

REQUEST FOR BID (RFB):15/2024

APPOINTMENT OF A PANEL OF LEGAL EXPERTS THAT WILL INCLUDE ATTORNEYS, ADVOCATES WITH TRUST ACCOUNTS, COMMISSIONERS, CONSULTANTS WITH LEGAL EXPERTISE TO PROVIDE LEGAL SERVICES TO MANGOSUTHU UNIVERSITY OF TECHNOLOGY (MUT) FOR A PERIOD OF 36 MONTHS

BID NUMBER:	RFB MUT15/2024
BID ISSUED ON:	25 AUGUST 2024
COMPULSORY BRIEFING SESSION:	04 SEPTEMBER 2024: NEW ENGINEERING BUILDING
BID CLOSING DATE & TIME:	17 SEPTEMBER 2024 AT 11H00
SUBMISSION FORMAT	ONE (1) ORIGINAL DOCUMENT AND ONE (1) ELECTRONIC COPY IN A USB (IN PDF SECURE FILE FORMAT)
<p>Bid Documents marked "REQUEST FOR BID RFB MUT 15/2024 for the "APPOINTMENT LEGAL EXPERTS THAT WILL INCLUDE ATTORNEYS, ADVOCATES WITH TRUST ACCOUNTS, COMMISSIONERS, CONSULTANTS WITH LEGAL EXPERTISE TO PROVIDE LEGAL SERVICES TO MANGOSUTHU UNIVERSITY OF TECHNOLOGY (MUT) FOR A PERIOD OF 36 MONTHS</p> <p>Drop off Address: Bid box situated at Security Foyer, West Wing -Administrative Building, Main campus, Mangosuthu Highway, Umlazi</p>	

BIDDER'S INFORMATION

COMPANY NAME:	
ADDRESS:	
CONTACT NUMBER:	
NAME & SURNAME OF AUTHORISED PERSON:	
EMAIL:	
COMPANY REGISTRATION NUMBER	

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SECTION 1: FORM OF OFFER/ BID OPENING

Bid Opening

Bidders shall complete this form of offer and submit it with the bid to facilitate the bid opening proceeding. Please note that there will be no public bid opening.

This form does not replace the Pricing schedule.

Name of bidder submitting the bid:

Offer (as is on the pricing schedule):

Offer in words.

Details of contact person:

Name (Print): _____

Telephone No: _____

Cell Phone: _____

E-mail Address: _____

Signature: _____

(Person authorised to sign the bid)

Note:

Failure for a Bidder to complete and sign this form of offer will lead to disqualification.

In the event the offer differs from the pricing schedule this offer shall prevail.

1.1 NOTICE TO BIDDERS

1.1.1 Compulsory Briefing Session

The physical briefing session will be held at Mangosuthu University of Technology, West Wing -Administrative Building, New Engineering Building at the Main campus, Mangosuthu Highway Umlazi.

Tender Submission: Request for Bid RFB MUT 15-2024 for the “OF A PANEL OF LEGAL EXPERTS TO PROVIDE LEGAL SERVICES TO MANGOSUTHU UNIVERSITY OF TECHNOLOGY (MUT) FOR A PERIOD OF 36 MONTHS” must be dropped off in the Bid box situated at Security Foyer, West Wing -Administrative Building, Main campus, Mangosuthu Highway, Umlazi.

Filing Guidelines:

- **Section one (1) Mandatory documents must be marked as *Commercial Proposal*.**
- **Section two (2) technical proposal (Functionality) must be marked as *Technical Proposal*.**
- **Section three (3) Pricing Section/ and Financial Statement (where applicable) Marked as *Financial Offering***

NB: No late bids will be accepted.

Queries relating to the issue of these documents shall be addressed to the Employer's Agent(s)

MUT Representative/s to whom Commercial Enquiries must be addressed	Name: Mrs Nomusa Deborah Nhlapo Telephone Number: 031 907 7262 E-mail Address: deborah@mut.ac.za (All enquiries must be in writing.)
MUT Representative to whom Technical Enquires must be addressed to	Name: Mrs Fozia F. Madhi Telephone Number: 031 907 7341 Email address: madhi.fozia@mut.ac.za (All enquiries must be in writing.)

SECTION 2: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1. Introduction

- Mangosuthu University of Technology (MUT) is situated at Umlazi South of Durban and overlooks the beautiful Indian Ocean. MUT provides students with career-oriented skills through a combination of theoretical knowledge and practical experience in the workplace.
- MUT co-operates closely with commerce and industry to ensure that the curriculum of a particular qualification is completely relevant to the chosen field and that the qualification is market related.
- MUT provides quality education and prepares its undergraduate and post-graduate students on its campus to be leaders of the highest calibres.
- Graduates enter the workplace equipped with the essential knowledge, range of abilities and practical experience relevant to their chosen careers. MUT provides students with career-oriented skills through a combination of theoretical knowledge and practical experience in the workplace.

2.1 Completion of Bid Document forms Special Instruction and Notice

- 2.1.1 Under no circumstances may the bid document be retyped or redrafted. Photocopies of the original bid document may be submitted electronically, but an original signature must appear on the physical document and the electronic copy of the original.
- 2.1.2 The bidder is advised to check the number of pages and satisfy himself that none are missing or duplicated.
- 2.1.3 Bids submitted must be fully completed, initialled, and signed where necessary failure to which may lead to disqualification.
- 2.1.4 The bid document must be submitted at the address indicated not later than the closing time specified, and in accordance with the directives in the bid documents.
- 2.1.5 All bids received in sealed envelopes with an electronic copy included (via USB in PDF file secure format),
- 2.1.6 All bids must be received sealed, and any opened envelopes will not be accepted.
- 2.1.7 No bids submitted by telegraphic or other electronic means will be considered unless otherwise stated.
- 2.1.8 Where samples are required, clear instruction will be given for the submission of such.

