



**sanedi**

South African National Energy  
Development Institute.

**REQUEST FOR QUOTATIONS FOR THE APPOINTMENT OF A SERVICE  
PROVIDER TO CONDUCT IP LEGAL SERVICES FOR A PERIOD OF  
ONE (1) MONTH**

NAME OF BIDDER.....

POSTAL ADDRESS .....

STREET ADDRESS .....

CONTACT PERSON .....

TELEPHONE NUMBER Code ..... Number .....

CELL PHONE NUMBER Code ..... Number .....

FACSIMILE NUMBER Code .....Number .....

E-MAIL ADDRESS .....

**Signature of Bidder** ..... **Date** .....

<b>RFQ Number</b>	2423a
<b>Date of RFQ</b>	13 September 2023
<b>SANEDI Contact</b>	All enquiries must be directed to:  Name: Ms Vulani Ngoveni e-mail address: <a href="mailto:enquiries.procurement@sanedi.org.za">enquiries.procurement@sanedi.org.za</a> Website address: <a href="http://www.sanedi.org.za">www.sanedi.org.za</a>
<b>Closing date</b>	<b>27 September 2023 at 12:00pm</b>  NO LATE SUBMISSIONS WILL BE ACCEPTED.
<b>Submission methods</b>	The submissions should be made to the following email:  <a href="mailto:quotes.procurement@sanedi.org.za">quotes.procurement@sanedi.org.za</a>  <b>NB: failure to submit in the correct email will render your submission non-responsive.</b>
<b>Work specification (and Technical specifications)</b>	<p><b>1. Project Background</b> SANEDI seeks to appoint a legal services provider specializing in intellectual property law to review SANEDI's Intellectual Property (IP) Policy. Kindly note that this is a specialized service that is required. SANEDI's Legal Department drafted an IP policy on behalf of the organization. On 17 July 2024 the Management presented the policy to the Technical Project Finance Committee for its review and recommendation to the board for approval. The Committee reviewed the policy and recommended to the Management to seek an expert opinion on the draft, by engaging in the process of appointing a <b>law firm specializing in IP law</b> to review the policy for completion.</p> <p><b>2. Scope of Works</b></p> <ul style="list-style-type: none"> <li>a) Only legal practices established in accordance with the provisions of the Legal Practice Act, 2014 (ActNo.28 of 2014 as amended) will be considered for this proposal (Provide proof)</li> <li>b) Bidders must possess a fidelity certificate issued in terms of the Attorneys Act. (Provide Proof)</li> <li>c) The Lead Attorney for each category must possess a letter of good standing with the relevant Law Society. (Provide Proof)</li> </ul> <p><b>3. Deliverables</b></p> <ul style="list-style-type: none"> <li>a) Bidders must provide a company profile</li> </ul>

- b) For each category of legal services, a bidder must propose a team consisting of the Lead Attorney, Associate Attorney and Candidate Attorney.
- c) Bidders must provide curriculum vitae of team members highlighting legal qualifications and experience for each category of legal services
- d) Bidders provide signed reference letters where the bidder has successfully concluded similar engagements.
- e) The sum of the average cost per hour will be used to determine the cost price. Fees in respect of all work to be done including consultations, correspondence, time spent on research, preparation, perusal and review of literature and all documentation which could be relevant to the matter and on telephone calls and travelling should be included in the hourly rate below for each of the following category of individuals:
  - i) Candidate Attorney R per hour
  - ii) Associate Attorney R per hour
  - iii) Senior Associate Attorney R per hour
  - iii) Lead Attorney R per hour
  - iv) Junior Counsel R per hour
  - v) Senior Counsel R per hour

Evaluation Criteria	Technical Criteria	Scoring Guideline (1-10)	Weighting
	<p><b>Capacity, capability and experience of the service provider</b> Evidence: Description of service providers' capabilities must have relevant years in previous/current and applicable roles in the Legal Industry support including in intellectual property, the public sector, and the energy sector.</p>	<p>1 = 1 - 2 years of relevant experience</p> <p>3 = 3 – 5 years of relevant experience in IP Legal services</p> <p>5 = 6 – 8 years of relevant experience in IP Legal services</p> <p>7 = 9 – 11 years of relevant experience in IP Legal services</p> <p>10 = 12 or more years of relevant experience in IP Legal services</p>	<p><b>25%</b></p>
<p><b>Qualification of Key Staff:</b> Evidence: Relevant IP qualifications of key staff, recognized by the South African Qualifications Authority (SAQA) (minimum at bachelor's level).</p> <p><b>Certified Certificates to be provided.</b></p>	<p>1 = Post Graduate certificate/Diploma</p> <p>3 = Degree</p> <p>6 = Honours degree</p> <p>10 = Masters degree/Higher</p>	<p><b>35%</b></p>	
<p><b>Experience of Key Staff</b> in providing intellectual property legal services</p>	<p>1 = 5 years of relevant experience</p>	<p><b>20%</b></p>	

