1. **OBJECTIVE**

1.1. SANParks would like to invite suitable, qualified and competent firms of attorneys to send proposals to be considered for inclusion on its panel of attorneys, as ‘preferred service providers’. Preferred service providers imply that the selected firms are a pool, not necessarily the only contracted service provider. The panel of attorneys will be required to provide legal services to SANParks, on an ad hoc basis.

1.2. The period of appointment to the panel of attorneys is initially for a period of five (5) years.

1.3. SANParks intends to appoint a panel of attorneys that is representative of SANParks’ regional management structure. Accordingly, bidders must indicate in the table below, with a tick (✓) the Province/Region in which it carries on business.

<table>
<thead>
<tr>
<th>Region</th>
<th>Please Tick (✓)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gauteng</td>
<td></td>
</tr>
<tr>
<td>Eastern Cape</td>
<td></td>
</tr>
<tr>
<td>Free State</td>
<td></td>
</tr>
<tr>
<td>Eastern Cape</td>
<td></td>
</tr>
<tr>
<td>Western Cape</td>
<td></td>
</tr>
<tr>
<td>Northern Cape</td>
<td></td>
</tr>
<tr>
<td>Limpopo</td>
<td></td>
</tr>
</tbody>
</table>

2. **TERMS AND CONDITIONS OF CONTRACT**

2.1. This Request for Proposal (RFP), as compiled by SANParks is being made available, on the same basis to all bidders and a bidder submitting a response thereto will be deemed to do on the basis that they acknowledge and accept the terms and conditions set out below: -
2.2. Supplier performance management is viewed by SANParks as a critical component in ensuring value for money acquisition and good supplier relations between SANParks and all its suppliers. The successful bidder shall upon receipt of written notification of an award, be required to conclude a master services agreement (MSA) which will form an integral part of the supply agreement. This MSA will serve as a tool to measure, monitor and assess the supplier’s performance and ensures effective delivery of service, quality and value-add to SANParks. The scope of work shall form part of the aforementioned agreement.

2.3. **Confidentiality**

2.3.1 The firms of attorneys will be required to sign confidentiality and/or indemnity agreements with SANParks.

2.3.2 The bidder undertakes, at any time during the term of its appointment and after any termination or cancellation thereof, directly or indirectly disclose, or directly or indirectly use, whether for its own benefit or that of any other person any confidential information of SANParks including that of or any information relating to its clients, customers, suppliers, donors, sponsors or agents.

2.4. **Intellectual property rights**

2.4.1 All copyright and intellectual property rights that may result as consequences of the work to be performed will be become the property of SANParks.

2.4.2 Firms of attorneys must hand over all documents and information in any format, including copies thereof, that it received from SANParks or that it had access to during the assignment immediately after completion of the assignments to SANParks.

2.4.3 Firms of attorneys shall deliver to SANParks, on completion of an assignment, any security devices, passwords or protective mechanisms to the soft versions of documents that were written and SANParks will have the right to amend and change these without obligation whatsoever to the firms of attorneys upon completion of the assignment.

2.5. A due diligence review may be conducted at the sole discretion of SANParks at any time prior to the awarding of the contract which may include but is not limited to conducting site visits at bidder’s corporate offices.

2.6. Only legal practices established and registered in accordance with the provisions of the Attorneys Act, 1979 (Act No. 53 of 1979 as amended) will be considered for this tender.

2.7. SANParks does not guarantee that bidders will receive instructions in the event that they are appointed onto the SANParks panel of attorneys.
2.8. All instructions to selected attorneys on the panel of attorneys shall be given, in writing, by a duly authorised representative of SANParks.

2.9. SANParks promotes local production and content and for purposes of this RFP SANParks reserves the right to only consider South African Based law firms for appointment under this RFP.

2.10. SANParks reserves the right to interview panel members that would have been short listed for specific assignments.

2.11. SANParks may, at its sole discretion award an assignment or any part thereof to more than one panel member or to any legal firm not forming part of the panel of attorneys depending on the nature of the assignment.

2.12. The firms of attorneys may not cede or assign any part of its agreement with SANParks nor subcontract any part of the work assigned to them without the prior written authorisation of SANParks.

2.13. Failure to comply with any condition of this request for a proposal will invalidate respective tender proposal.

2.14. Regular monthly written feedback must be given to the GM: Legal, or his/her nominee on all matters, including employment law matters, received from the SANParks with the service provider, at no costs to the SANParks.