Completion of Bid Document forms Special Instruction and Notice (continued)

- 2.1.9 No alteration made by the bidder in the bid document shall be accepted (exceptions may be considered on the pricing schedule and must be initialled).
- 2.1.10 Use of correcting fluid is prohibited.
- 2.1.11 Bids will not be opened in public.

2.1.12 Prices will not be announced publicly.

2.2 MUT's Rights

- 2.2.1 The MUT reserves the right not to award nor to further negotiate with the successful bidder(s) an applicable cost dispensation. All prices to be inclusive of VAT.
- 2.2.2 The MUT reserves the right not to appoint the lowest bidder.
- 2.2.3 The MUT may request clarification on any aspect of a bid submitted by the Bidders, such requests, and the responses to be in writing.
- 2.2.4 The MUT may reject all responses submitted by Bidders and embark on a new bidding process as it deems fit if there is failure to receive satisfactory responses.
- 2.2.5 The Bid awarded will be conditional and subject to successful negotiations and signing of a written contract, failing which MUT reserves the right to withdraw the bid and to award same to another bidder without the need to repeat the bidding process.
- 2.2.6 The MUT may in promotion of local to site Small Emerging Enterprises give preference to Designated Group.
- 2.2.7 MUT will endeavour to promote enterprise development in line with the Codes of Good Practice.
- 2.2.8 The treatment of Exempted Micro Enterprises (EMEs) will be as prescribed in the current
- 2.2.9 a Bidder in the event where bidder has a B-BBEE Act.
- 2.2.10 MUT reserves the right not to appoint a bidder who has two or more existing contracts with MUT.
- 2.2.11 Bidders who previously provided unsatisfactory service to MUT will be disqualified.

2.3 Project/Service Background

The Scope of Work encompasses the appointment of a panel of legal experts that will include attorneys, advocates with trust accounts, commissioners, consultants with legal expertise to provide legal services to Mangosuthu University Of Technology (MUT)

Contract Period

The envisaged contract will be for the duration of 36 Months.

2.4 Contract Type

MUT standard service level agreement (SLA) will be used for this service.

2.5 Validity of Bid

- Proposals must remain open for a period of hundred and twenty (120) calendar days from date of closure.
- MUT reserves the right to extend the validity period of the bid if the need arises.

2.6 Tax Compliance Requirements

- 2.6.1 A valid Tax Pin must be attached.

- 2.6.2 Bidders are required to complete the letter of Authorisation Form granting MUT permission to validate/ verify the Bidder's Tax Compliance Status from SARS (annexure D).
- 2.6.3 Non -Compliant status. Bidder will be afforded an opportunity to rectify their status within five (5) working days failing which will lead to disqualification.

2.7 Project/ Service Overview /Scope

The Scope of Work encompasses the appointment of a panel of Legal Experts to provide legal services to MANGOSUTHU UNIVERSITY OF TECHNOLOGY (MUT) for a period of 36 months.

2.8 No Rights nor Claims for Bidders

- 2.8.1 Receipt of the invitation to Bid does not confer any right on any bidder in respect of the Services/Goods or in respect of or against the MUT. MUT reserves the right, in its sole discretion, to withdraw by notice to Bidders any Services/Goods or combination of Services from the bidding process, to terminate any party's participation in the Bid process or to accept or reject any response to this invitation to Bid on notice to the Bidders without liability to any party. Accordingly, parties have no rights, expressed or implied, with respect to any of the Services/Goods because of their participation in the bidding process.
- 2.8.2 Neither the MUT nor any of their respective representatives will assume any obligations for any costs or expenses incurred by any party in or associated with any appraisal and/or investigation relating to this invitation to Bid or the subsequent submission of a Bid in response to this invitation to Bid in respect of the Services/Goods or any other costs, expenses or liabilities of whatsoever nature and howsoever incurred by Bidders in connection with or arising out of the Bidding process.

2.9 Non-Disclosures.

- The invitation to Bid and its contents are made available on condition that they are used in connection with the bidding process set out in the invitation to bid and for no other purpose. All information pertaining to this invitation to Bid, and its contents shall be regarded as restricted and divulged on a "need to know" basis with the approval of MUT.
- When the Bidder is appointed in accordance with this invitation to Bid such Bidder may be subject to security clearance and Safety, Health, Environmental and Quality (SHEQ) compliance standards prior to commencement of the Services/Goods.
- The Bidder undertakes to ensure that all data and information (including but not limited to any technical, commercial, scientific information, processes, designs, technical specifications, copyright and data in any form) in connection with or arising from this Bid shall be kept confidential and agree not to disclose it to third parties and not to make use of such information other than for the purpose of participating in the Bid and to release such information to its employees on a "Clarity" basis only, provided that such employees undertake to be bound by the confidentiality contained herein.

- The bidder accepts that all information relating to completed bids received is confidential. Accordingly, MUT will not disclose this information to any third party.

2.10 Information Accuracy

The information contained in the invitation to bid has been prepared in good faith. Neither MUT nor any of their respective representatives or employees, make any representation or warranty or give any undertaking express or implied, or accept any responsibility or liability whatsoever, as to the contents, accuracy or completeness of the information contained in the invitation to bid, or any other written or oral information made available in connection with the bid and nothing contained herein is, or shall be relied upon as a promise or representation, whether as to the past or the future.

