



**APPOINTMENT OF A PANEL OF LEGAL  
SERVICE PROVIDERS  
FOR  
ALEXKOR**

**BID CLOSING DATE  
TUESDAY, 21 FEBRUARY 2017  
AT 12:00 NOON**

## TABLE OF CONTENTS

SECTION 1: GENERAL CONDITIONS OF BID	3
1. Proprietary Information	4
2. Enquiries	4
3. Bid Validity Period	4
4. Instructions on submission of Bids	4
5. Preparation of Bid Response	5
6. Supplier Performance Management	5
7. Alexkor's Rights	6
8. Undertakings by the Bidder	6
9. Reasons for disqualification	7
10. South African based Law Firms	7
11. Response Format (Returnable Schedules)	8
12. Evaluation Criteria and Weightings	9
13. Promotion of Emerging Black owned Service Providers and Professionals	10
SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATION	12
1. Special instructions to bidders	13
2. Background Information	13
3. Scope of Work	13
4. Project Timelines	14
5. Mandatory Technical Requirements (Small and Medium Firms)	15
6. Other Technical Requirements (Small and Medium Sized Firms)	16
7. Mandatory Technical Requirements (Large Sized Firms)	17
8. Other Technical Criteria for Large Firms	18
9. Labour Law requirements for All Firms	21
SECTION 3: ANNEXURES	23

**SECTION 1**  
**GENERAL CONDITIONS OF BID**

## 1 Proprietary Information

Alexkor SOC Limited (Alexkor) considers this Request for Proposal (RFP) and all related information, either written or verbal, which is provided to the respondent, to be proprietary to Alexkor. It shall be kept confidential by the respondent and its officers, employees, agents and representatives. The respondent shall not disclose, publish, or advertise this RFP or related information to any third party without the prior written consent of Alexkor.

## 2 Enquiries

2.1 All communication and attempts to solicit information of any kind relative to this RFP should be channelled in **writing** to:

Name: Ms Joanne Matisonn  
Telephone Number: 082 451 0824  
Email Address: [joanne@matisonngovernance.co.za](mailto:joanne@matisonngovernance.co.za)

2.2 Enquiries in relation to this RFP will not be entertained after **16h00 on Monday, 6 February 2017**.

2.3 The enquiries will be consolidated and Alexkor will issue one response and such response will be posted, within two days after the last day of enquiries, onto the Alexkor website ([www.alexkor.co.za](http://www.alexkor.co.za)) under tenders i.e. next to the same RFP document.

2.4 Alexkor may respond to any enquiry in its absolute discretion and the bidder acknowledges that it will have no claim against Alexkor on the basis that its bid was disadvantaged by lack of information, or inability to resolve ambiguities.

## 3 Bid Validity Period

Responses to this RFP received from bidders will be valid for a period of 180 calendar days counted from the bid closing date.

## 4 Instructions on submission of Bids

4.1 Bids must be submitted in hard copy, all bound in a sealed envelope endorsed, **RFP01/2017: Appointment of a Panel of Legal Service Providers for Alexkor** as well as an electronic copy. The sealed envelope must be placed in the bid box at the Main Reception area of the Alexkor offices, 2<sup>nd</sup> Floor, Building 15, The Woodlands, Woodmead by no later than 12:00 noon on Tuesday, 21 February 2017.

4.2 Bids must be submitted in the prescribed response format, herein reflected as **Response Format**.

4.3 The bid closing date, bidder name and the return address must also be endorsed on the envelope.

- 4.4 If a courier service company is being used for delivery of the bid response, the bid description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed/deposited into the bid box. **Alexkor will not be held responsible for any delays where bid documents are handed to Alexkor Receptionist.**
- 4.5 No bid response received by telegram, email, facsimile or similar medium will be considered.
- 4.6 Where a bid response is not in the bid box at the time of the bid closing, such a bid document will be regarded as a late bid. **It is Alexkor's policy not to consider late bids for tender evaluation.**
- 4.7 Amended bids may be sent in an envelope marked "Amendment to bid", and should also comply with the requirements of paragraph 4.1 above and should be placed in the bid box before the closing time in accordance with paragraph 4.1 above.