	Evidence: Curriculum vitae of key staff working on the project	3 = 8 years relevant experience  5 = 11 years relevant experience  10 = 14 Years and more of relevant experience	
	<b>Reference Letters</b> Evidence: The reference letter must have a description of the intellectual property legal services, the duration, the value of contract and a statement acknowledging the quality of work done. These letters must also be in the client letterhead and include the following; ▪Email address ▪Work phone numbers ▪Duly signed by person in authority	0 = No reference letters provided  1 – 5 = 2 to 3 reference letters provided  5 – 7 = 4 to 5 reference letters provided  7 – 10 = 6 or more reference letters provided	<b>20%</b>
	<b>Technical Threshold</b>		<b>70%</b>
	<b>Total</b>		<b>100%</b>
<b>Terms and Conditions</b>	The RFQ shall be subjected to the SANEDI procurement terms and conditions which can be found on <a href="http://www.sanedi.org.za">www.sanedi.org.za</a> .  New suppliers are requested to apply for registration as suppliers on the database as no RFQs will be considered without suppliers firstly being registered on the supplier database.		
<b>Quoted Price excluding Disbursements VAT inclusive</b>	<b>(Attach a formal quotation on company official letterhead to this RFQ)</b> R		
<b>Discounted amounts</b>	R		
<b>Disbursements VAT inclusive</b>	R		
<b>Total Amount VAT inclusive</b>	R		
<b>Other Requirements</b>	The supplier must submit the following returnable schedules: 1. Pricing schedule 2. Attach SBD9, SBD 4 and SBD 6.1 3. Attach valid tax clearance 4. Certified BBEE certificate 5. CSD Report  Forms are available on <a href="http://www.sanedi.org.za">www.sanedi.org.za</a>		

**SBD 4: Bidder’s Declaration of Interest**

	<p>Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favoritism, 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</p> <ul style="list-style-type: none"> <li>- the bidder is employed by the state; and/or</li> <li>- 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.</li> </ul>
	<p><b>In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.</b></p>

<b>COMPANY &amp; REPRESENTATIVE DETAILS</b>	
Full Name of bidder or his or her representative	
Identity Number	
Position occupied in the Company (director, trustee, shareholder, member):	
Registration number of company, enterprise, close corporation, partnership agreement or trust	
Tax Reference Number	
VAT Registration Number	

<b>DECLARATIONS</b>	<b>YES</b>	<b>NO</b>
Are you or any person connected with the bidder presently employed by the state?		

	<p>If so, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder/ member</p>		
	<p>Name of state institution at which you or the person connected to the bidder is employed :</p>		
	<p>Position occupied in the state institution</p>		
	<p>Any other particulars:</p>		
	<p>If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?</p>		
	<p>If yes, did you attach proof of such authority to the bid document?</p> <p><u>(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.</u></p>		
	<p>If no, furnish reasons for non-submission of such proof:</p>		
	<p>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?</p>		
	<p>If so, furnish particulars:</p>		
	<p>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?</p>		
	<p>If so, furnish particulars:</p>		

	Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies  Wither or not they are bidding for this contract?		
If so, furnish particulars:			

<b>Full details of directors / trustees / members / shareholders.</b>			
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 the table below.			
Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / PERSAL Number

“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.

“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.

**DECLARATION OF INTEREST**

I, the undersigned (name).....

Certify that the information furnished in this declaration is correct and I accept that SANEDI may reject the bid or act against me should this declaration prove to be false.

Name of Enterprise Bidding: .....

Name of Authorised Representative .....

Signature of Authorised Bidder .....

Date .....

**SBD 9: Certificate of Independent Bid Determination**

I, the undersigned, in submitting the accompanying bid for .....

in response to the invitation for the bid made by SANEDI do hereby make the following statements that I certify to be true and complete in every respect:

I therefore certify, on behalf of ..... that I have read and I understand the contents of this Certificate;

- 1. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 2. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- 3. 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;
- 4. 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

5. 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 consortium will not be construed as collusive bidding.

6. 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.

7. 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.

8. 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.

9. 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.

Name of Enterprise Bidding: .....

Name of Authorised Representative .....

Signature of Authorised Bidder .....

Date .....

## 1. Preference Points

### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

**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 Preference Points applicable:

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

1.3 Points for this tender shall be awarded for:

(a) Price; and

(b) Specific Goals.

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

	POINTS
Price	80
Specific Goals	20
<b>Total points for price and specific goals</b>	<b>100</b>

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 SANEDI 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 SANEDI.

## **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).
- (f) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (g) “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;
- (h) “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;
- (i) “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) “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;
- (k) “functionality” means the ability of a tenderer to provide goods or services in accordance with

specifications as set out in the tender documents.

(l) “proof of B-BBEE status level of contributor” means:

- B-BBEE Status level certificate issued by an authorized body or person;
- A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
- Any other requirement prescribed in terms of the B-BBEE Act;
- “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;

### 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:

$$Ps = 80 \left( 1 + \frac{Pt - Pmax}{Pmax} \right) \quad \text{or} \quad Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest 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 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 (80/20 system)			Number of points claimed (80/20 system)  (To be completed by the tenderer)
	Total points possible	Indicator	Points allocated	
B-BBEE Status level of Contributor	10	Level 1	10	
		Level 2	9	
		Level 3	8	
		Level 4	5	
		Level 5	4	
		Level 6	3	
		Level 7	2	
		Level 8	1	
		Non-compliant	0	
Women	5	Women Owned 76% - 100%	100%	
		Women Owned 51% - 75%	75%	

		Women Owned 26% - 50%	50%	
		Women Owned 5% - 25%	25%	
		Women Owned less than 5% - 0%	0%	
Youth	2.5	Youth Owned 76% - 100%	100%	
		Youth Owned 51% - 75%	75%	
		Youth Owned 26% - 50%	50%	
		Youth Owned 5% - 25%	25%	
		Youth Owned less than 5% - 0%	0%	
Persons with Disability	2.5	Person with Disability 76% - 100%	100%	
		Persons with disability 51% - 75%	75%	
		Persons with disability 26% - 50%	50%	
		Persons with disability 5% - 25%	25%	
		Persons with disability less than 5% - 0%	0%	
<b>TOTAL FOR SPECIFIC GOALS</b>	<b>20</b>			

**DECLARATION WITH REGARD TO COMPANY/FIRM**

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

4.4 Company registration number:.....

**4.5 TYPE OF COMPANY/FIRM**

<b>Type of Firm</b>	<b>Tick the applicable box here</b>
---------------------	-------------------------------------

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

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.

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....