

William Humphreys
Art Gallery



an agency of the
Department of Arts and Culture

REQUEST FOR PROPOSALS FOR LEGAL RETAINER SERVICES

TERMS OF REFERENCE FOR THE LEGAL RETAINER SERVICES

The William Humphreys Art Gallery (WHAG), invites proposals for the Legal Retainer Services for a period of 2 years.

1. BACKGROUND

The William Humphreys Art Gallery (WHAG), provides for the aesthetic and cultural needs of the local community it serves as well as to the people of South Africa, the African continent and the diaspora. To this end it collects, preserves, documents, researches and exhibits works of art which represent the artistic heritage of all South Africans and utilises its assets for the improvement, enrichment and enjoyment of the people. This it does by pursuing the highest standards of excellence and without regard to race, class, creed or gender.

2. OBJECTIVES

The objective is to appoint a suitable, independent service provider(s) who meet the requirements and comply with the technical standards as detailed below and to provide appropriate legal services for the Accounting Authority and Management of WHAG. The services should assist WHAG with a wide range of legal services. WHAG seeks Technical and Financial Proposals from reputable law firms for this appointment.

The William Humphreys Art Gallery intending to appoint a panel of attorneys that comply with the following technical specifications:

- 2.1. Must be a law firm with admitted attorneys
- 2.2. Must specialise or be proficient in two or more of the following fields:
 - Labour Law (CCMA and Labour Court)
 - Civil Litigation
 - Procurement Law
 - Commercial Law'
 - The bidding company must have been in existence for at least two (2) years with key personnel of at least five (5) years legal work experience within the fields specified.
- 2.3.

- 2.4. Service providers must be registered as members in good standing with Legal Practice Council of South Africa.
- 2.5. Service providers must provide a minimum of one (1) contactable references. Key personnel must provide a minimum of two (2) contactable references.
- 2.6. Service provider must be BBBEE level 1.

3. COMPLIANCE

All bidders must comply with the norms and standards applicable to legal practitioners

4. SCOPE OF WORK

As and when necessary, the service providers may be required to provide among others the following services:

- 4.1. Provide assistance in investigative and related legal services;
- 4.2. Conduct investigations into legal aspects – both internal and external;
- 4.3. Render advice or opinion to the institution on legal matters when requested;
- 4.4. Provide advice and support in terms of labour law, including but not limited to investigations, prosecuting and chairing of disciplinary proceedings, as well as appearances at the CCMA, Labour Court and any other appropriate forum;
- 4.5. Advise, draft papers and represent the institution in court proceedings of a general nature where the institution is either the plaintiff or the respondent;
- 4.6. Advise, draft papers and represent the institution when investigative reports are subjected to a review process in court;
- 4.7. Assist the institution in the management of service providers;
- 4.8. Advise the institution on Supply Chain and other procurement matters;
- 4.9. Prepare legal documents and contracts;
- 4.10. Advise on other general legal matters;
- 4.11. Advise on administrative procedures and processes.

5. TIMEFRAMES AND DURATION

The service providers will be required to provide services for a **2 (two) year period** as will be stipulated in the Service Level Agreement to be signed by both parties.

6. ACCOUNTABILITY

The service provider will be accountable to and under the direction of the William Humphreys Art Gallery Director.

7. RECORD KEEPING

The service provider must retain all documents, in its final form, relating to this contract for a period of at least five years or as otherwise prescribed by legislation.

8. PAYMENT TERMS

- 8.1. The William Humphreys Art Gallery undertakes to pay valid invoices for work done to its satisfaction within 30 days of date of invoice.
- 8.2. Prices charged by the service provider for goods delivered and services performed under the contract shall not vary from the prices quoted by the supplier in his bid with the exception of any price adjustments authorised in the Service Level Agreement or in the purchaser's request for bid validity extension as the case may be.

9. CONFIDENTIALITY

- 9.1. The service provider will not disclose information relating to bid and this assignment to any person, firm, company or the media (other than the auditors or professional advisors to each party) and will not use such information other than for the purpose of this appointment. Any other disclosure is subject to specific authorisation in writing by the Director of the William Humphreys Art Gallery.