## **5 Preparation of Bid Response**

- 5.1 All the documentation submitted in response to this RFP must be in English.
- 5.2 The bidder is responsible for all the costs that it shall incur related to the preparation and submission of the bid document.
- 5.3 Bids submitted by bidders which are, or are comprised of companies must be signed by a person or persons duly authorised thereto by a resolution of the applicable Board of Directors a copy of which Resolution duly certified, must be submitted with the bid.
- 5.4 The bidder should check the numbers of the pages of its bid to satisfy itself that none are missing or duplicated. No liability will be accepted by Alexkor regarding anything arising from the fact that pages of a bid are missing or duplicated.
- 5.5 A list of all references (minimum of 3, as per the Functional Evaluation Criteria set out in section 2 of the RFP) must be included in the bid response.
- 5.6 An original, valid tax clearance certificate must be included in the bid response, or proof of application endorsed by SARS in this regard.
- 5.7 Copies of valid and current certificates from the professional organisations/bodies that the bidder is affiliated to or a member of, must be included in the bid response as detailed in section 2 of the bid document.

## **6 Supplier Performance Management**

Supplier Performance Management is viewed by Alexkor as a critical component in ensuring value for money acquisition and good supplier relations between Alexkor and all its suppliers.

The successful bidder shall upon receipt of written notification of an award, be required to conclude a Service Level Agreement (SLA) with Alexkor, which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensures effective delivery of service, quality and value-add to Alexkor's business.

Successful bidders will be required to comply with the above condition and provide a scorecard on their service offering indicating the measurement to achieve the objectives of this condition.

## **7 Alexkor's Rights**

- 7.1 Alexkor is entitled to amend any bid conditions, bid validity period, RFP specifications, or extend the bid closing date, all before the bid closing date. All bidders, to whom the RFP documents have been issued and where Alexkor have record of such bidders, may be advised in writing of such amendments or extension in good time and any such changes will also be posted on Alexkor's website under the relevant tender information. All prospective bidders should therefore ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
- 7.2 Alexkor reserves the right not to accept the lowest priced bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is functionally acceptable and/or financially advantageous to Alexkor.
- 7.3 Alexkor reserves the right to award this bid as a whole or in part and does not guarantee that any work or assignment will be given to any firm of attorneys on the panel. The services of appointed firms of attorneys will be utilised by Alexkor as and when the need arises. Alexkor reserves the right to categorise the tenders into different areas of expertise.
- 7.4 Alexkor reserves the right to conduct site visits at bidder's corporate offices and/or at client sites or offices if so required.
- 7.5 Alexkor reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the **National Treasury Instruction 01 of 2013/2014: Cost Containment Measures**, where relevant.
- 7.6 Alexkor reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to Alexkor to conduct background checks on the bidding entity and any of its directors/partners/trustees/shareholders/members.

## **8 Undertakings by the Bidder**

- 8.1 By submitting a bid in response to the RFP, the bidder will be taken to offer to render all or any of the services described in the bid response submitted by it to Alexkor on the terms and conditions and in accordance with the specifications stipulated in this RFP document.
- 8.2 The bidder shall prepare for a possible presentation should Alexkor require such and the bidder shall be notified thereof in good time before the actual presentation date.
- 8.3 The bidder agrees that the offer contained in its bid shall remain binding upon it/him/her and receptive for acceptance by Alexkor during the bid validity period indicated in the RFP and calculated from the bid closing hour and date. Such offer and its acceptance shall be subject to the terms and conditions contained in this RFP document read with the bid.
- 8.4 The bidder furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all his/her obligations under a resulting contract for the services contemplated in this RFP; and that he/she accepts that any mistakes regarding price(s) and calculations will be at his/her risk.
- 8.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under the SLA to be concluded with Alexkor, as the principal(s) liable for the due fulfilment of such contract.
- 8.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with its bid will become Alexkor property unless otherwise stated by the bidder/s at the time of submission.

## **9 Reasons for disqualification**

- 9.1 Alexkor reserves the right to disqualify any bidder that does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder. However, the bidder will be notified in writing of such disqualification:
- 9.1.1 bidders who do not submit an original valid Tax Clearance Certificate or proof of application of such as endorsed by SARS **on the closing date and time of the bid submission**;
  - 9.1.2 bidders who submit incomplete information and documentation according to the requirements of this RFP document;
  - 9.1.3 bidders who submit information that is fraudulent, factually untrue or inaccurate information;
  - 9.1.4 bidders who receive information not available to other potential bidders through fraudulent means;
  - 9.1.5 bidders who do not comply with mandatory requirements stipulated in the RFP document;
  - 9.1.6 bidders who fail to comply with FICA requirements, if stipulated in the RFP document.

## **10 South African based Law Firms**

Alexkor promotes local production and content; and for the purpose of this tender, Alexkor reserves the right to only consider South African based law firms for appointment under this tender.