2.15. When cases have been postponed at the request of the service provider acting on behalf of SANParks owing to non-compliance with any procedural requirements, the service provider who was negligent in this regard will bear the costs of postponement, and this amount will not be recovered from SANParks.

2.16. Successful bidders will be required to negotiate fees with advocates before a brief is finalised. Service providers may not appoint senior counsel, unless written instructions to this effect have been received from SANParks.

2.17. Payment of legal fees by SANParks will be effected within 30 (thirty) days from date of receipt of an acceptable invoice.

2.18. In the event that any conflict of interest is discovered during a particular assignment, SANParks reserves the right to summarily cancel the services agreement and demand that all information, documents and property of SANParks be returned forthwith.

2.19. A bidder shall, in the event of a sale, acquisition, merger, or other change of control of a bidder after submission of a bid (Change Event) where such Change Event is achieved, directly or indirectly, in a single transaction or series of related transactions, or in the event of a sale of all or substantially all of the assets of the bidder in a single or series of related transactions procure the prior written approval.
of SANParks, failing which SANParks shall its own discretion exclude the bidder from further participation in the bid process.

2.20. Where the panel falls short of other fundamental legal aspects, SANParks reserves right to appoint firms outside the appointed panel.

2.21. SANParks shall be entitled, in its discretion to remove a firm of attorneys from the panel before the expiry of the 5 (five) years period by written notice and recall all the files in the possession of the said firm of attorneys.

2.22. No entity may be involved, whether directly or indirectly, in more than one Bid in response to the RFP. A failure to comply with this requirement may, within the sole discretion of SANParks, result in disqualification of the relevant entity.

3. SCOPE OF WORK

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

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SERVICE CATEGORIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Litigation</td>
</tr>
<tr>
<td>2.</td>
<td>Environmental Law (Conservation legislation)</td>
</tr>
<tr>
<td>3.</td>
<td>Commercial law, Contract law and Construction Law</td>
</tr>
<tr>
<td>4.</td>
<td>Procurement Law, Administrative Law and Constitutional Law</td>
</tr>
<tr>
<td>5.</td>
<td>Public Private Partnerships</td>
</tr>
<tr>
<td>6.</td>
<td>Intellectual Property Law</td>
</tr>
<tr>
<td>7.</td>
<td>Conveyancing and Property Law</td>
</tr>
<tr>
<td>8.</td>
<td>Employment Law and Alternative Dispute Resolution</td>
</tr>
<tr>
<td>9.</td>
<td>Criminal Law (also relating to environmental crimes)</td>
</tr>
</tbody>
</table>

NOTE: Bidders may submit proposals in respect of any one or a combination of the 9 services categories. Please indicate which service categories under 3.1 you are bidding for. Bidders must indicate in their proposals the relevant experience and exposure as well as the capacity of the bidder in relation to the selected service categories.

3.2. SANParks intends to promote broad based transformation and development of small and medium firms in this industry and as such will appoint firms in the following categories. The bidder must indicate, in the table below, with a tick (√) the category relevant to it:
<table>
<thead>
<tr>
<th>FIRM CATEGORY</th>
<th>DEFINITION</th>
<th>PLEASE TICK (√ )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1: Small Firms</td>
<td>Firms with an annual turnover of not more than R10 million</td>
<td></td>
</tr>
<tr>
<td>Category 2: Medium Firms</td>
<td>Firms with an annual turnover greater than R10 million but less than R50 million</td>
<td></td>
</tr>
<tr>
<td>Category 3: Large Firms</td>
<td>Firms with an annual turnover greater than R50 million</td>
<td></td>
</tr>
</tbody>
</table>

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

3.3. It is SANParks objective to promote the participation of historically disadvantaged professionals through its panel of attorneys. Bidders are requested to indicate in their proposals how they will assist SANParks in achieving this objective.

4. SKILLS TRANSFER

The successful preferred suppliers will be required to ensure transfer of skills to in house legal advisors of SANParks as and when they are issued with instructions/assignments by SANParks.

5. SUBMISSION OF BIDS

5.1 SANParks may request clarification or further information regarding any aspect of the bid. The bidder must supply the requested information within 48 hours or unless otherwise indicated after the request has been made; otherwise the bidder may be disqualified.

5.2 Bidders are required to submit the below mentioned 3 (three) files as well as submit copies of each file (i.e. three original files and two duplicate files) together with 1 (one) CD-ROM/USB containing the content of the files. Each file as well as the CD-ROM/USB must be properly labelled and submitted in the following format:

5.2.1 FILE 1

Exhibit 1
i. Invitation to Bid
ii. Minimum screening documents (as per paragraph 6.1.1)
iii. General Conditions of Contract (GCC)

Exhibit 2
Mandatory documents (as per paragraph 6.1.2)

Exhibit 3 – Category 1: Litigation
i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.