2.11 Competition Act

- 2.11.1 Bidders and their respective officers, employees and agents are prohibited from engaging in any collusive action with respect to the Bidding process which serves to limit competition amongst Bidders.
- 2.11.2 In general, the attention of Bidders is drawn to Section 4(1) (iii) of the Competition Act 1998 (Act No. 89 of 1998) (the Competition Act) that prohibits collusive Bidding.
- 2.11.3 If Bidders have reason to believe that competition issues may arise from any submission of a response to this Bid invitation they may make, they are encouraged to discuss their position with the competition authorities before submitting a response.
- 2.11.4 Any correspondence or process of any kind between Bidders and the competition authorities must be documented in the responses to this invitation to Bid.

2.12 Appeals

- 2.12.1 Bidders who are not successful may appeal in writing to MUT's Head of Supply Chain within three (3) working days of receiving the "Letter of Regret" notifying that the bid was unsuccessful.
- 2.12.2 Bidders are not allowed to enquire about another bidders' response, as this may contain privileged information (e.g., financial statement)

2.13 Fraud and Corruption

- 2.13.1 MUT takes a zero-tolerance approach to fraud, corruption, bribery and dishonesty.
- 2.13.2 Any unlawful or illegal practice, or attempt thereto, by the bidder or MUT's personnel to offer, promise or given a bribe in relation to obtaining or the execution of such contract will lead to disqualification of the bidder and disciplinary action taken against the alleged parties.
- 2.13.3 Any bidder who acted in a fraudulent, collusive, anti-competitive or improper manner or in bad faith towards the University; or made any incorrect statement in any bid or

declaration and is unable to prove to the satisfaction of the University that the statement was made in good faith or reasonable steps were taken to confirm the correctness of the statements will be disqualified and blacklisted from future opportunities within MUT.

- 2.13.4 MUT will uphold all laws relevant to the countering of bribery and corruption.
- 2.13.5 MUT will disqualify any bidder that was involved in any dishonest acts, is dishonest in the bidding document and makes any attempt to obtain a successful bid improperly.
- 2.13.6 Should the verification process identify any irregularities such bidding organization will be disqualified.

SECTION 3: EVALUATION PROCESS

3.1 Introduction

To ensure that all bidders are afforded the opportunity to compete on an equal footing and to enable the Mangosuthu University of Technology to evaluate the Bids received on an equal basis, a pre-described process of evaluating bids will be followed.

3.2 Methodology

The evaluation of bids will be divided into three (3) stages:

Stage 1: Mandatory Requirements.

Mandatory documentation – whether all required documentation and/or certification have been included.

- 3.2.1 The MUT has defined minimum mandatory criteria listed in the table below that must be met by the Bidder for the MUT to accept an offer for evaluation.
- 3.2.2 Where there is failure to comply with the mandatory requirements or for any reason that MUT is unable to verify any of the mandatory documents, the bid will not progress to the next stage of evaluation.
- 3.2.3 Documents submitted in support of this Bid must be documents of the Bidding entity. It is not permitted that documents submitted pertain to different companies or units within a group. As an example, a Bidder cannot submit its own BBBEE certificate but the financial statements of its parent or another company in the same group. Similarly, a Bidder cannot submit its own financial statement, but the BBBEE certificate, SARS certificate, etc. of other companies in the group.

Table 1: Mandatory Requirement

Item no:	Description of Appendix	Compulsory Evaluation Stage
1	Bid Document - All pages must be completed and signed (where signature is applicable by the Bidder).	Yes
2	Fully completed Pricing schedule	Yes
3	Company Registration Documents,	Yes
4	SARS Pin (Must be valid at the closing date of the tender)	Yes
5	ID Copies of all Company Directors	Yes
6	Board/Directors Resolution or Proxy (if not sole proprietor)	Yes
7	Submission of Declaration of interest	Yes
8	Submission of completed Declaration of Bidders past Supply Chain Practices	Yes
9	Submission of Authority for Signatory	Yes
10	Certification / Accreditation- proof of registration certificate with the Legal Practice Council (LPC), Bar, Accredited organizations including the CCMA. Proof of admission as Attorney, Advocate (Proof of current Fidelity certificate)	Yes
11	Proof of Trust account for Attorneys and Advocates.	Yes

Note:

No points are allocated to this phase; however, bids that do not meet the Mandatory requirements will not advance to the next phase of the evaluation process.

OTHER ADDITIONAL REQUIREMENTS:

1	CSD MAAA Number (please insert in the space)	
2	BBBEE Certification (No points will be allocated if not provided)	
3	Comprehensive COMPANY PROFILE	
4	Proof of bank account	
5	Proof of Business Address (Submit current lease agreement or utility bill not more than three (3) months old for allocation of points under locality in functionality evaluation.	

Stage 2: Functionality Evaluation

The evaluation criteria for functionality considers the bidder's previous experience and ability, quality, reliability, viability and durability of all equipment, goods and or services as well as the Bidders technical capacity and ability to execute and maintain a contract.

Note:

- No bid will be considered further unless the minimum qualifying score/percentage for functionality has been achieved.
- Only bidders scoring minimum 70 Points and more shall be considered for Stage 3 dealing with Price & BBBEE.