## 11 Response Format (Returnable Schedules)

Bidders shall submit their bid responses in accordance with the response format specified below (each schedule must be clearly marked):

11.1 **Cover Page:** The cover page must clearly indicate the RFP reference number, bid description and the bidder's name

### 11.2 **Schedule 1:**

11.2.1 Executive Summary - explaining how you understand the requirements of this RFP and the summary of your proposed solution

11.2.2 Annexure 1 of this RFP document (duly completed and signed)

### 11.3 **Schedule 2:**

11.3.1 Original and valid Tax Clearance Certificate(s) (TCC);

11.3.2 Certified copies of bidder's Companies and Intellectual Property Commission (CIPC) company registration documents listing all members with percentages, in case of a CC.

11.3.3 Proof of registration on the Central Supplier Database;

11.3.4 Originally certified copy of ID document for the Company Representative;

11.3.5 Annexure 2 of this RFP document (duly completed and signed);

11.3.6 Annexure 4 of this RFP document (duly completed and signed);

11.3.7 Annexure 5 of this RFP document (duly completed and signed);

11.3.8 B-BBEE verification certificate indicating the contribution level of the bidding entity; and

11.3.9 For Exempted Micro Enterprises (EME) with an annual turnover less than R10 million, a sworn affidavit confirming the annual total revenue and level of black ownership. An EME that has at least 75% black beneficiaries qualifies for elevation to "Level One Contributor" and an EME that has at least 51% black beneficiaries qualifies for elevation to "Level Two Contributor". Any misrepresentation in terms of the declaration constitutes a criminal offence as set out in the B-BBEE Act as amended.

**Note: If a bidder is a Consortium, Joint Venture or Prime Contractor with Subcontractor(s), the documents listed above (11.3.1 - 11.3.8) must be submitted for each Consortium/JV member or Prime Contractor and Subcontractor(s).**

11.3.10 Copy of Joint Venture/Consortium/Subcontracting Agreement duly signed by all parties (if applicable).

### 11.4 **Schedule 3:**

11.4.1 Response to Section 2 of this document, in line with the format indicated in this RFP document.

11.4.2 Annexure 3 of this RFP document, duly completed and signed.

### 11.5 **Schedule 4:**

11.5.1 Annexure 6: Pricing Schedule



## 12 Evaluation Criteria and Weightings

Bids shall be evaluated in terms of the following process:

12.1 **Phase 1: Initial Screening Process:** During this phase, bid responses will be reviewed for purposes of assessing compliance with RFP requirements including the general bid conditions, which requirements include the following:

- Submission of an original valid Tax Clearance Certificate as referenced in 11.3.1 above
- Submission of Company Registration Forms as referenced in 11.3.2 above
- Submission of proof of registration on the Central Supplier Database as referenced in 11.3.3
- Submission of ID copy for the Company Representative as referenced in 11.3.4 above
- BEE Status Certification as referenced in 11.3.8 and 11.3.9 above
- Completion of all Standard Bidding Documents and other requirements, as reflected in this RFP, which covers the following:
  - Section 2: Statement of compliance with the Functional Evaluation Criteria for this RFP
  - Section 3: Cost Proposal and Price Declaration Form
  - Annexure 1: Acceptance of Bid Conditions
  - Annexure 2: Supply Chain Management Questionnaire
  - Annexure 3: Bidder's Experience and Project Team
  - Annexure 4: Declaration of Interest
  - Annexure 5: Shareholder's Information / Group Structure

Failure to comply with the requirements assessed in Phase 1 (compliance), may lead to disqualification of bids.

### 12.2 Phase 2: Technical/ Functionality Evaluation

Bid responses will be evaluated in accordance with the Functional criteria as follows:

#### 12.2.1 Mandatory Functional/ Technical Requirements

All bid responses that do not meet the mandatory functional requirements will be disqualified, and will not be considered for further evaluation on the non-mandatory functional requirements. The mandatory functional requirements are stated in section 2 of this RFP document.

Failure to comply with the mandatory functional requirements assessed in phase 2 may lead to disqualification of bids.

#### 12.2.2 Other Functional/Technical Requirements

With regards to the Other Functional Requirements, the following criteria (set out in more detail in section 2 of this RFP document) and the associated weightings will be applicable:

**NB: The following criteria are applicable to each Service Category.**

**12.2.2.1 Criteria for Small and Medium Sized Firms**

<b>ELEMENT</b>	<b>WEIGHT</b>
Demonstrable relevant experience of the bidder/bidder's team	70
References	20
Value proposition	10
<b>TOTAL</b>	<b>100%</b>

Note: Only bidders who achieved a technical score of more than 70% per service category will be considered further in terms of B-BBEE.

