



Warning against tender scams: The WRC urges members of the public to report any suspicious Request for Quotation, Purchase Order or Letter of Award to its Fraud Hotline on 0800 227 007 or email: confidential@wisecall.eu.com. If a request or procurement communication appears to be suspicious Suppliers are advised to contact the WRC Supply Chain Management office on 012 761 9300 to verify its authenticity

PART A INVITATION TO BID (SBD1)

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE WATER RESEARCH COMMISSION (WRC)					
RFQ/P NUMBER:	029/07/20-21	CLOSING DATE:	31 JULY 2020	CLOSING TIME:	24h00
DESCRIPTION OF GOODS/SERVICES	APPOINTMENT OF A PANEL OF LEGAL ATTORNEYS FOR A PERIOD OF THREE (3) YEARS				
BID RESPONSE DOCUMENTS MAY BE EMAILED TO : quotations@wrc.org.za (Hand delivered quotation or sent to a different email than the one specified shall not be accepted)					
Send quotations / proposals to: quotations@wrc.org.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	SUPPLY CHAIN MANAGEMENT		CONTACT PERSON	SUPPLY CHAIN MANAGEMENT	
TELEPHONE NUMBER	012 761 9300		TELEPHONE NUMBER	012 761 9300	
E-MAIL ADDRESS	quotations@wrc.org.za		E-MAIL ADDRESS	quotations@wrc.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER PART B:3]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				☐ YES ☐ NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				☐ YES ☐ NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				☐ YES ☐ NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					



PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:



PART C

STANDARD BIDDING DOCUMENTS

(SBD FORMS – SBD3.3, SBD4, SBD6.1, SBD8 and SBD9 should be fully completed and signed by the supplier/service provider). WRC reserves the right not to accept/eliminate/disqualify a quotation not accompanied by the completed prescribed SBD forms.

SBD 3.3 PRICING SCHEDULE – PROFESSIONAL SERVICES

NAME OF BIDDER: RFQ/P NO.: 210/11/19-20

CLOSING DATE:..... CLOSING TIME **24:00**

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	
	-----	R-----	
	-----	R-----	
	-----	R-----	
	-----	R-----	

PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.



DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
.....			R.....

TOTAL: R.....

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
.....			R.....

TOTAL: R.....

5. Period required for commencement with project after acceptance of bid
.....
6. Estimated man-days for completion of project
.....
7. Are the rates quoted firm for the full period of contract? *YES/NO
8. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

.....

.....



SBD 4 - DECLARATION OF INTEREST WITH GOVERNMENT

Any legal person, including persons employed by the State (meaning 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); any municipality or municipal entity; provincial legislature; national Assembly or the national Council of provinces; or Parliament), or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this invitation to Bid (includes an advertised competitive Bid, a limited Bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting Bid, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the Bidder or his/her authorised representative, declare his/her position in relation to the evaluating/adjudicating authority where:

The Bidder is employed by the State; and/or

The legal person on whose behalf the Bidding Document is signed, has a relationship with persons/s person who is/are 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.

In order to give effect to the above, the following questionnaire must be completed and submitted with this Bid:

Full Name of Bidder or his/her representative

Identity Number:

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

Registration number of company, enterprise, close corporation, partnership agreement

Tax Reference Number:

VAT Registration Number:

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 a separate



schedule including the following questions:	
Schedule attached with the above details for all directors/members/shareholders	
Are you or any person connected with the Bidder presently employed by the State? If so, furnish the following particulars in an attached schedule	YES / NO
Name of person/ director/ trustee/ shareholder/member: Name of State institution at which you or the person connected to the Bidder is employed Position occupied in the State institution Any other particulars:	
If you are presently employed by the State, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?	YES / NO
If Yes, did you attach proof of such authority to the Bid document? If No, furnish reasons for non-submission of such proof as an attached schedule (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the Bid.)	
Did you or your spouse or any of the company's directors/ trustees /shareholders /members or their spouses conduct business with the State including any business units of the National Research Foundation in the previous twelve months?	YES / NO
If so, furnish particulars as an attached schedule:	
Do you, or any person connected with the Bidder, have any relationship (family, friend, other) with a person employed by the State and who may be involved with the evaluation and or adjudication of this Bid?	YES / NO
If so, furnish particulars as an attached schedule.	
Do you or any of the directors/ trustees/ shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?	YES / NO



If so, furnish particulars as an attached schedule:

SBD 6.1 PREFERENCE POINTS CLAIMED

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

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

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

1. GENERAL CONDITIONS

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

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

1.1.2. The 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2.

1.2.1. The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or

1.2.2. Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.2.3. Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.3. Points for this bid shall be awarded for:

1.3.1. Price; and

1.3.2. B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTION	



Total points for Price and B-BBEE must not exceed	100
1.5. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed. 1.6. Water Research Commission reserves the right to require either of a bidder, before a bid is adjudicated or at any time subsequently, to substantiate any claim concerning preferences, in any manner required by Water Research Commission. 2. DEFINITIONS 2.1. “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act; 2.2. “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; 2.3. “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; 2.4. “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003); 2.5. “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; 2.6. “Functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents. 2.7. “prices” includes all applicable taxes less all unconditional discounts; 2.8. “proof of B-BBEE status level of contributor” means: 2.8.1. B-BBEE Status level certificate issued by an authorized body or person; 2.8.2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act; 2.9. “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;	

- 2.10. “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1. THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of bid under consideration
 P_t = Price of bid under consideration
 $P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1. In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4

AND 4.1

6.1. B-BBEE Status Level of Contributor:=(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1. If yes, indicate:

7.1.1.1. What percentage of the contract will be subcontracted.....%

7.1.1.2. The name of the sub-contractor.....

7.1.1.3. The B-BBEE status level of the sub-contractor.....

7.1.1.4. Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1. Name of company/firm:

8.2. VAT registration number:

8.3. Company registration number:.....

8.4. TYPE OF COMPANY/ FIRM



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

[TICK APPLICABLE BOX]

8.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6. COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

8.8.1. The information furnished is true and correct;

8.8.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

8.8.3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

8.8.4. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

8.8.4.1. Disqualify the person from the bidding process;

8.8.4.2. Recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;



- 8.8.4.3. 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;
- 8.8.4.4. Recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the Audi alteram partem (hear the other side) rule has been applied; and
- 8.8.4.5. Forward the matter for criminal prosecution.

SBD 8 - DECLARATION OF BIDDER'S PAST SCM PRACTICES

- 1 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 2 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Is the Bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? If Yes, furnish particulars as an attached schedule:

YES / NO

Is the Bidder or any of its directors listed on the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? If Yes, furnish particulars as an attached schedule:

YES / NO

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? If Yes, furnish particulars as an attached schedule:

YES / NO

Was any contract between the Bidder and any Government entity terminated during the past five years because of failure to perform on or comply with the contract? If Yes, furnish particulars as an attached schedule:

YES / NO

The Database of Restricted Suppliers and Register for Tender Defaulters resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.



SBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 2 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 3 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 4 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

I, the undersigned, in submitting this Bid in response to the invitation for the Bid made by the National Research Foundation, do hereby make the following statements that I certify to be true and complete in every respect:

I have read and I understand the contents of this Certificate;

I understand that the Bid will be disqualified if this Certificate is found not to be true and complete in every respect;

I am authorised by the Bidder to sign this Certificate, and to submit the Bid, on behalf of the Bidder;

Each person whose signature appears on the Bid has been authorised by the Bidder to determine the terms of, and to sign, the Bid on behalf of the Bidder;

For the purposes of this Certificate and the accompanying Bid, I understand that the word "competitor" shall include any individual or organisation, 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

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 (meaning an association of persons for combining their expertise, property, capital, efforts, skill, and knowledge in an activity for the execution of the bid) will not be construed as collusive bidding.

In particular, without limiting the generality of paragraphs 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.

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.

The terms of this 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 the bid or to the signing of the contract.

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



COMPANY SIGNATURE CERTIFYING ALL SBD FORMS

We are submitting a bid/quotation for the RFQ/P described under the TOR. The signature below confirms that the information furnished above (completed SBD forms) as correct and true.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

SBD 3.1	<u>YES / NO</u>
SBD 4	<u>YES / NO</u>
SBD 6.1	<u>YES / NO</u>
SBD 8	<u>YES / NO</u>
SBD 9	<u>YES / NO</u>
Completed by:	
Signature:	
Company Name:	
Contact Telephone Number:	
Contact person E-mail address:	
Date:	
Official Company Stamp:	



PART D

TERMS OF REFERENCE / SCOPE OF WORK

1. BACKGROUND

The Water Research Commission (WRC) is a national entity established in terms of the Water Research Act (Act No 34 of 1971), to coordinate and fund water research in South Africa.

The WRC would like to invite suitable, qualified, and competent firms of attorneys to send proposals to be considered for inclusion on its panel of attorneys. The panel of attorneys will be required to provide legal services to the WRC on an ad hoc basis.

2. SCOPE OF WORK

The WRC wishes to appoint panel of attorneys for a period of three (3) years for the purposes of providing legal support on ad hoc matters and legal assistance for litigious matters.

The panel of attorneys will need to have a minimum qualification of LLB and will need to be a registered attorney and or advocate with the Law Society of South African and/or the Bar Association of South Africa.