EXPERIENCE AND QUALIFICATION OF LEGAL TEAM (70 points)

Tenderers are to complete this schedule. The experience of the key personnel will be evaluated on the submission of the following criterion.

1. Bidders can apply for more than one option as a legal Expert however each application for each Expert Position will be scored separately.

2. Bidders should have a diverse range of legal expertise; however, the following area of legal expertise will be preferred for the Bidders to have, namely

2.1. Labour law

2.2 Litigation

2.3. Contracts and Tenders

2.4 Constitutional and administrative Law.

Bidders must indicate their areas of expertise in the Bidding document and should indicate if that they have the four (4) areas of legal expertise as identified in 2.1 to 2.4

3. General Experience (Total duration of professional activity), Level of education and training and positions held which have a bearing on the service. Failing which, zero points will be awarded for qualifications.

4. The education, training, skills, and experience in relation to the required service. Failure to submit CV's or incomplete CVs of the personnel listed in the scoring below will be scored zero 3. Knowledge of issues which are pertinent to the service. 4. Certified copies of qualifications and Professional Registration must be submitted, and uncertified copies will be disregarded.

CVs of the proposed Legal team should be completed on the attached CV template. Each CV should be completed on the template contained within the bid document located on (page 45- 46). **Separate CV's may be submitted in case the space provided is not enough.**

ITEM	POSITION	CERTIFICATES		RELEVANT EXPERIENCE		MAX POINTS (30)
		TYPE	POINTS	YEARS	POINTS	
1	ATTORNEYS	Completed LLB degree Certified copy of degree is required.	10	10 years or more experience		
		Admitted as an attorney Certified copy of admission as attorney is required	10	10 years or more experience		
		Three (3) written references that is not older than 2 years, showing a minimum of 2 years' experience	10			

ITEM	POSITION	CERTIFICATES		RELEVANT EXPERIENCE		MAX POINTS (30)
		TYPE	POINTS	YEARS	POINTS	
2	ADVOCATES The Advocates will perform the same functions as the Attorneys. (We will only consider Advocates who have trained at the Bar (Pupillage) and they have written the Bar exam.	Completed LLB degree - Certified copy of degree is required	10	10 years or more experience		
		Admitted as an advocate - Certified copy of admission as advocate is required	10	10 years or more experience		
		Three contactable written references dated and signed that is not older than 2 years, showing a minimum of 2 years' experience	10			

ITEM	POSITION	CERTIFICATES		RELEVANT EXPERIENCE		MAX POINTS (30)
		TYPE	POINTS	YEARS	POINTS	
3	COMMISSIONERS Commissioners must be accredited either through the CCMA or a recognized accredited organization Commissioners working at the CCMA can apply	Completed LLB degree - Certified copy of degree is required	10	10 years or more experience		
		Certified copy of accreditation as a commissioner either from the CCMA or a recognized institution	10	10 years or more experience		
		Three contactable written references dated and signed that is not older than 2 years, showing a minimum of 2 years' experience	10			

ITEM	POSITION	CERTIFICATES		RELEVANT EXPERIENCE		MAX POINTS (30)
		TYPE	POINTS	YEARS	POINTS	
4	CONSULTANTS WITH LEGAL EXPERTISE	Completed LLB degree - Certified copy of degree is required	10	10 years or more experience		
		Admitted as an attorney - Certified copy of admission as attorney is required	10	10 years or more experience		
		Three contactable written references dated and signed that is not older than 2 years, showing a minimum of 2 years' experience	10			

19 LOCALITY (10 Points)

Submit Original or certified copy of current utility bill (not more than 3 months) or lease agreement, as applicable, at office closest to the area where work is to be executed or goods or services are to be rendered.

LOCALITY	MAXIMUM POINTS (10)
Bidder has a branch located in Durban Metro area.	10
Bidder has a branch located in KZN Province	5
Bidder has a branch located outside KZN Province	0

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

NAME : (Block Capitals)

SIGNATURE :DATE:

(of person authorised to sign on behalf of the Tenderer)

The tenderer shall complete the following table to be submitted with the Tender

EXPERIENCE AND QUALIFICATION OF LEGAL TEAM (continued) (60 points)

The Bidder shall complete the following table to be submitted with the Bid

CURRICULUM VITAE TEMPLATE OF KEY PERSONNEL									
DESIGNATION.....									
Name:					Date of birth:				
Profession:					Nationality:				
Formal Qualifications:									
		Qualification			From: Name of Institutions			Year Obtained	
1									
2									
3									
4									
5									
Professional Registrations/ Designation:									
	Professional Registrations/ Designation			Professional Body/Council			Registration Number		
1									
2									
3									
4									
5									
Name of Current Employer (firm):					Full Time:	Yes		No	
Current Position:					Years of Experience:				
Name of Previous Employer (firm):					Full Time:	Yes		No	
Position held:					Years of Experience:				



CURRICULUM VITAE TEMPLATE OF KEY PERSONNEL

DESIGNATION.....

Name:	Date of birth:
Profession:	Nationality:

Formal Qualifications:

	Qualification	From: Name of Institutions	Year Obtained
1			
2			
3			
4			
5			

Professional Registrations/ Designation:

	Professional Registrations/ Designation	Professional Body/Council	Registration Number
1			
2			
3			
4			
5			

Name of Current Employer (firm):	Full Time: Yes <input type="checkbox"/> No <input type="checkbox"/>
---	--

Current Position:	Years of Experience:
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CURRICULUM VITAE TEMPLATE OF KEY PERSONNEL

DESIGNATION.....