**12.2.2.2 Criteria for Large Firms**

<b>ELEMENT</b>	<b>WEIGHT</b>
Demonstrable relevant experience of the bidder	25
Manage conflicts of interest	10
References	15
Demonstrable relevant experience of the bidder's team	20
Systems and procedure proposal	15
Value proposition	5
Include previously disadvantaged persons in the bidder's team	10
<b>TOTAL</b>	<b>100%</b>

Note: Only bidders who achieved a technical score of more than 70% per service category will be considered further in terms of B-BBEE.

**12.3 Phase 3: Price and B-BBEE**

All bids that achieve the minimum score for Functionality (acceptable bids) will be evaluated further in terms of the price and B-BBEE, as follows:

<b>PRICE</b>	90
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>POINTS</b>
1	10
2	9
3	8
4	5
5	4

6	3
7	2
8	1
Non-compliant contributor	0

**13 Promotion of Emerging Black owned Service Providers and Professionals**

It is Alexkor's objective to promote participation of Black law firms and Black law professionals through its panel of legal firms.

**SECTION 2**

**FUNCTIONAL REQUIREMENTS SPECIFICATION**

## 1 Special instructions to bidders

- 1.1 Should a bidder have reason to believe that the Functional Requirements are not open/fair and/or are written for a particular service provider; the bidder must notify Alexkor within five (5) days after publication of the RFP.
- 1.2 Bidders shall provide full and accurate answers to the questions posed in this RFP document, and, where required explicitly state either "Comply/Not Comply" regarding compliance with the requirements. Bidders **must** substantiate their response to all questions, including full details on how their proposal/solution will address specific functional/technical requirements; failure to substantiate may lead to the bidder being disqualified. All documents as indicated must be supplied as part of the bid response.
- 1.3 Failure to comply with Mandatory Requirements may lead to the bidder being disqualified.

## 2 Background Information

Alexkor is a state-owned company. Its core business is the mining of land and alluvial diamonds. Its mining efforts focus predominantly on the Richtersveld area on the north-west coast of South Africa and over 10 million carats of gemstone quality diamonds have been recovered during its operations. By utilising its mining expertise, Alexkor is exploring other mining-related opportunities to become a sustainable, dynamic and profitable mining company. Alexkor's head office is in Johannesburg.

The purpose of this RFP is to appoint a panel of Legal firms who shall be engaged on a need basis to provide legal advisory services to Alexkor.

## 3 Scope of Work

- 3.1 Alexkor does not have an internal legal department. Accordingly, Alexkor seeks to establish a panel of external attorneys from whom assistance shall be sought on a need basis. Therefore, Alexkor requests proposals from capable legal firms or practitioners of good standing within the legal fraternity.
- 3.2 The required legal advisory services have been categorised into nine (9) categories as reflected below. The bidder must indicate, in the table below, with a **tick (✓)** the category the bidder is bidding for:

SERVICE CATEGORIES		PLEASE TICK (✓)
1	Mining law and environmental law	
2	Debt collection, including evictions	
3	Public Finance Management Act and National Treasury regulations and guidance	
4	Project finance transactions	
5	Corporate law and corporate finance transactions	
6	Conveyancing	
7	Tax law	

8	Litigation relating to categories 1 and 2 above	
9	Labour law and arbitration	

**Note: The bidder must ensure that they provide the required response/information to the evaluation criteria for each service category the bidder is bidding for.**

3.3 Alexkor would also like to promote broad based transformation and development of small and medium firms in this industry and as such will appoint firms in the following categories. The bidder must indicate, in the table below, with a **tick (✓)** the relevant category:

Firm Categories	Definition	PLEASE TICK (✓)
Category 1: Small Firms	Firm with an annual turnover of not more than R10 million	
Category 2: Medium Firms	Firm with an annual turnover greater than R10 million but below R50 million	
Category 3: Large Firms	Firm with an annual turnover greater than R50 million	

**Note: The bidder must submit their latest financial statements as proof of their annual turnover as confirmed by an independent accountant. Small businesses with no financial history, must submit a letter from their independent accounting firm confirming their financial status and / or projections.**

It is for this purpose that Alexkor will be using different evaluation criteria for the small and medium sized law firms as depicted in Section 2 (A) of this document and a different set of evaluation criteria applicable to large law firms as depicted in Section 2(8) of this document.

**Note: Bidders bidding for Labour Law, must in addition to the relevant requirements of this tender also provide a detailed response to the Labour requirements of Alexkor as depicted in Section 2 (C) irrespective of whether they are a small, medium or large firm.**

#### 4 Project Timelines

The appointed service provider(s) will be required to start from 1 April 2017 following signature of the contract and provide the services for a period of three (3) years subject to annual review of service provider's performance. Alexkor reserves the right to extend the term of appointment for a longer period but not beyond five (5) years.