The preferred service providers will be expected to render services on an ad hoc basis to the WRC in the following service categories:

ITEM	SERVICE CATEGORY	PLEASE TICK (✓)
1.	Public and Private Sector	
2.	Corporate and Commercial Law	
3.	Litigations matters involving public and private institutions	
4.	Labour Law and experience with the CCMA, Labour Courts and Bargaining Council	

Bidders may submit proposals in respect of all four service categories, indicating in their proposals the relevant experience and exposure as well as the capacity of the bidder in relation to the service categories.

3. PROJECT TIMELINES

Three (3) years

4. EVALUATION PHASES

The received proposals will be evaluated in different phases in order to arrive to the final phase of bid award, and the phases will be as follows:

4.1 Phase One stage 1- Screening of the minimum requirements documents



4.2 Phase One stage 2- Mandatory requirements

4.3 Phase Two - Technical evaluation phase per the set evaluation criteria

4.4 Phase Three – Price and Preference (B-BBEE)

4.1 Phase One, stage (1): Screening of the minimum requirements documents

In this phase All bids received will be verified for compliance and completeness of the submitted proposal per the below set of mandatory requirements. Bidders who fails to comply with the below requirements may be eliminated and bidders who comply with the below progresses to the next phase of technical evaluation.

- Bid forms must be properly received on the bid closing date and time specified on the invitation, fully completed, dated and signed in ink.
- Invitation to Bid (SBD 1) must be fully completed,
- Submission of a Valid SARS Tax Clearance Certificate together with Supplier SARS Tax Compliance Status Verification PIN to enable Water Research Commission to verify Tax Compliance status on SARS eFiling. NB: Bidders whom their Tax matters are not in order will not be considered for this bid.
- Submission of fully completed Pricing Schedule (Purchases – Goods - SBD 3.1),
- Submission of fully completed SBD 4 (Declaration of Interest),
- Submission of fully completed SBD 6.1 (Preference Claim Certificate),
- Submission of the original or certified B-BBEE Status Level Verification Certificate or original B-BBEE Sworn Affidavit in case of EME and QSE)
- Submission of fully completed SBD8 (Declaration of Bidders Past SCM Practice),
- Submission of fully completed SBD9 (Certificate of Independent Bid Determination),
- Submission of Central Supplier Database (CSD) Compliance History Report.

NB: Any bidders who did not sign and submit any of the requested documents may be disqualified.

4.2 Phase One stage (2): Mandatory requirements

Firms must possess specialist expertise and capacity (resources) in each of the service category of law specified in the Scope of Work. Firms must indicate compliance with this requirement as follows- "Comply" with a √ or "Not comply" with an X:



Description of service/ requirement	Comply	Not Comply
Public and Private Sector		
Corporate and Commercial Law		
Litigation involving public institutions		
Labour Law and experience with the CCMA, Labour Courts and Bargaining Council		
Proof that attorneys have minimum qualification, qualification of LLB, Proof of qualification and completed course of the lead attorney as well as the proposed team members per service category		
Submission of proof of registration with the Law Society, registered attorney and or advocate with the Law Society of South African and/or the Bar Association of South Africa.		

4.3 Phase two- Evaluation of bid responses using the functional requirements:

4.3.1 Technical Functional Criteria:

Note: Functionality scoring will be on a sliding scale as per the below table:

WRC scores on an internal scoring system on a scale of 1-5

SCORE	DESCRIPTION
1	Poor
2	Average
3	Good
4	Very Good
5	Excellent



CRITERIA	EVIDENCE TO BE SUBMITTED FOR EVALUATION	WEIGHTING	Points
Experience of the Director/project lead	Company to submit CV of the Director/ Project Team indicating the years of relevant experience and relevant qualification) – <u>Project leader:</u> • 7 years of relevant experience • Qualification: Degree relevant to the category services	30	5 – 7 years' experience 4 – 6 years' experience 3 – 5 years' experience 2 - 3 years' experience 1 - 2-year experience
Project Team: Knowledge and expertise of the allocated legal lawyers/ resources for the four (4) service categories: Public and Private Sector, Corporate and Commercial Law, Litigation involving public and private institutions, Labour Law and experience with the CCMA, Labour Courts and Bargaining Council. Staffing Plan identify each person who will work on the project and identify his or her role. Also provide a resume for each member.	<u>Project team resources who will be working on these projects:</u> • 5 years and above of relevant experience for each service category • Qualification: Degree relevant to the service categories Company to submit CVs of the allocated legal resources service category of lawyer/s' indicating the years of relevant experience and relevant qualifications – indicating lawyer/s making up the project team under each service category in relation to the experience (including years expertise and competencies) NB: If the allocated resources are not available at the time of project execution, the service provider will be expected to replace the relevant legal resources with a similar resource in terms of years of experience and qualifications.	40	5 – greater than 5 years' experience 4 – 4 years' experience 3 – 3 years' experience 2 - 2 years' experience 1 - 1-year experience