Name:

Date of birth:

Profession:

Nationality:

Formal Qualifications:

	Qualification	From: Name of Institutions	Year Obtained
1			
2			
3			
4			
5			

Professional Registrations/ Designation:

	Professional Registrations/ Designation	Professional Body/Council	Registration Number
1			
2			
3			
4			
5			

Name of Current Employer (firm):

Full Time:

Yes

No

Current Position:

Years of Experience:

Name of Previous Employer (firm):

Full Time:

Yes

No

Position held:

Years of Experience:

Name of Employer (firm):	Full Time:	Yes		No	
Position held:	Years of Experience:				

<u>Employment Record:</u>

<u>Specific Experience Record Pertinent to Required Service:</u>

CURRICULUM VITAE TEMPLATE OF KEY PERSONNEL

DESIGNATION.....

Name:	Date of birth:
Profession:	Nationality:

Formal Qualifications:			
	Qualification	From: Name of Institutions	Year Obtained
1			
2			
3			
4			
5			

Professional Registrations/ Designation:			
	Professional Registrations/ Designation	Professional Body/Council	Registration Number
1			
2			
3			
4			
5			

Name of Current Employer (firm):	Full Time:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Current Position:	Years of Experience:				

Name of Previous Employer (firm):	Full Time:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Position held:	Years of Experience:				

Name of Employer (firm):	Full Time:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Position held:	Years of Experience:
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<u>Employment Record:</u>

<u>Specific Experience Record Pertinent to Required Service:</u>

PROPOSED LEGAL METHODOLOGY AND APPROACH (60 Points)

Service providers must submit a Legal plan indicating how they will deal with:

No	Activities	Max Points (60)
1	If you are appointed as a MUT Legal Expert tell us how you will render your services to us. In your answer, please indicate efficiency measures, reporting and indicate how would you render a quality professional legal service.	20
2	If you are appointed as a MUT Legal Expert please indicate how you will save legal fees for MUT, this is a critical question as the University is committed to long term financial sustainability	20
3	If you are appointed as a MUT Legal Expert, please indicate how you will keep the University informed at all time times about matters you are handling	10
4	If you are appointed as a MUT Legal Expert, please indicate how you will transfer your legal expertise to MUT employees. (skills transfer)	10

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

NAME : (Block Capitals)

SIGNATURE :DATE:
(of person authorised to sign on behalf of the Tenderer)

The tenderer shall complete the following table to be submitted with the Tender

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011, SUBSTANTIATED BY B-BBEE VERIFICATION CERTIFICATE

1. BID DECLARATION

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

2. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED

B-BBEE Status Level of Contribution: _____ = _____ (maximum of 10 or 20 points) must be in accordance with the table reflected in F3.11 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

3. DECLARATION WITH REGARD TO COMPANY/FIRM

3.1 Name of company/firm _____

3.2 VAT registration number

3.3 Company registration number

3.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

3.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

3.6 COMPANY CLASSIFICATION [TICK APPLICABLE BOX]

- Manufacturer Supplier Professional service provider
 Other service providers, e.g. transporter, etc. Please state below:

3.7 Total number of years the company/firm has been in business?

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011, SUBSTANTIATED BY B-BBEE VERIFICATION CERTIFICATE (CONTINUED)

DECLARATION WITH REGARD TO COMPANY/FIRM (CONTINUED)

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-BBE status level of contribution indicated in paragraph 2 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 2 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 2, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct; and
- (iv) If the B-BBEE status level of contribution 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 –
 - (a) disqualify the person from the bidding process.
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct.
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation.
 - (d) restrict the Tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state / tertiary institution for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and forward the matter for criminal prosecution

WITNESSES:

1. _____

2. _____

SIGNATURE(S) OF TENDERER

DATE: _____

FORM OF OFFER AND ACCEPTANCE

[THE OFFER AND ACCEPTANCE FORM (PART C, C1.1 FORM OF OFFER AND ACCEPTANCE) MUST BE INSERTED HERE]

Stage 3: Evaluation in terms of the preference point system

Bids to the value of R50 000 000 (fifty million rand) will be evaluated in accordance with the 80/20 preference point system and bids greater than R50 000 000 (fifty million rand) will be evaluated in accordance with the 90/10 preference point system.

Only Bids that achieved the minimum qualifying score/percentage of 70 % for functionality will be considered further in terms of the relevant preference point system.

3.3 POINTS AWARDED FOR PRICE

THE 80/20 PREFERENCE POINT SYSTEMS

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

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

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

POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

1.1 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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

Note:

Non-compliant contributors or failure to provide certification substantiating the BBBEE status level of contribution will result in the Bidder being awarded zero (0) points for the preference point system.

SECTION 4: FORMS

Annexure A	Reference Letters Client Form
Annexure B	Bidders Past experience (list)
Annexure C	Bidder form, Important Conditions and Miscellaneous requirements
Annexure D	Declaration of Interest
Annexure E	Declaration of Bidder's Past Supply Chain Management Practices
Annexure F	Tax Pin Certificate Requirements
Annexure G	Acknowledgement of Bid Document
Annexure H	Certificate of Independent Bid Determination
Annexure I	Code of Conduct for Bidders
Annexure J	Preference Points Claim Form
Annexure K	Authority to Sign Bid
Annexure L	Pricing Schedule (BOQ)
Annexure M	Specifications

ANNEXURE A

TEMPLATE OF THE REFERENCE LETTERS FOR PREVIOUS PROJECTS.

