - the information contains an opinion about another person and that person has not consented, and/or
 - the disclosure is prohibited by law.

7. Requesting access and lodging of complaints:

- Please submit any requests for access to personal information in writing to Fasset's information officer at popi@fsset.org.za.
- With any request for access to personal information, Fasset will require the individual to provide personal information in order to verify identification and therefore the right to access the information.
- There may be a reasonable charge for providing copies of the information requested.

- If any request has not been addressed to satisfaction a complaint may be lodged at the office of the Information Regulator.

Signature	Date:
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