Reference letters Signed Reference letters from clients (on client letterheads where applicable) for whom similar work was conducted.	References Letters The service provider must supply reference letters for whom you have worked on similar projects. Include current contact information for each reference. Reference should comply with the following requirements: • Contactable (email and telephone number) signed reference letter • Should be in client letterhead • Specify the work performed	30	5 - 5+reference letters attached 4 - 4 reference letters attached 3 - 3 reference letters attached 2 - 2 reference letters attached 1 - 1 reference letter attached
TOTAL WEIGHTING		100 %	



NB: Service providers are expected to meet a minimum threshold of **75%** on above technical requirements. Failure to meet the set minimum threshold will lead to disqualification.

4.4 Phase three (3): Price and Preference (B-BBEE) Evaluation Phase

Service providers who comply with set minimum threshold will be evaluated under Price and B-BBEE phase to determine the highest scoring bidder for recommendation.

Section 1: Budget to include a detailed listing of fees and expenses associated with proposed services. Include payment terms and any relevant information.

5. PRICING

The RFQ will be evaluated in terms of the Preferential Procurement Regulations (2017).

Note:

- ☐ Fees must be quoted in South African Rand.
- ☐ Price(s) quoted must be firm and inclusive of VAT where applicable.

Pricing schedule

Resource	Level of Seniority	Hourly Rate for the 1 st Year (VAT Inc.)	Hourly Rate for the 2 ND Year (VAT Inc.)	Hourly Rate for the 3 rd Year (VAT Inc.)
Lead Lawyer				
Project team resources & Support Staff				

6. PERIOD / DURATION OF PROJECT / ASSIGNMENT

Three (3) years on an ad hoc basis.

7. PAYMENT:

The WRC will be invoiced monthly according to the amount of services rendered payment will be affected 30 days from the date of the invoice.

8. STANDARD CONDITIONS OF THE TENDER

- i. **Bidders must complete SBD 3.1, SBD 4, SBD 6.1, SBD 8 and SBD 9.**



- ii. Bidders must also submit a **valid and original tax clearance certificate**; and a **valid B-BBEE certificate** (original or certified copy) to the WRC offices PRIOR to the closing date, if the WRC is not already in possession of these certificates.
- iii. WRC Supplier application form must be completed and signed (copy attached)
- iv. It is the responsibility of prospective bidders to ensure that all bid documents are submitted before the closing time and date of the tender.
- v. The WRC reserves the right to award or not to award this contract.
- vi. The WRC will enter into a formal contract with one successful bidder.
- vii. The WRC reserves the right to terminate the contract should the performance of the service provider be unsatisfactory.
- viii. Bids received after closing time and date will be classified as **LATE** and will **NOT** be considered.
- ix. Although adequate thought has been given in the drafting of this document, errors may occur which the WRC will not be responsible for.
- x. Any change of information provided in the tender document that may affect delivery of the service should be brought to the WRC's attention as soon as possible. Failure to comply with this may result in the contract being terminated.
- xi. Service providers presenting information intentionally incorrectly or fraudulently will be disqualified.
- xii. Service providers who have been declared insolvent and wish to do business with the WRC must have been rehabilitated and provide the necessary proof thereof.
- xiii. The WRC reserves the right to award, cancel or partially award this contract.
- xiv. The National Treasury General Conditions of Contract will be applicable to this tender (available on the National Treasury website).
- xv. Bidders must complete and attach all relevant standard bid document.
- xvi. All prices quoted must be VAT inclusive.
- xvii. Only those bidders, who have met the minimum functional criteria, as stipulated above, may be invited to present their proposal as required. Please note that bidders, who may be invited for presentations, may have their technical scores re-evaluated.
- xviii. For those bidders who have met the minimum functional criteria, as stipulated above, the WRC has the right to visit the business premises to verify the information provided in the tender documents; please note that bidders who may have their premises inspected, may have their technical scores re-evaluated.
- xix. Short-listed companies could be invited to present and discuss their proposals.
- xx. A service level agreement will be entered into between the WRC and the successful respondent.

9. CLOSING DATE AND TIME

- The closing date for the RFQ is **31 July 2020 @ 24h00**.



- ☐ Quotations should be sent to quotations@wrc.org.za to reach the WRC before 24h00 on the closing date and time.

10. ENQUIRIES

- ☐ For any technical enquiries and commercial enquiries please contact: the WRC Supply Chain Unit at quotations@wrc.org.za