References for previous projects should be provided to demonstrate your ability to fulfil MUTs requirements and demonstrate Bidder's ability to maintain satisfied client's, reference Letters may be Attached.				
Supplier Name (Client)				
Name and Designation of Referee				
Telephone No				
Email Address				
Date of Reference				
Date or period service was provided				
Contract Value				
Service Offering (Please indicate the service/goods provided/supplied by the Bidder)				
Brief description of the bidder's performance				
Criteria	Needs Improvement	Meets Requirements	Exceeds Requirements	Exceeds Requirements and Adds Value
1. How satisfied are you with the level of service/Goods and professionalism received from the Bidder?				

ANNEXURE B

Company References and Past Experience

List all previous contract from customers with similar requirements as MUT. These references may also be contacted by MUT for verification purposes in the event where the provided reference letters cannot be verified.

Name of Company	Contact Name	Value of Contract	Contract period	Contact Number	Email Address
1.					
2.					
3.					
4.					
5.					
6.					

ANNEXURE C:

BIDDER FORM, IMPORTANT CONDITIONS & MISCELLANEOUS REQUIREMENTS

1. I/We hereby bid to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to MUT on the items and conditions and in accordance with the specifications stipulated in the bid documents (and which shall be taken as part of, and incorporated into, this bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/We agree that:
 - 2.1 the offer herein shall remain binding upon me/us and open for acceptance by MUT during the validity period indicated and calculated from the closing time of the Bid.
 - 2.2 if I/we withdraw my/our Bid within the period for which I/we have agreed that the bid should remain open for acceptance, or fail to fulfil the contract when called upon to do so, MUT may without prejudice to its other rights, agree to the withdrawal of my/or bid or cancel the contract that may have been entered into between me/us and MUT and I/we will then pay to MUT any additional expense incurred by MUT having either to accept any less favourable Bids or fresh Bidders have to be invited, the additional expenditure incurred by the invitation of fresh Bid and by the subsequent acceptance of any less favourable Bid, MUT shall also have the right to recover such additional expenditure by set-off against moneys which may be due or become to me/us under this or any other bid or contract or against any guarantee or deposit that have been furnished by me/us or on my/our behalf for the due fulfilment of this or any other Bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such moneys, guarantee or deposit as security for any loss MUT may sustain by reason of my/our default;
 - 2.3 if my/our Bid is accepted the acceptance may be communicated to me/us by electronic mail.
 - 2.4 the law of the Republic of South Africa shall govern the contract created by the acceptance of my/our Bid and that I/we choose domicilium citandi et executandi in the Republic as detailed below.

3. I/We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our Bid, that the price(s) and rate(s) quoted cover all the work/items(s) in these documents; and that the price(s) and rate(s) cover all my/our obligations under a resulting contract. I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.

4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me/us under this agreement as the principal(s) liable for the due fulfilment of this contract.
5. I/We agree that any action from this contract in all respects be instituted against me/us and I/we hereby undertake to satisfy fully any sentence or judgment which may be pronounced against me/us as a result of such action.
6. I/We declare that I/we have participation /no participation in the submission of any other offer for the supplies/service described in the attached documents. If in the affirmative, state name(s) or bid(s) involved.
7. Are you duly authorized to sign for this Bid?

***YES / NO**

Has the Declaration of Interest been duly completed and included with the other Bid forms?

***YES / NO**

*Delete whichever is not applicable.

<p>SIGNATURE (S) OF BIDDER OR ASSIGNEE(S).</p> <p>DATE:.....</p>
--

Please complete the following in block letters

Capacity and particulars of the authority under which this Bid is signed.

.....

Name of Bidder

Postal Address

Telephone number(s) (Toll free if applicable)

Facsimile number(s)

Email Address(s)

Bid Number

Name of contact person

ANNEXURE D:

DECLARATION OF INTEREST

1.	If Bidder is a Sole Proprietor: Are you (or your spouse, child, or parent) currently employed by MUT?	Yes	No
1.1	If yes, provide particulars:		
2.	If Bidder is a Sole Proprietor: Have you (or your spouse, child or parent) been employed by MUT in the past 12 months?	Yes	No
2.1	If yes, provide particulars:		
3.	If Bidder is a Sole Proprietor: Do you (or your spouse, child or parent) have any relationship (family, friend or other) with any person who may be involved with the evaluation or adjudication of this Bid?	Yes	No
3.1	If yes, provide particulars:		
4	If Bidder is a company, close corporation, partnership, trust or association: Are any of the Bidder's employees, shareholders, directors, members, partners, beneficiaries or trustees (or any of their spouses, children or parents) currently employed by MUT?	Yes	No
4.1	If yes, provide particulars:		
5.	If Bidder is a company, close corporation, partnership, trust or association: Have any of the Bidder's employees, shareholders, directors, members, partners, beneficiaries or trustees (or any of their spouses, children or parents) been employed by MUT in the past 12 months?	Yes	No
5.1	If yes, provide particulars:		

6.	If Bidder is a company, close corporation, partnership, trust or association: Do any of the Bidder's employees, shareholders, directors, members, partners, beneficiaries or trustees (or any of their spouses, children or parents) have any relationship (family, friend or other) with any person who may be involved with the evaluation or adjudication of this Bid?	Yes	No
6.1	If yes, provide particulars:		
		

DECLARATION OF INTEREST

I, _____ (full names), certify that the information furnished in this declaration of interest is true and correct.

SIGNED at _____ on this _____ day of _____ 20_____

Signed by or on behalf of **the Bidder**.