**SECTION 2 (A) TECHNICAL REQUIREMENTS APPLICABLE TO SMALL AND MEDIUM SIZED LAW FIRMS**

**5 Mandatory Technical Requirements (Small and Medium Firms)**

The bidder must indicate its compliance/non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

<b>5.1 Registration with Law Society</b>	<b>Comply</b>	<b>Not Comply</b>
<p>The firm must be registered with the Law Society.                      Proof of registration from the relevant Law Society must be provided.  <b>Note:</b> Bidders may be required to submit a valid letter of good standing issued by the Law Society prior to work being allocated.</p>		
<p><b>Substantiate / Comments</b></p>		

<b>5.2 Fidelity Fund Insurance</b>	<b>Comply</b>	<b>Not Comply</b>
<p>The Firm of Attorneys must provide proof of the Fidelity Fund Insurance Cover and in addition the individual director/ partner/ attorney/s to attend to Alexkor's matters must provide a certified copy of a valid Fidelity Fund Certificate to be provided.</p>		
<p><b>Substantiate / Comments</b></p>		

## 6 Other Technical Requirements (Small and Medium Sized Firms)

The bidder must indicate its compliance/non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

**Note:** Alexkor will consider bids which best meet its technical requirements and bidders are required to provide relevant and comprehensive information to indicate its compliance with the stated technical requirements.

The bidder must provide the required information for each service category that the bidder is bidding for.

6.1 BIDDER'S / BIDDER TEAM'S EXPERIENCE	Comply	Partially Comply	Not Comply
<p>The bidder or lawyers in its current employ must have demonstrable experience in the service categories that the bidder is bidding for.</p> <p>The bidders must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> <li>● Details of recent transactions/matters the bidder has handled for each service category. Alexkor reserves the right to consider experiences of law firms that have done work for Alexkor in the past. Please refer to <b>Table (a) of Annexure 3</b> of this document for the format in which the required information must be provided; or</li> <li>● List of lawyer(s) in the current bidder's employ. Please refer to <b>Table (b) Annexure 3</b> of this document for the format in which the required information must be provided.</li> <li>● CVs of the lawyer(s); and the CVs must clearly highlight qualifications, areas of experience/competence relevant to commercial legal services.</li> </ul>			
<p><b>Substantiate / Comments</b></p>			

6.2 RECOMMENDATION / REFERENCE LETTERS	Comply	Partially Comply	Not Comply
<p>The bidder must provide reference/ recommendation letter(s) from a client(s) where the bidder recently provided each service category the bidder is bidding for.</p> <p>The bidder must also furnish Alexkor with relevant contact details of its key clients for reference check purposes.</p>			



**Substantiate / Comments**

**6.3 VALUE PROPOSITION**

**Comply**

**Partially  
Comply**

**Not  
Comply**

Please indicate your firm's value proposition to Alexkor and indicate what sets you apart in the legal services fraternity.

**Substantiate / Comments**

**SECTION 2 (B) TECHNICAL REQUIREMENTS APPLICABLE TO LARGE SIZED LAW FIRMS**

**7 Mandatory Technical Requirements (Large Sized Firms)**

The bidder must indicate its compliance/non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

7.1 Registration with Law Society	Comply	Not Comply
The firm must be registered with the Law Society. Proof of registration from the relevant Law Society must be provided. <b>Note:</b> Bidders may be required to submit a valid letter of good standing issued by the Law Society prior to work being allocated.		
<b>Substantiate / Comments</b>		

7.2 Fidelity Fund Insurance	Comply	Not Comply
The Firm of Attorneys must provide proof of the Fidelity Fund Insurance Cover and in addition the individual director/ partner/attorney(s) to attend to ALEXKOR's matters must provide a certified copy of a valid Fidelity Fund Certificate to be provided.		
<b>Substantiate / Comments</b>		

## 8 Other Technical Criteria for Large Firms

The bidder must indicate its compliance / non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

Note: Alexkor will consider bids which best meet its technical requirements and bidders are required to provide relevant and comprehensive information to indicate its compliance with the stated technical requirements.

The bidder must provide the required information for each service category that the bidder is bidding for.