Exhibit 4 – Category 2: Environmental Law (Conservation legislation)

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.

Exhibit 5: Category 3: Commercial law, Contract law and Construction Law

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.

Exhibit 6 – Category 4: Public Procurement Law, Administrative Law and Constitutional Law

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.

Exhibit 7 – Category 5: Public Private Partnerships

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.
FILE 2

Exhibit 8 – Category 6: Intellectual Property Law

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.

Exhibit 9 – Category 7: Conveyancing and Property Law

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.

Exhibit 10 – Category 8: Employment Law and Alternative Dispute Resolution

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.

Exhibit 11 – Category 9: Criminal Law (also relating to environmental crimes)

i. Reference letters
ii. Table (a)
iii. Table (b)
iv. Table (c)
v. Supporting documents (clearly marked)
   a. proof of qualifications and completion of courses; and
   b. admission certificates.
5.2.3 FILE 3

Exhibit 1

i. Latest financial statements as per paragraph 3.2.
ii. Pricing Schedule.

Each file and CD-ROM/USB must be marked correctly and sealed separately for easy of reference during the evaluation process. SANParks reserves the right to request further details or supporting documentation.

6. EVALUATION PHASES

The evaluation of tenders will be performed using 80/20 principle.

The received bid 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:

6.1. PHASE ONE (01):

6.1.1. Stage 1: MINIMUM SCREENING REQUIREMENTS

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.
- Bid forms must be properly fully completed, dated, signed in ink and initial every page of the bid.
- The bid document must be (i) bound (ii) without tearing and (iii) contain all pages.
- Invitation to Bid (SBD 1) must be fully completed.
- Submission of fully completed and signed Pricing Schedule (Professional Services – SBD 3.3).
- Submission of fully completed SBD 4 (Declaration of Interest),
- Submission of fully completed SBD 6.1 (Preference Claim Certificate), accompanied by the original or certified B-BBEE Status Level Verification Certificate as issued by SANAS accredited service providers.
- Submission of fully completed SBD8 (Declaration of Bidders Past SCM Practice),
- Submission of fully completed SBD9 (Certificate of Independent Bid Determination)
- Proof of registration on the Central Supplier Database.

NB: Any bidders who did not sign and submit any of the requested documents may be disqualified. All bidders who complied with the mandatory / minimum requirements progresses to the technical evaluation phase for further evaluation per the below set criteria.

6.1.2. Stage 2: MANDATORY REQUIREMENTS
Bidders who fail to comply with the below requirements will be eliminated and bidders who comply with the below progresses to the next phase of technical evaluation

- Submission of proof of registration with the Law Society.
- Submission of Company Profile- the firm’s profile shall inter alia include a short history of the firm/legal practice including the opening date thereof and the practice number issued by the relevant law society, if applicable and details of the firms’ understanding of the requirement of this RFP. The Company profile confirming premises from which the firm conducts its business and must include information on the availability of e-mail access, telephone facilities, printing facilities, library/research facilities and information on support staff employed by the firm. The Company profile to also indicate:
  - the controls in place to ensure that conflict of interest will be managed effectively and to the best interest of SANParks;
  - any value-added services that the bidder may be in a position to offer SANParks; and
  - how the bidder will assist SANParks in achieving the objective to promote participation of Black law firms and Black law professionals through its panel of attorneys.

- Submission of a valid certified copy of the Attorneys Fidelity Fund Certificate for each member who is a sole practitioner, partner or director of the firm of attorneys and who will attend to SANParks’ matters.
- Submission of a certified valid letter of good standing with the relevant Law Society, for each attorney who forms part of the team that will attend to SANParks matters, not older than 3 (three) months.
- Submission of a Firms Indemnity Certificate issued for present year.
- Returnable Table (a) (confirmation of lead attorney’s 5 years or more post admission experience in the service category the bidder is bidding for), (b) and (c) (refer to paragraph 6.2.1 and 6.2.2 below)
- 3 (three) contactable reference/recommendation letters for each service category the bidder is bidding for (refer to paragraph 6.2.1 and 6.2.2 below)
- Proof of qualification and completed course of the lead attorney as well as the proposed team members per service category
- Admission certificates of the lead attorney as well as the proposed team members per service category

6.2. PHASE 2: DETAIL TECHNICAL EVALUATION CRITERIA AND POINT ALLOCATION

In this phase All bids that meet all the requirements in terms of compliance and completeness of the submitted proposal per the above set of mandatory requirements on Phase One (01) progresses to Phase Two (02) for further evaluation per the below set evaluation criteria’s.

