

**Part B: - SCOPE OF WORK - SAT 259/24-CA PANEL OF LEGAL SERVICES (CATEGORY A)**

Bid Description	
SAT 259/24-CA PANEL OF LEGAL SERVICE PROVIDERS	
Bidder Name:	
CSD MAA number	MAAA
Tender Number:	SAT 259/24-CA
Closing Date and Time:	23 October 2024
Compulsory Briefing Session:	No
Bid Submission Link	https://e-procurement.southafrica.net Should bidders encounter any issues, queries must be directed in writing to tenders@southafrica.net Bidders are required to complete all the fields before submitting on the above link before uploading a PDF version of the entire proposal; the details are as follows: Bidder/Company name, bidder's representative, contact details (email and mobile), then fully completed bid documents, signed and initial page, and relevant supporting documents for uploads. No tenders transmitted by telegram, hand delivery telex, facsimile, e-mail, or similar apparatus will be considered.
Section	Supply Chain Management
Contact Person	Pulane Muligwa
Email Address	tender@southafrica.net

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS - (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC), AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF THE CONTRACT

1. CLOSING DATE

The closing date for submitting proposals is **23 October 2024 at 12:00 noon** No late submissions will be accepted.

2. PROCUREMENT TENDER PORTAL AND TENDER DOCUMENTS MARKING

2.1. South African Tourism has developed and implemented an online e-procurement Portal, enabling bidders to respond to procurement opportunities as and when they are issued by South African Tourism. The portal is the official portal for South African Tourism, which ensures an open, transparent, and competitive environment for any person participating in the procurement processes.

The portal enables a bidder to register as a supplier in the system to RSVP to tender briefings and submit tender responses on the portal. The Portal's URL (<https://e-procurement.southafrica.net>) is compatible with Google Chrome, Microsoft Edge, Internet Explorer, Firefox, and Safari. With immediate effect, interested bidders should consider registering and submitting their bid proposals on the portal, which has been developed and implemented for this purpose.

2.2. The supplier user manual can be viewed and downloaded on South African Tourism's website at <https://www.southafrica.net/gl/en/corporate/page/tenders>. All bidders should, therefore, take note that the physical drop-offs and courier of bid responses to South African Tourism's physical address are no longer permitted.

Prospective tenderers should regularly check the following links for any updated information or amendments regarding this tender before the deadlines.

<http://www.southafrica.net/gl/en/corporate/page/tenders> and <https://e-procurement.southafrica.net>

2.3. Failure on the part of the tenderer to sign/mark this tender form and thus to acknowledge and accept the conditions in writing or to complete the attached forms, questionnaires, and specifications in all respects may invalidate the tender.

2.4. Tenders must be completed in black ink where mechanical devices, e.g., typewriters or printers, are not used.

2.5. Tenderers will check the numbers of the pages and satisfy themselves that none are missing or duplicated. No liability will be accepted regarding claims arising from the fact that pages are missing or duplicated.

3. CONTACT AND COMMUNICATION

3.1 A nominated official of the bidder(s) can make inquiries in writing to the specified person, Ms. Pulane Muligwa, via email at tenders@southafrica.net. Bidder(s) must reduce all telephonic inquiries to writing and send to the above email address.

3.2 Bidders are to communicate any technical inquiries through the nominated official in writing no later than **01 October 2024**.

All responses will be published by **11 October 2024** on the following links:

<https://www.southafrica.net/gl/en/corporate/page/tenders>;

4. VALIDITY PERIOD

The tender proposal must remain valid for five (5) months after the tender closing date. All contributions/prices indicated in the proposal and other recurrent costs must remain firm for the contract period.

5. DURATION OF THE CONTRACT

South African Tourism intends to enter into a thirty-six (36) month contract and service level agreement with the successful bidders who will form part of the panel of legal service providers. The individual contracts will also be subject to a periodic performance evaluation on agreed terms and conditions with each successful bidder.

6. Bid Conditions:

- This tender is based on two categories, category A and Category B;
- Category A applies to firms with over five years of experience with a global reach and presence in the foreign jurisdiction in which South African Tourism operates; these include America, the United Kingdom, France, Germany, Netherlands, India, China, Japan, Australia and Nigeria, and;
- Category B applies to firms with less than five years of experience and only operates in South Africa;
- Bidders are NOT allowed to submit for both categories. If a bidder submits for Category A, they will not be considered for Category B;
- These categories will be reviewed independently, and it is important that each submission is concisely supported by clear documentation for evaluation and consideration.
- For ease of reference, the two categories are labeled as follows:
 - SAT 259/24-(CA) Panel of Legal Services (Category A)
 - SAT 259/24-(CB) Panel of Legal Services (Category B).

7. INTRODUCTION & BACKGROUND

SA Tourism is a juristic person established in terms of section 9 of the Tourism Act, 2014 (Act No 3 of 2014) (as amended). It is also a Schedule 3 Part A Public Entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA). The mandate of the SA Tourism is to provide for the development and promotion of sustainable tourism for the benefit of the Republic, its residents and its visitors.