8.1 BIDDER'S EXPERIENCE	Comply	Partially Comply	Not Comply
<p>The bidder must have demonstrable experience in the service categories that they are offering.</p> <p>The bidder must provide details of recent transactions / matters they have handled for each service category. Alexkor reserves the right to consider experiences of law firms that have done work for Alexkor in the past. Please refer to <b>Table (a) of Annexure 3</b> of this document for the format in which the required information must be provided.</p>			
<b>Substantiate / Comments</b>			

8.2 RECOMMENDATION / REFERENCE LETTERS	Comply	Partially Comply	Not Comply
<p>The bidder must provide reference/ recommendation letter(s) from a client(s) where the bidder recently provided for each service category the bidder is bidding for.</p> <p>The bidder must also furnish Alexkor with relevant contact details of its key clients for reference check purposes.</p>			
<b>Substantiate / Comments</b>			

<b>8.3 QUALIFICATIONS AND EXPERIENCE OF THE LAW</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The bidder must have in its current employ lawyers that have experience in the service categories the bidder is bidding for.</p> <p>The bidders must submit, as part of its proposal the following:</p> <ul style="list-style-type: none"> <li>• List of lawyer(s) in the current bidder's employ. Please refer to <b>Table (b) Annexure 3</b> of this document for the format in which the required information must be provided.</li> <li>• CVs of the lawyer(s); and the CVs must clearly highlight qualifications, areas of experience / competence relevant to commercial legal services.</li> </ul>			
<b>Substantiate / Comments</b>			

<b>8.4 SYSTEMS AND PROCEDURES</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>The bidder's systems and procedures must be effective to ensure effective delivery of quality services to Alexkor.</p> <p>Please submit a detailed plan on how you will ensure quality of service to Alexkor.</p>			
<b>Substantiate / Comments</b>			

<b>8.5 MANAGING CONFLICT OF INTEREST</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<p>Managing conflict of interest to ensure optimal legal advisory services is important.</p> <p>Please indicate how this aspect is managed and what controls are in place to ensure effectiveness.</p>			
<b>Substantiate / Comments</b>			

<b>8.6 VALUE PROPOSITION</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
Please indicate your firm's value proposition to Alexkor and indicate what sets you apart in the legal services fraternity.			
<b>Substantiate / Comments</b>			

<b>8.7 INCLUDE NEWLY QUALIFIED LEGAL PROFESSIONALS FROM PREVIOUSLY DISADVANTAGED GROUPS IN SOCIETY</b>	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
Alexkor intends promoting the transformation of the legal field through inclusive development of newly qualified legal professionals. Bidders are required to indicate their commitment to assist Alexkor through this tender / contract by indicating its plans to support this objective of Alexkor. Please indicate your detailed commitment plan in this regard.			
<b>Substantiate / Comments</b>			

**SECTION 2 (C) LABOUR LAW REQUIREMENTS (APPLICABLE TO ALL FIRMS WHO TENDERS FOR THE LABOUR LAW CATEGORY)**

**In addition to the Technical Requirements applicable to small, medium and large firms as referenced in Sections 2 A and B, bidders tendering for the Labour Law category should also respond to the requirements listed 9.1 hereunder.**

<b>9.1 LABOUR LAW</b> The bidder must demonstrate relevant experience in providing legal advisory services in labour relations matters which may include the following:	<b>Comply</b>	<b>Partially Comply</b>	<b>Not Comply</b>
<b>1. Provision of general labour related advice, legal opinions or related services including but not limited to:</b> <ul style="list-style-type: none"> <li>• Changing labour law employment legislation and its potential impact (e.g. BCEA, LRA and Employment Equity Act etc.)</li> <li>• Represent the employer at arbitrations, mediations, the Labour Courts and other administrative hearings;</li> <li>• Handling grievance and, disciplinary and arbitration hearings;</li> <li>• Workplace discipline and counselling</li> <li>• Preside over disciplinary and grievance hearings and also act as initiators/prosecutors at hearings;</li> <li>• Dealing with Dismissals for Misconduct. Incapacity and Operational requirements matters under Section 189.</li> </ul>			
<b>2. Drafting of relevant labour related documentation including but not limited to:</b> <ul style="list-style-type: none"> <li>• employment contracts, disciplinary codes, grievance procedures and collective agreements;</li> </ul>			
<b>3. Provision of specific labour related advice, legal opinions or related services as it relates to collective bargaining, union related matters, where applicable</b>			
<b>4. Provision of Labour Relations training as and when required</b>			
<b>5. Litigation relating to Labour Law matters</b>			
The bidder must provide details of recent matters handled by the bidder as it relates to the above categories 1-5. Please refer to <b>Table (a) of Annexure 3</b> of this document for the format in which the required information must be provided.			
<b>Substantiate / Comments</b>			

**SECTION 3**  
**ANNEXURES**

# Annexure 1 - Acceptance of Bid Conditions and Bidder's Details

Request for Proposal No: \_\_\_\_\_

Name of Bidder: \_\_\_\_\_

Authorised signatory: \_\_\_\_\_

Name of Authorised Signatory: \_\_\_\_\_

Position of Authorised Signatory: \_\_\_\_\_

By signing above the bidder hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this RFP.