NB: Qualification Threshold – Bidders must achieve 70% per the below criteria for consideration to the next phase of evaluation. Bidders who fail to comply with the set minimum
threshold of 70% **WILL** be eliminated and bidders who meet the threshold progress to the next phase of evaluation.
### 6.2.1. FUNCTIONALITY RESPONSIVENESS CRITERIA AND WEIGHTINGS APPLICABLE FOR THIS BID

Note: Please use the response format for this section attached hereto as Annexure A 1-3

<table>
<thead>
<tr>
<th>No</th>
<th>Functionality criteria</th>
<th>Weighting factors</th>
<th>Points</th>
<th>Documents to be submitted for evaluation purposes</th>
<th>Points allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>References</td>
<td>10</td>
<td>5</td>
<td>Three contactable reference/recommendation letter per service category the bidder is bidding for, in the format provided in annexure A1 attached hereto, from clients where the bidder most recently provided the relevant services.</td>
<td>4- Average overall assessment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5-Excellent overall assessment</td>
</tr>
<tr>
<td>2</td>
<td>Lead Attorney: Knowledge and expertise</td>
<td>30</td>
<td>5</td>
<td>Returnable table (a) indicating lead attorneys(s) experience, expertise and competence of not less than 5 (five) years (post admission) in each service category the bidder is bidding for and admission as an attorney.</td>
<td>4-LA has between 5 and 10 years’ experience.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5-LA attorney has experience of 10 years or more.</td>
</tr>
</tbody>
</table>
| 3  | Project Team: Knowledge and expertise                       | 40                | 5      | Returnable table (b) indicating lawyers making up the project team under each service category the bidder is bidding for demonstrating in relation to the selected service category the lawyers’:-  
  - experience (including years), expertise and competencies;  
  - ability to conduct research and types of researches conducted;  
  - position/designation; and  
  - indication of admission as attorney. | 4-Average knowledge and expertise                                                 |
<p>|    |                                                            |                   |        |                                                                                                                                                                                                 | 5-Excellent knowledge and expertise                                               |</p>
<table>
<thead>
<tr>
<th>No</th>
<th>Functionality criteria</th>
<th>Weighting factors</th>
<th>Points</th>
<th>Documents to be submitted for evaluation purposes</th>
<th>Points allocation</th>
</tr>
</thead>
</table>
| 4  | Capacity               | 20                | 5      | **Returnable table (c)** indicating relevant experience and exposure as well as the capacity of the bidder /lead partner/project team’s in relation to the selected service categories providing the following details:  
  - client name;  
  - transaction description;  
  - transaction value;  
  - project period;  
  - description of services performed and extent of bidders/lead partners/teams’ responsibilities | 4- Average capacity  
5- Excellent capacity |
|    |                        |                   |        | Total Score                                      | 100               | 20                  |
6.2.2. EMPLOYMENT LAW REQUIREMENTS (APPLICABLE TO ALL FIRMS WHO TENDER FOR THE EMPLOYMENT LAW SERVICE CATEGORY)

In addition to the above Technical Requirements, bidders tendering for the Employment Law service category must also respond to the requirements listed hereunder. **Note: Please use the response format for this section attached hereto as Annexure A**