10. MINIMUM REQUIREMENTS: Qualifications and experience

- 10.1. A service provider applying for this role must possess the following qualifications and experience sets:
 - Relevant legal qualifications from a recognised tertiary institution.
 - The bidding company must have been in existence for at least two (2) years and at least one (1) contactable reference must be provided. Key personnel must have at least five (5) years legal work experience within the fields specified and at least two (2) contactable references must be provided for each .
 - They must be admitted as attorneys in terms of the Attorneys Act No. 53 of 1979 that are registered with the Legal Practice Council of South Africa.
 - Letter of good standing with the relevant Legal Practice Council of South Africa.
 - Service provider must be BBBEE level 1.
 - Possess the necessary skills and resources to be able to provide the services required.
- 10.2. Failure to meet the minimum criteria will lead to disqualification of the proposal/bid.

11. COMPULSORY DOCUMENTS:

Please note that failure to submit the following documents and/or proof will lead to immediate disqualification:

1.	Proof of registration with the National Treasury Central Supplier Database (CSD)
2.	A valid Tax Clearance Certificate or Tax status pin issued by SARS.
3.	Letter of good standing with the relevant Legal Practice Council of South Africa
4.	Company registration documents (Proof of ownership/shareholding certificate if applicable) OR Particulars of Partners or sole practitioner (which must include Full Names and Identity number (certified copy of ID to be provided))
5.	Original certified company resolution or letter of authority or letter of appointment authorizing the signatory of the Entity to sign the contract with the Institution.
6.	Certified ID copy of the authorised signatory.
7.	Valid BBBEE Certificate
	The following documents to be completed and signed:
7.	SBD 1 (Invitation to bid)
8.	SBD 3.3 (Pricing Schedule)
9.	SBD 4 (Declaration of Interest)
10.	SBD 6.1 (Preference Points Claims Form)
11.	SBD 8 (Declaration of Bidder's Past SCM Practices)
12.	SBD 9 (Certificate of Independent Bid Determination)

OTHER REQUIRED DOCUMENTS

Please note that failure to attach the following documents will result in the forfeiture of preference points:

For the purposes of evaluating functionality failure to attach the following documents will result in the forfeiture of points:

	Company Profile, CVs of all involved as per evaluation criteria. The composition of the legal team who will be available to service the institution must be listed indicating name, field of expertise and years of experience in that field.
	Minimum of one (1) references should be provided pertaining to experience relating to relevant legal work undertaken by the company / tenderer. Minimum of two (2) references pertaining to each key personnel.

Please note that failure to attach the following documents will result in the forfeiture of preference points:

In order to calculate points an original sworn affidavit or certified copy of a BBBEE status level certificate should be provided.

Please check that you have attached all the above documents before submitting your Bid.

DOCUMENT CHECKLIST:

The contents of the Bid/Tender document should be as follows, and numbered as per the numbering below, with each schedule punched, placed in a file and separated from the next schedule with a file divider.

Please complete the checklist below to indicate your submission of the relevant documents:

Schedules	Description	Tick if Submitted
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Schedule 1.	Proof of registration with the National Treasury Central Supplier Database (CSD)	
Schedule 2.	A valid Tax Clearance Certificate or Tax status pin issued by SARS.	
Schedule 3.	Company registration documents Or Particulars of Partners or sole practitioner (which must include Full Names and Identity number (certified copy of ID to be provided)	
Schedule 4.	Original Certified Company Resolution or Letter of authority or Letter of appointment authorizing the signatory to sign the contract with the Institution. and Certified ID copy of the authorised signatory.	
Schedule 5.	SBD Forms (SBD 1,SBD 3.3 , SBD 4 , SBD 6.1 , SBD 8 , SBD 9)	
Schedule 6.	B-BBEE Verification Certificate or sworn affidavit	
Schedule 7.	Company Profile, CVs and professional qualifications/certificates of all involved as per evaluation criteria. The composition of the legal team who will be available to service the institution must be listed indicating name, field of expertise and years of experience in that field.	
Schedule 8.	Minimum of one (1) references should be provided pertaining to experience relating to relevant legal work undertaken by the company / tenderer. Minimum of two (2) references pertaining to each key personnel.	
Financial Offer	Pricing Schedule Bidders must utilize the SBD 3.3 and pricing schedule document provided in this tender document for pricing. Companies who are registered for VAT, must include VAT and all other taxes in their costing. Pricing of professional fees should be done on an hourly rate. Rates must be inclusive of travel using own car, parking, cell phone, laptop computer and software, etc	