If signed on behalf of the Bidder, the signatory hereby warrants that (she/he) is duly authorised to sign this declaration on its behalf.

Signature: _____

Designation: _____

Full details of directors/Trustees/ Members and Shareholders

Full Name	Identity Number

ANNEXURE E:

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Section must form part of all Bidders invited.
2. It serves as a declaration to be used by MUT 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.
3. The Bid of any Bidder may be disregarded if that Bidder, or any of its directors have:
 - a. abused MUT'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.
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the Bid.**

Item	Question	Yes	No
4.1	Is the Bidder or any of its directors listed on the National Treasury/MUT's database as companies or persons prohibited from doing business with the public sector?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars.		
4.2	Is the Bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars.		
4.3	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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars.		
4.4	Was any contract between the Bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars.		

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

I, the undersigned

(Full name) _____

Certify that the information furnished on this declaration form is true and correct. I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

Signature **Date**

Designation

Name of Bidding Entity

ANNEXURE F:

TAX PIN CERTIFICATE REQUIREMENTS

It is a condition of a Bidder that the taxes of the successful Bidder **must** be in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the Bidder's tax obligations.

1. An original valid Tax Pin Certificate must be submitted together with the Bid. Failure to submit an original and valid Tax Pin Certificate will result in the invalidation of the Bid.
2. Certified copies of the Tax Pin Certificate will not be acceptable.
3. Bidders to complete **Letter of Authorisation Form** below, granting MUT authority to verify/validate the Bidders Tax Compliance Status from SARS. The Bidder is also required to attach a copy of their Tax Pin Status printed from the online portal.

Upon evaluation of the bid, should the Bidder's Tax Pin Status printed from the online portal, not be in order, Bidder will be afforded an opportunity to rectify their status within five (5) working days failing which will lead to disqualification.

4. In Bids where Consortia/Joint Ventures/Sub-Bidders are involved; each party must submit a separate valid Tax Pin for their organization.
5. Applications for the Tax Pin may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
6. Copies of the TCC 001 "Application for a Tax Pin" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

TAX PIN LETTER OF AUTHORISATION

I, the undersigned

(Full names) _____

Hereby grant authorisation to the Mangosuthu University of Technology to validate my Organisation/
Companies current tax status.

Tax No. _____

Tax Pin No. issued by SARS.

Signature of authorized person

Date

Designation

Name of Bidding Entity

Bidders are to ensure that the information supplied in the above form is completed in whole and that the information is true and correct, failing which, this will lead to the Employer not being able to validate the bidders tax status online, which shall lead to the disqualification of the bidders bid.

ANNEXURE G:

ACKNOWLEDGEMENT OF BID DOCUMENT

I/We _____ are having examined the Request for Bid Document and all other information available prior to the closing date, hereby offer to execute, complete, and maintain the whole of the said works and to supply all the requisite services in conformity with the aforesaid documents.

Name of Bidder: _____

Address: _____

Telephone Number: _____

Email Address: _____

Company Stamp: _____

ANNEXURE H:

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 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.
- 3 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. disregards 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. cancels 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.
- 4 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.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate.
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect.
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder.
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder.
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether 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
6. 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement, or arrangement with any competitor regarding:

- (a) prices.
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors, or formulas used to calculate prices.
- (d) the intention or decision to submit or not to submit, a bid.
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. 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.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill, and knowledge in an activity for the execution of a contract.

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

ANNEXURE I:

CODE OF CONDUCT FOR BIDDERS

- 1. By submitting this bid, the Bidder hereby acknowledges and confirms adherence to the following:**
 - 1.1. the founding provisions of the Constitution of South Africa, that describe the Republic as a state founded, inter alia, on human dignity, the achievement of equality and the advancement of human rights and freedoms.
 - 1.2. the provisions in the Bill of Rights that address labour relations, including the right to fair labour practices, to join trade unions and to bargain collectively.
 - 1.3. legislation such as the Labour Relations Act, Basic Conditions of Employment Act and Employment Equity Act, which set out the legal framework for industrial relations.
 - 1.4. the University's Mission Statement, including its commitment to promote equal opportunity and the full development of human potential, to transcend the legacy of apartheid and to overcome all forms of gender and other oppressive discrimination.
 - 1.5. decent standards of work and full adherence to the laws of the Republic of South Africa, including legislation that protects the rights of workers.
 - 1.6. Freedom of association and collective bargaining

- 2. By submitting this bid, the Bidder hereby acknowledges and confirms adherence to the following:**
 - 2.1 The right of workers to join or form trade unions and to bargain collectively.
 - 2.2 A constructive and open attitude towards the activities of trade unions and their organisational activities.
 - 2.3 Worker representatives are not discriminated against and are provided with access to the workplace to carry out their representative functions.
 - 2.4 Regular monitoring takes place, culminating in an annual report prepared by the Bidder on adherence to the code of conduct.
 - 2.5 Permit workers to comment on adherence to the code of conduct and on the employer's report.
 - 2.6 Permit MUT to conduct random inspections as deemed appropriate to ensure compliance to code of conduct.