*[Note to the Bidder: The Bidder must complete all relevant information set out below]*

## BIDDING STRUCTURE

Indicate the type of Bidding Structure by marking with an 'X':	
Individual Bidder	
Joint Venture/ Consortium	
Prime Contractor with Sub Contractors	
Other	

## REQUIRED INFORMATION

If Individual Bidder:	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	



**If Joint Venture or Consortium, indicate the following for each partner:**

**Partner 1**

Name of Company	
Registration Number	
VAT Registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Email Address	
Postal Address	
Physical Address	
Scope of work and the value as a % of the total value of the contract	

**Partner 2**

Name of Company	
Registration Number	
VAT Registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Email Address	
Postal Address	
Physical Address	
Scope of work and the value as a % of the total value of the contract	

**If bidder is a Prime Contractor using Sub-Contractors, indicate the following:**

**Prime Contractor**

Name of Company	
Registration Number	
VAT Registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Email Address	
Postal Address	
Physical Address	

**Sub-contractors**

Name of Company	
Registration Number	
VAT Registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Email Address	
Postal Address	
Physical Address	

## Legal Firm Category

Indicate the category/ size of your firm by marking with an 'X':	
Category 1: Small Firm	
Category 2: Medium Firm	
Category 3: Large Firm	

## Service Category

Indicate the service category your company is bidding for by marking with an 'X':		
1	Mining and environmental law	
2	Debt collection, including evictions	
3	Public Finance Management Act and National Treasury regulations and guidance	
4	Trust law	
5	Corporate law and corporate finance transactions	
6	Conveyancing	
7	Tax law	
8	Litigation relating to categories 1 and 2 above	
9	Labour law and arbitration	

## Annexure 2 - Supply chain management practices questionnaire

Request for Proposal No: \_\_\_\_\_

Name of Bidder: \_\_\_\_\_

Authorised signatory: \_\_\_\_\_

*[Note to the Respondent: The Respondent must complete the information set out below. If the Respondent requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it with Returnable Schedule 2]*

The bidder must complete the following questionnaire.

### Bidder's past supply chain management practices:

3.1	<p>Is the Bidder or any of its directors listed on the South African National Treasury's database 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 South African National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, provide particulars:		
3.2	<p>Is the Bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the <i>Prevention and Combating of Corrupt Activities Act No 12 of 2004</i>?</p> <p>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Bid Defaulters" or submit your written request for a hard copy of the Register to facsimile number +27 12 326 5445.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, provide particulars:		
3.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

	If so, provide particulars:		
3.4	Does the Bidder relate to any ALEKKOR employee or part of ALEKKOR current or past staff (employee) establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If so, provide particulars:		
3.5	Was any contract between the Bidder and any organ of state (within the Republic of South Africa or within any foreign territory) 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"/>
	If so, provide particulars:		

I, \_\_\_\_\_ (print name) hereby certify that the information, facts and representations are correct and that I am duly authorized to sign on behalf of the company.

Name of Company: \_\_\_\_\_

Company Registration Number: \_\_\_\_\_

Company VAT Registration Number: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Annexure 3: Response Format for Section 2 Bidder's Experience and the proposed Project Team

Request for Proposal No: \_\_\_\_\_

Name of Bidder: \_\_\_\_\_

Authorised Signatory: \_\_\_\_\_

*[Note to the Bidder: The bidder must complete the information set out below in response to the requirements stated in Section 2 of this bid document. If the bidder requires more space than is provided below it must prepare a document in substantially the same format setting out all the information referred to below and return it with this Returnable Schedule 3]*

### **BIDDER AND TEAM EXPERIENCE:**

**The bidder must provide the following information for each of the service category the bidder is bidding for.**

**Table (a) Details of the bidder's current and past experience in the service categories the bidder is bidding for (please refer to paragraphs 6.1, 8.1, and 9.1 of Section 2 of this RFP document):**

Client Name	Transaction Description	Transaction Value	Project period (Start and End Dates)	Description of service performed and extent of Bidder's responsibilities	Name, title and telephone contact of client

**Table (b) Details of the bidder’s proposed team of lawyers (please refer to par 6.1 and 8.3 of Section 2 of this RFP document):**