<table>
<thead>
<tr>
<th>No</th>
<th>Functionality criteria</th>
<th>Weighting factors</th>
<th>Points</th>
<th>Documents to be submitted for evaluation purposes</th>
<th>Points allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Individual Employment Law</td>
<td>50</td>
<td>5</td>
<td>Three contactable reference/recommendation in the format provided in annexure A1 attached hereto, from clients where the bidder most recently provided the services</td>
<td>4 - Average overall assessment 5 - Excellent overall assessment</td>
</tr>
<tr>
<td></td>
<td>- Drafting and interpretation of employment contracts from blue-collar employees to the CEO;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Handling and presiding over grievances and disciplinary enquiries of all employees including directors and executives and acting as initiators/prosecutors at hearings;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Conducting forensic investigations in the workplace and advising on corporate governance;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Provision of general labour related advice, legal opinions or related services.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Advice on changing employment law legislation and its potential impact (e.g. BCEA, LRA and Employment Equity Act etc.) as well as workplace discipline and counselling</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Represent the employer at arbitrations, mediations, the Labour Courts and other forums for labour disputes;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Dealing with dismissals for misconduct, incapacity and operational requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Returnable table (a) indicating the lead attorney(s)</td>
<td></td>
<td></td>
<td>4 - Average knowledge and expertise 5 - Excellent knowledge and expertise</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- experience, expertise and competence of not less than 5 (five) years in Employment Law; and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- indication of admission as an attorney.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Returnable table (b) indicating lawyers listed under Employment Law demonstrating in relation to the set functional criteria: -</td>
<td></td>
<td></td>
<td>4 - Average knowledge and expertise 5 - Excellent knowledge and expertise</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- experience (including years), expertise and competencies;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provision of employment law training as and when required</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Litigation relating to employment Law matters.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ensure compliance with statutory reporting procedures and drafting of relevant labour related documentation including but not limited to employment contracts, disciplinary codes, grievance procedures and collective agreements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Ability to conduct research and types of researches conducted;
- Position/designation; and
- Indication of admission as attorney.

**Returnable table (c) indicating employment law experience and exposure as well as the capacity of the bidder in relation to the functional criteria providing the following details:**

<table>
<thead>
<tr>
<th></th>
<th>client name;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>transaction description;</td>
</tr>
<tr>
<td></td>
<td>transaction value (if any);</td>
</tr>
<tr>
<td></td>
<td>project period; and</td>
</tr>
<tr>
<td></td>
<td>description of services performed and extent of bidders’ responsibilities</td>
</tr>
</tbody>
</table>

- Average capacity
- Excellent capacity

<table>
<thead>
<tr>
<th></th>
<th>Collective Employment Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Advise on strikes, collective bargaining, restructuring, disputes over the interpretation and application of collective agreements, litigation in all labour tribunals and courts</td>
</tr>
</tbody>
</table>

- Position/designation;

<table>
<thead>
<tr>
<th></th>
<th>Employee Benefit Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>advise on the law relating to retirement funding, pension funds, medical aid funding, drafting and interpretation of executive incentive schemes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Occupational Health and Safety Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>representing SANParks in investigations and enquiries relating to health and safety law;</td>
</tr>
<tr>
<td></td>
<td>advising on occupational health and safety statutory compliance;</td>
</tr>
<tr>
<td></td>
<td>providing legal liability training,</td>
</tr>
<tr>
<td></td>
<td>preparing contractor management agreements and occupational health and safety contractual arrangements,</td>
</tr>
</tbody>
</table>
- conducting occupational health and safety due diligence and legal compliance systems audits

| Total Score | 100 | 20 |

The bidder must provide details of recent matters handled by the bidder as it relates to the above categories 1-4. Please refer to Table (a), (b) and (c) of this document for the format in which the required information must be provided.

**NB: Qualification Threshold** – Bidders must achieve 70% per the above criteria, for each service category, for consideration to the next phase of evaluation in respect of that service category. *Bidders who fail to comply with the set minimum threshold of 70% per the above requirements WILL be eliminated and bidders who comply will progress to the next phase of evaluation.*
6.3. **PHASE 3: EVALUATION OF BID RESPONSES USING THE PRICE AND B-BEEE SCORES**

6.3.1. **Stage 1: Price Evaluation**

6.3.1.1. Bidders must submit their Pricing Schedule and in doing so must propose tariffs relevant for the following categories:

- Candidate Attorneys
- Legal Advisors / Attorneys with 3 (three) years or less relevant post-article experience;
- Legal Advisors / Attorneys with more than 3 (three) years, but equal to or less than 7 (seven) years’ relevant post-article experience;
- Legal Advisors / Attorneys with more than 7 (seven) years but equal to or less than 15 (fifteen) years’ relevant post-article experience; and
- Legal Advisors / Attorneys with more than 15 (fifteen) years’ relevant post-article experience.

6.3.1.2. The tariffs proposed will be used for contracting purposes only. The tariffs will form part of the Master Services Agreement and will apply to appointments arising out of this Bid.

6.3.1.3. SANParks reserves the right to review the proposed tariffs on the anniversary of the agreement and in its sole discretion propose to the service provider adjustments thereto.

6.3.1.4. SANParks reserves the right to indicate the level of Legal Advisor / Attorney that is required to render the specific legal services to SANParks, with reference to the aforesaid categories. Should a service provider choose to assign a Legal Advisor / Attorney who falls in a higher category to attend to an instruction, such service provider may not charge the higher fee.