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12. EVALUATION CRITERIA

CRITERION 1: FUNCTIONALITY

1. Prospective bidders will have to score at least 80 out of 100 points allocated for functionality before the company's proposal will be considered for pricing. In addition, bidders who fail to meet the minimum requirements for any one of the associated categories will also be disqualified.
2. With regards to functionality the following criteria will be applicable and the maximum weight of each criterion is indicated.
3. For purposes of comparison and in order to ensure meaningful evaluation, bidders are requested to furnish detailed information in substantiation of compliance to the evaluation criteria mentioned above.

i. Calculation of Functionality Points:

Points for functionality will be calculated as follows:

Category	Criteria	Weight	Value Rating	Score
1	<p>Must specialize or be proficient in <u>two or more</u> of the following fields:</p> <ul style="list-style-type: none"> - Labour Law (CCMA and Labour Court) - Civil Litigation - Procurement Law - Commercial Law <p>(Provide details and attach references) Proficient means having at least one (1) year experience in the relevant field and at least five (5) years' for each key personnel.</p>	20	<p>Proficient in less than 2 of the above fields = Disqualified in terms of (Terms of reference)</p> <p>Proficient in two of the fields = 15</p> <p>Proficient in three or more of the above fields = 20</p>	
2	Overview of the company including	10	<p>Not included = 0</p> <p>Overview included =10</p>	

	corporate profile and business objectives			
3	<p>The legal team that will be available to service William Humphreys Art Gallery.</p> <p>(Submit 2 page CVs of each team member and provide a list of team members who will be available to service the institution and state the relevant field of experience related to the fields specified in this tender.)</p>	20	<p>No admitted full-time attorneys = Disqualified in terms of (Terms of reference 2.1)</p> <p>One admitted full time attorney experienced in a relevant field = 10</p> <p>Two admitted full time attorneys experienced in relevant fields = 15</p> <p>Three or more admitted full time attorneys experienced in relevant fields = 20</p>	
4	Post Graduate Diploma or a Degree Qualification in relevant field	15	<p>No post graduate diploma or degree = 0</p> <p>Post graduate diploma or degree = 15</p>	
5	Companies experience	30	<p>Less than two (2) years in existence = Disqualified in terms of the terms of reference.</p> <p>2 to 5 years = 25</p> <p>5 or more years = 30</p>	
6	<p>At least one (1) written references reflecting relevant legal work experience. At least two (2) for each key personnel.</p> <p>(Provide references on clients' letterhead for third parties to whom legal services were rendered. Ensure to include the organizations contact details)</p>	5	<p>Less than 3 relevant references = Disqualified in terms of (Terms of reference)</p> <p>1 or more references reflecting legal work in a relevant field and 2 or more references for each personnel = 5</p>	

	Total	100		

The **minimum qualifying score** for functionality is **80** points.
 Bids that have achieved the minimum qualification score for functionality will be evaluated further in terms of the preference point system outlined below.

ENQUIRIES

Enquiries may be directed to the following persons:

Ms Martha Ramafalo
 CFO
 Tel: 053 831 1724
 Email: cfo@whag.co.za

CLOSING TIME 13:00 CLOSING DATE 7th April 2020

*The William Humphreys Art Gallery is committed to employment equity and redress.
 The William Humphreys Art Gallery reserves the right not to make an appointment.*

If the William Humphreys Art Gallery has not contacted applicants within four weeks of the closing date, applications should be considered unsuccessful.