Name	Position / Designation	Qualifications	Relevant Experience	
			Projects / matters worked on, Client details	Years of experience

## Annexure 4 - Declaration of Interest

I, THE UNDERSIGNED [*insert full name of signatory*] \_\_\_\_\_,

IN MY CAPACITY AS [*insert capacity, i.e. member, director, partner, etc.*] \_\_\_\_\_

OF THE SUPPLIER [*insert full name of the supplying entity*] \_\_\_\_\_

CERTIFY UNDER OATH THAT, TO THE BEST OF MY KNOWLEDGE, THE INFORMATION FURNISHED HEREIN IS TRUE AND CORRECT. I ACCEPT THAT ALEXKOR RESERVES ITS RIGHT TO ACT AGAINST THE SUPPLIER NAMED ABOVE OR ME PERSONALLY IN TERMS HEREOF, SHOULD THIS DECLARATION PROVE TO BE FALSE.

Alexkor employees and directors that engage in private work for or on behalf of the Supplier are not permitted to financially benefit from the procurement associated with this enquiry/tender/proposal.

In order to manage situations where conflicts of interests may exist, involving Alexkor employees and/or directors engaging in private work with the Supplier (named above) associated with this enquiry/tender/proposal, you are hereby requested to declare their positions to Alexkor and take an oath declaring their interests.

For the purposes of this Declaration:

- **Private Work** includes private interests, and means any employment or commercial activity, or any other interests embarked on by an employee outside the scope of his/her Alexkor employment.
- A **commercial activity** means any activity an employee engages in outside Alexkor for the purpose of generating income, whether or not the activity actually produces income and/or is profitable.
- **Close Family** means persons related to the employee or director by birth, marriage, domestic partnership, adoption, guardianship or the like, who may influence, or be seen



to influence the objectivity of the employee or director OR related persons who may be influenced by the employee or director in their dealings with Alexkor;

- **Associate** means any person (i.e. a friend, rival, business partner, neighbour or the like) who has a relationship with an employee or director who may influence, or be seen to influence the objectivity of the employee or director OR who may be influenced by the employee or director in their dealings with Alexkor;
- **Participation in the Procurement Process** means conceptualisation, proposal, specification, feasibility studies, sourcing, evaluation, benchmarking, negotiation, approval and awarding or withdrawal of offers/tenders in relation to orders/contracts for performing any work, providing any services, or supplying any material, article or equipment or performing any other act; and
- **Business Courtesy** means a gift or favour received from a person or a firm for which fair market value is not paid, and includes non-monetary gifts, meals, drinks, entertainment, hospitality, recreation, transportation, attendance prizes, discounts, tickets, passes, promotional items, materials, equipment and the like.

In order to give effect to the above, the following questionnaire must be completed and submitted as a returnable with your enquiry/tender/proposal.

*\* Delete whichever is not applicable.*

Are you or any other person who holds an interest in the Supplier named above (i.e. a shareholder, a director, or a member or partner, a line manager, or a fellow employee), employed by Alexkor or serves as a director at Alexkor?

[ YES / NO ]

If so, state particulars.

Are you, or any other person who holds an interest in the Supplier named above, a **close family** member to or an **associate** of an Alexkor employee and/or director, who may be **participating in the procurement process** associated with this enquiry/tender/proposal?

[ YES / NO ]

If so, state particulars.

Are you aware of any relationship which amounts to that of **close family** (i.e. related by birth, marriage, domestic partnership, adoption, guardianship or the like) or that of an **associate** (i.e. a friend, rival, business partner, neighbour, etc.) between person(s) acting for or on behalf of the Supplier and an Alexkor employee and/or director, who may be **participating in the procurement process** associated with this enquiry/tender/proposal?

[ YES / NO ]

If so, state particulars.

Have you, or any other person who holds an interest in the Supplier named above, given a **business courtesy** to or received a business courtesy from an Alexkor employee and/or director over the last 12 (twelve) months?

[ YES / NO ]

If so, state particulars.

If providing services as a consultant to Alexkor, please state the particulars of any other services that the Supplier named above is currently rendering to any other Alexkor divisions, Alexkor subsidiaries and key industrial customers. For purposes of this declaration a consultant is deemed to be a supplier that is providing Alexkor with advice or contracted deliverables linked to specific technical and/or strategic issues that are core to Alexkor's approved strategic direction, and/or where the services of a registered professional are required (e.g. attorneys, auditors, engineers, etc.).

Declaration of Other Work				
Name of Client	Nature of Services	Date(s) of Contract	Contact Person(s)	Contact Details

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

POSITION: \_\_\_\_\_

