



REQUEST FOR QUOTATION (RFQ)

DESCRIPTION

APPOINTMENT OF A LABOUR & EMPLOYMENT ATTORNEY TO PROVIDE A SECOND LEGAL OPINION
RFQ NO: LTAQ003-24/25

Kindly furnish us with a written quotation as detailed in the enclosed schedule.

The quotation must be submitted on the letterhead of your business and submitted into the quotation box not later than **03 SEPTEMBER 2024 @ 12H00 AT THE LTA'S QUOTATION BOX, AT ERF 92/688, PORTION 2, N1 MAIN ROAD, SOUTHERN GATEWAY EXT 4, POLOKWANE.**

EMAILED SUBMISSIONS WILL NOT BE ACCEPTED.

NO PAYMENT IS REQUIRED FOR THIS BID. BEWARE OF SCAMS.

The following conditions will apply:

- 1) Price offer to be valid for 80 days from the closing date of the bid.
- 2) Price(s) quoted must be firm and inclusive of VAT.
- 3) The bid will be evaluated in terms of the administrative compliance, functionality and the 80/20 preference point system as prescribed in the Preferential Procurement Regulations (2022) and for this purpose the enclosed forms SBD 3.1, SBD 4, & SBD 6.1, must be scrutinized, completed and submitted together with your bid.
- 4) The successful bidder will be the one scoring the highest points in terms of the Preferential Procurement Regulations (2022).

ISSUED BY:

**THE CHIEF EXECUTIVE OFFICER
 LIMPOPO TOURISM AGENCY
 P.O. BOX 2814
 POLOKWANE
 0700**

**Tel: (015) 293 3600
 293 3651**

Fax: (015)

CONTACT PERSON (SPECIFICATION)

MS MAUREEN PHALALA

Contact No.: 063 698 3688

E-mail:

maureenp@golimpopo.com

CONTACT PERSON (BIDDING PROCESS)

MS. SEWELA NYAKA

**Contact No.: 066 039
 0295**

E-mail:

sewelan@golimpopo.com

Name of Bidder: _____

BID AMOUNT: R _____



TERMS OF REFERENCE

APPOINTMENT OF A LABOUR & EMPLOYMENT ATTORNEY TO PROVIDE A SECOND LEGAL OPINION

1. BACKGROUND

Limpopo Tourism Agency (LTA) is a schedule 3C public entity under (PFMA) reporting to Limpopo Department of Economic Development Environment and Tourism (LEDET), and its programmes and activities are guided by a number of constitutional and legislative mandates.

2. PURPOSE

To appoint a legal representative in the employment and labour law practice to prepare and draft a second legal opinion on the fixed term contract of executive/s of LTA.

3. AIM AND OBJECTIVE OF THE APPOINTMENT FOR 2ND LEGAL OPINION

The aim of the required appointment is to assist the Human Resources and Remunerations Committee and or Board of LTA to obtain clarification and interpretation of the main objective of the fixed term contract of Executives in the context of extension and or renewal by providing a second legal opinion to an already existing legal advice provided inhouse by the entity's Legal Advisor.

The Scope of Work and Deliverables:

- ✓ Conduct consultations with client.
- ✓ Prepare and draft a second legal opinion on the Executive's fixed term contract URGENTLY within 48 hours from receipt of instruction.
 - Interpretation of contract and the entity's Human Resources Policy on extension and/or renewal.
- ✓ Present the 2nd legal opinion to the entity i.e. Human Resources & Remunerations Committee and/or Board.

5. EXPECTED COMPETENCIES AND ABILITIES

The appointed service provider/legal representative must have the necessary competent skills and proven track record in the following areas:

- ✓ Proven track record of conducting legal research; provide legal advice/opinions in labour and employment related matters.
- ✓ Knowledge of applicable labour related legislations.
- ✓ possess drafting and analytical skills on contracts.
- ✓ Possess between 5- 10 years' experience practicing as a labour and employment law legal representative.

6. SPECIAL CONDITIONS

- a. This is a once-off appointment for the specific labour/employment matter.
- b. The second legal opinion must be available within 48 hours from date of receipt of instruction by the entity.
- c. The legal representative must present the 2nd legal opinion to the Human Resources & Remunerations Committee and/or Board when called upon to do so.
- d. The Limpopo Tourism Agency reserves the right to reject any proposal/bid to be found to be inadequate or non-complaint to the Terms of Reference.



SBD 3.1

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

PRICING SCHEDULE

ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED
IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

I/We _____

(Full name of bidder) the undersigned in my capacity as _____

Of the firm _____

CSD NO. _____

Hereby offer to Limpopo Tourism Agency to render the services as described, in accordance with the specifications and conditions of contract to the entire satisfaction of the Limpopo Tourism Agency and subject to the conditions of tender, for the amounts indicated hereunder

(NB. The service provider MUST demonstrate the TOTAL TIME AND COST involved that will be expended on the legal services required as a quotation by populating the table below:)

Item/activity Description	Rate/Hour (Incl. VAT)
1. Consultation with client.	
2. Telephone calls/ Cell phone calls -incoming or outgoing	/call
3. Travelling fees (Rand/KM)	/Km
4. Sending/Receipt/Perusal of letters/correspondence/documents/	

emails/faxes	
5. Preparation and Drafting of the required and necessary legal documents	
6. Attendance to presentation of drafted legal documents	
7. Copies made (per page)	
TOTAL (INCL. VAT)	

Company Name: _____

Contact Number: _____

Signature of Bidder: _____

Date: _____



EVALUATION CRITERIA

CRITERIA - MANDATORY REQUIREMENTS

i. MINIMUM REQUIREMENTS

Bidders must comply with all the minimum requirements as listed below. Failure to comply with or submit any of the supporting documentation listed below will result in your bid being disqualified.