6.3.1.5. In the event that SANParks has not prescribed the level of Legal Advisor / Attorney required for a specific instruction, the bidder must in good faith appoint a Legal Advisor / Attorney with suitable experience and qualifications.

6.3.1.6. In the event that a Legal Advisor / Attorney moves to a new higher category during the service provider’s appointment term, the service provider shall notify SANParks accordingly in writing and SANParks shall have the right to request another Legal Advisor / Attorney from the service provider who is at the same category as the Legal Advisor / Attorney who as initially appointed to replace him/her before such Legal Advisor / Attorney renders his/her next account to SANParks.

6.3.1.7. The service provider is required to advise SANParks of any new professional staff members appointed during the contract term to attend to SANParks’ instructions and shall furnish SANParks with a short CV, including the appointee’s applicable category, prior to such new appointee commencing work on a SANParks matter.

6.3.1.8. Service providers will be regarded as having acted in bad faith in the event that SANParks finds:
• instructions and/or duties that could be attended to, or executed by junior staff members have been assigned to senior Legal Advisors / Attorneys and billed for at such senior staff members’ rates;

• multiple Legal Advisors / Attorneys have been assigned to attend to a single instruction without any proper justification, such as the complexity or magnitude of a matter and/or the service provider failed to request SANParks’ prior permission in writing to appoint multiple Legal Advisors / Attorneys for such an instruction; and

• unrealistic time billing taking into account the nature (i.e. relative simplicity) of any action performed and/or service rendered by a Legal Advisor / Attorney.

The aforesaid list is not exhaustive. Bidders must note that transgressions such as the above may lead to SANParks electing not to make any further use of the services of such legal service provider.
ANNEXURE A1
Reference Letter

Response format for paragraph 6: The bidder’s references, experience, lead attorney and the lawyers listed for each service category

Request for Proposal No: ______________________________________________________

Name of Bidder: ____________________________________________________________

Service Category: ____________________________________________________________

BIDDER’S REFERENCE LETTER TEMPLATE
(CLIENT’S LETTERHEAD)

[Date]

To whom it may concern

[Bidder’s name] has been rendering / rendered [service category] to [client’s name] since [date] / during the period from [start date] to [end date] and [client’s name] hereby gives [bidder’s name] an overall assessment of [average/excellent] for services rendered.

[Insert any other relevant information]

Should you require any further information in this regard please do not hesitate to contact the writer hereof.

Sincerely,

____________________________________
Full name:
Designation:
Telephone Number:
Email address:

Note: If the bidder requires more space than is provided below it must prepare a document in substantially the same format.
ANNEXURE A2
Returnable Table (a)

BIDDER’S LEAD ATTORNEY’S EXPERIENCE:

Table (a) details of the lead attorneys current and past experience in the service categories the bidder is bidding for (please refer to paragraphs 6.2.1 and 6.2.2 of this RFP document):

<table>
<thead>
<tr>
<th>Name</th>
<th>Years of experience post admission</th>
<th>Position / Designation</th>
<th>Qualifications</th>
<th>Admission as attorney (yes/no)</th>
<th>Relevant Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td>Projects / matters worked on and relevant period</td>
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</tbody>
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Invitation to Bid / SANParks / Panel of Attorneys: GNP-_______ Page 19 of 21
ANNEXURE A3
Returnable Table (b)

BIDDER’S LIST OF TEAM MEMBER’S EXPERIENCE:
Table (b) list of the team member’s current and past experience in the service categories the bidder is bidding for (please refer to paragraphs 6.2.1 and 6.2.2 of this RFP document):

<table>
<thead>
<tr>
<th>Name</th>
<th>Years of experience post admission</th>
<th>Position / Designation</th>
<th>Qualifications</th>
<th>Admission as attorney (yes/no)</th>
<th>Research conducted</th>
<th>Relevant Experience</th>
</tr>
</thead>
<tbody>
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</table>
ANNEXURE A4
Returnable Table (c)

BIDDERS CAPACITY:

Table (c) details of the bidders current and past experience in the service categories the bidder is bidding for (please refer to paragraphs 6.2.1 and 6.2.2 of this RFP document):

<table>
<thead>
<tr>
<th>Client Name</th>
<th>Transaction Description</th>
<th>Transaction Value</th>
<th>Project period (Start and End Dates)</th>
<th>Description of service performed and extent of Bidder’s responsibilities</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Bidders must provide details of not more than 3 (three) recent matters handled by the bidder as it relates to each service category the bidder is bidding for.