Section 51(1)(a) of the PFMA requires that "An accounting authority for a public entity must ensure that public entity has and maintains effective, efficient and transparent systems of financial and risk management and internal control". The Corporate Legal Services, a sub- unit in the Governance, Risk, Compliance and Company Secretariat Unit was established to provide effective support services to the organisation, as well as ensure compliance with statutory requirements. To this extent and in compliance with the requirements of the PFMA and associated Treasury Regulations, SA Tourism invites legal firms situated in South Africa to tender for the provision of legal services on its behalf in the following fields of law:

- Administrative law
- Constitutional law
- Tax law
- Procurement law

- Labour and employment law
- Corporate and Commercial law
- Intellectual property law
- Media and entertainment law

8. SCOPE OF SERVICES

The successful firms will, as and when required by SA Tourism be required to (list not exhaustive):

- Represent and act on behalf of SA Tourism in litigious matters before various courts and other fora.
- Provide corporate, commercial and legislative and regulatory compliance legal advice.
- Provide legal risk management services
- Review, negotiate and draft contracts.
- Act as an initiation team and chair employee Disciplinary Hearings.
- Provide legal advice on matters relating to anti-bribery, corruption and fraud prevention.
- Provide debt collection/ recovery services.
- Act as Commissioner of Oath and provide notarial services.
- Manage the trademark portfolio by amongst others, registrations, renewal and instituting and defending infringements.
- Review and draft policies and/or legislation.
- Provide Training on various pieces of legislation and any other related legal issues; and
- Conduct Legal Due Diligence.

9. PANEL UTILISATION GUIDELINE.

- The panel will consist of firms that reach 70% threshold on functionality, Phase 2
- The selection of service providers from the panel for the RFQ process will be rotational or guided by the specific service required.
- The contracting of service providers for a specific work assignment will be facilitated by the Supply Chain Management (SCM)
- There is no guarantee that a service provider on the panel will be contracted for specific work assignments during the tenure of this contract.
- Assignments will be structured as work packages that clearly define the scope and objective of work, proposed timeframes, qualifying criteria, qualification requirements, expected duration (hours), and expected deliverables, amongst others.
- Bidders shall be required to be competent and experienced in all aspects related to a specific area of specialization unless SA Tourism in its sole discretion, deems it necessary to deviate from this requirement.
- Bidders will be notified of their appointment to the Panel for the area(s) of specialization as specified, by means of an official letter of appointment issued by SA TOURISM's Supply Chain Management Department. No other communication in any form from any other official shall

constitute a valid appointment to the Panel.

- Bidders will be notified of a brief to render services for a particular scope/matter falling within the area(s) of specialization, by means of an official brief/appointment issued by SA Tourism's Key Personnel together with a reference number confirmed by SA Tourism's Supply Chain Department. No other communication in any form from any other official shall constitute a valid brief.
- This is a non-exclusive panel and SA Tourism may at its sole discretion, source service outside the panel.

The objective criteria may be utilised:

- 9.1.1. in case of rotation of suppliers from the panel that may at times results not all bidders receiving briefs or not appointing the highest scorer provided that such conditions will be pre-determined as part of the RFQ process.
- 9.1.2. Poor performance from bidder's past assignment supported with documentary evidence, may result on the bidder's Passover to the next highest scoring bidder.

10. TRAINING, DEVELOPMENT AND SKILLS TRANSFER

- 10.1. The successful firm must be willing and undertake to provide SA Tourism continuous Legal Education and Training, which shall include but not be limited to the provision of seminars, lectures, newsletters, workshops and regular legislative, case law and other updates. The firm must provide such continuous legal education and training at no additional cost to SA Tourism.
- 10.2. The successful firm must be willing and undertakes to contribute towards skills development and skills transfer at no additional cost. Such a skills development and transfer programme may take the form of, but is not limited to:
 - Secondment of SA Tourism legal interns and other staff for article of clerkship to enable them towards qualification for admission as Legal Practitioners and
 - Involving or working with the legal staff to enable them to gain exposure, skills and experience in certain fields of law or transactions.

9. PRICING SCHEDULE

Please insert your hourly rates inclusive of VAT in the table below:

Pricing for evaluation purposes:

Rank	Hourly Rate	Percentage	Average
Senior Director/Partner		5%	
Director		15%	
Senior Associate		20%	
Associate		30%	
Candidate Attorney		30%	

- The above rate should be based on current and up to date prescribed tariffs.
- The rates above shall be reviewed annually by negotiation in good faith between the parties and such increase shall not exceed the rate of Consumer Price Index (CPI) prevailing in South Africa at that time.
- SA Tourism shall have the discretion of impose and set standard/ acceptable base rates on all bidders who make it for appointment

- **Disbursements and Expenses**

Disbursements and expenses incurred from time to time will be subject to pre-approval from SAT in writing. Disbursements include Contractor's fees, foreign lawyers' fees, correspondent's fees, expert fees and courier charges. Expenses include, but not limited to, travel and accommodation expenses and photocopy charges, to the exception of photocopy charges all other expenses must comply with SAT's supply management method of price quotations (cheapest quote) and subsequently be confirmed in writing before being incurred.