ITEM DESCRIPTION		Please indicate with an "X" to offer complies with the requirements		
		YES	NO	Comment
a)	Must be registered on Central Supplier Database (CSD)			
b)	Bidder must complete and sign the bid forms in full.			
c)	Proof of Registration with Legal Practice Council			

ii. EVALUATION METHODOLOGY

In accordance with the Preferential Procurement Regulations, 2022, the bid evaluation process shall be carried out in three Phases namely:

- Phase 1: Administrative Compliance
- Phase 2: Evaluation on Functionality.
- Phase 3: Evaluation in terms of Price and Preference Point Systems in accordance with the Preferential Procurement Regulations 2022.

PHASE 1: ADMINISTRATIVE COMPLIANCE (Submission of compulsory documents.

The first phase of evaluation is checking and verification of all mandatory documents to be submitted by the bidders and compliance to specification.

If any of the following Bid Forms are not completed and signed or handed in with your proposal on closing date and time, your proposal will be immediately disqualified.

- SBD 3.1 (Pricing Schedule) Make sure it is completed.
- SBD 4 (Bidder's Disclosure) Make sure it is signed. **(Failure to disclose any other companies involved in will result in disqualification).**
- SBD 6.1 (Preference claim form) Make sure it is completed and signed;
- Certified copies or original documents will be accepted.

- Bidders that do not comply with the bid requirements may be regarded as non-responsive and may be disqualified.

PLEASE NOTE:

- a) the bidder or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
- b) the bidder has not:
 - i) abused the Supply Chain Management System; or
 - ii) failed to perform on any previous contract and has been given a written notice to this effect;
- c) All corrections and scratching are initialled;
- d) Completion of the bid document using pencil not allowed, **BID DOCUMENT TO BE COMPLETED IN BLACK INK;**
- e) Scratching is done by putting a straight line through the corrected items;
- f) **THE USE OF CORRECTION FLUID WILL AUTOMATICALLY INVALIDATE YOUR BID;**
- g) Alterations to the bid document or **submission of a copy of the original bid document will invalidate the bid;**

2. PHASE 2: EVALUATION IN TERMS OF FUNCTIONALITY

Functionality assessment should be allocated as follows:

	FUNCTIONALITY CRITERIA		
	COMPONENTS	Points Awarded	
A	COMPANY EXPERIENCE (Detailed Company profile to be attached).		30
	Bidder's proven competency in and extensive knowledge in rendering legal services in labour & employment law matters. • 10 years and above • 5- 9 years • 0-4 years	30 20 00	

B	LETTERS OF REFERENCE		30
	Signed reference on the valid letterheads that prove experience on labour & employment law matters. • Five or more reference letters • Four reference letters • Less than four letters	30 20 10	
C	KEY PERSONNEL: EXPERIENCE AND QUALIFICATION		20
	Experience of key personnel in handling of Labour & Employment law matters. • 10 years and more • 5-9 years • 0- 4Years QUALIFICATIONS OF KEY PERSONNEL • Relevant Legal Qualification (BA Law with LLB, Biuris with LLB, BProc., LLB). • No Qualification attached. Attach CV with traceable references and proof of qualification.	10 06 00 10 0	
	LOCALITY		20
	Companies Located in Limpopo Province Companies Located outside Limpopo Province	20 05	

The minimum qualifying score for functionality is **70%**. Bidders who fail to obtain the minimum qualifying score of **70%** will be disqualified.

PHASE 3: EVALUATION IN TERMS OF PRICE AND PREFERENCE POINT SYSTEMS

Only bids that achieve the minimum qualifying score/percentage for functionality will be evaluated further in accordance with the 80/20 preference point system prescribe in Preferential Procurement Regulations, 2022.

The PPPFA prescribes that the lowest acceptable bid will score 80 points for price. Bidders that quoted higher prices will score lower points for price on a pro-rata basis.

When calculating prices:

- a) Unconditional discounts will be taken into account for evaluation purposes; and

- b) Conditional discounts will not be taken into account for evaluation purposes but would be implemented when payment is affected.

The formulae to be utilized in calculating points scored for price is as follows:

80/20 preference point system formula will be used to calculate the points for price of quotations/tenders with the rand value equal to or below R50 million

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

Where:

P_s = Points scored for price of bid under consideration

P_t = Rand value of tender consideration

P_{min} = Rand value of lowest acceptable tender

A maximum of **20 points** will be awarded in accordance with the table below, for quotations from R0 to R50 000 000:

NO	DESIGNATED GROUP	SPECIFIC GOALS (20 POINTS)
1	Black People	4
2	Youth	4
3	Women	4
4	Persons with Disability	4
5	Locality	2
6	Enterprises located in rural areas	2

- The points scored by a tenderer in respect of the specific goals above must be added to the points scored for price.
- A specific goal will be allocated according to the percentage of ownership in the company (e.g., if black people own 50% of the company, the points for the specific goal will be 2, i.e. $50/100 \times 4 = 2$).
- Only the tender with the highest number of points scored may selected.
CSD report will be used to as a means of verification of the specific goals.

NB: CSD report will be used as a means of verification of the specific goals. A valid medical certificate (original or certified copy not older than three months) is required to claim points for persons with disability.

- Limpopo Tourism Agency reserves the right not to award the bid.



BIDDER'S DISCLOSURE

SBD 4 FORM

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....

.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 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 consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications,

² 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.

prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.5 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM 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 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that

preference points for specific goals are not claimed.

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)}
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Black People		4		
Youth		4		
Women		4		
Persons with Disability		4		
Locality		2		
Enterprises located in rural areas		2		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	
DATE:	
ADDRESS:	
	
	