- 3. Working conditions- The Bidder pledges to:**
 - 3.1 Ensure a safe and hygienic working environment is provided, bearing in mind prevailing knowledge of the industry and of any specific hazards.
 - 3.2 Ensure that adequate steps are taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work by eliminating, as far as is reasonably practicable, the causes of hazards inherent in the working environment. Occupational health and safety practices are conducted in accordance with a best practice checklist provided by

- 3.3** Ensure that regular and recorded health and safety training is provided, and such training is repeated for new or re-assigned workers.
- 3.4** Ensure that all its staff members are always provided with PPE as per requirement.
- 3.5** Ensure that all chemicals are handled in the prescribed format.
- 3.6** Ensure that access to clean ablution and changing facilities and to potable water and, if required, sanitary facilities for food storage are provided.
- 3.7** Ensure that responsibility for health and safety is allocated to a senior management representative nominated by the specific Bidder.
- 3.8** Ensure compliance at all times with all laws, rules and regulations to ensure COVID safety.

ANNEXURE J:

PREFERENCE POINTS CLAIM FORM

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

4. BID DECLARATION

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

5. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED

B-BBEE Status Level of Contribution: _____ = _____ (maximum of 10 or 20 points) must be in accordance with the table below and must be supported by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA, or an Accounting Officer as contemplated in the CCA).

6. DECLARATION WITH REGARD TO COMPANY/FIRM

3.1 Name of company/firm _____

3.2 VAT registration number _____

3.3 Company registration number _____

3.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium One person business/sole propriety

Close corporation Company (Pty) Limited

[TICK APPLICABLE BOX]

3.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

3.6 COMPANY CLASSIFICATION [TICK APPLICABLE BOX]

Manufacturer Supplier Professional service provider

Other service providers, e.g., transporter, etc. Please state below:

3.7 Total number of years the company/firm has been in business?

**PREFERENCE POINTS CLAIM FORM I SUBSTANTIATED BY B-BBEE VERIFICATION CERTIFICATE
(CONTINUED)**

3. DECLARATION WITH REGARD TO COMPANY/FIRM

3.8 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-BBE status level of contribution indicated in paragraph 2 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
 - (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 2 of this form.
 - (iii) In the event of a contract being awarded because of points claimed as shown in paragraph 2, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct; and
 - (iv) If the B-BBEE status level of contribution 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 –
 - (a) disqualify the person from the bidding process.
 - (b) recover costs, losses or damages it has incurred or suffered because of that person's conduct.
 - (c) cancel the contract and claim any damages which it has suffered because of having to make less favorable arrangements due to such cancellation.
- 1 restrict the Bidder or contractor, its shareholders, and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state / tertiary institution for a period not exceeding 10 years, after the audit alteram partem (hear the other side) rule has been applied; and forward the matter for criminal prosecution.

SIGNATURE(S) OF BIDDER:

DATE:

WITNESSES:

1. _____

2. _____

ANNEXURE K:

AUTHORITY TO SIGN A BID

A. COMPANIES

If a Bidder is a company, a certified copy of the resolution by the board of directors, personally signed by the chairperson of the board, authorizing the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is before the closing time and date of the bid.

AUTHORITY BY BOARD OF DIRECTORS

By resolution passed by the Board of Directors on.....20.....

Mr/Mrs/Miss..... (whose signature appears below)
has been duly authorized to sign all documents in connection with this bid on behalf of

(Name of Company)
.....

IN HIS/HER CAPACITY AS:

SIGNED ON BEHALF OF COMPANY:
(PRINT NAME)

SIGNATURE OF SIGNATORY: **DATE:**

WITNESSES: 1

2

B. CLOSE CORPORATION

In the case of a close corporation submitting a bid, a certified copy of the Founding Statement of such corporation shall be included with the bid, together with the resolution by its members authorizing a member or other official of the corporation to sign the documents on their behalf.

By resolution of members at a meeting on 20..... at

.....Mr/Mrs/Miss....., whose signature appears below, has been authorized to sign all documents in connection with this bid on behalf of (Name of Close Corporation)

.....

SIGNED ON BEHALF OF CLOSE CORPORATION:
(PRINT NAME)

IN HIS/HER CAPACITY AS **DATE:**

SIGNATURE OF SIGNATORY:

WITNESSES: 1

2

ANNEXURE L:

PRICING SCHEDULE

TO BE PRICED IN CONJUNCTION WITH THE SPECIFICATIONS IN ANNEXURE M

The below price schedule excludes any Adhoc projects, those will be agreed upon engagement.

PRICING INSTRUCTIONS

1. Tenderers are required to offer a fixed rate for each line items on unit basis
2. Quantities are provisional and subject to demand over the period of the contract.

PRICING SCHEDULE

Tenderers are required to price a fixed fee for the provision of services as described in the scope of work.

PRICE SCHEDULE			
Rates are fixed for three (3) Years			
			Rates per hour
1. Labour Law			
1.1	Senior Attorney	1	R
1.2	Junior Attorney	1	R
1.3	Professional Assistant	1	R
Sub Total			R
2. Contracts and Tender			
2.1	Senior Attorney	1	R
2.2	Junior Attorney	1	R
2.3	Professional Assistant	1	R
Sub Total			R
3. Litigation			
3.1	Senior Attorney	1	R
3.2	Junior Attorney	1	R
3.3	Professional Assistant	1	R
Sub Total			R
4. Constitutional & Administrative Law			
4.1	Senior Attorney	1	R
4.2	Junior Attorney	1	R
4.3	Professional Assistant	1	R
Sub Total			R
Grand Total			
VAT			
Total amount carried forward to form of offer			



ANNEXURE M:
TECHNICAL SPECIFICATION

1. Introduction

Mangosuthu university of technology (MUT) is a university situated in Umlazi with a mission to offer technology, career directed educational programmes focusing on innovative problem-solving research and engagement with government / business / industry and communities as end-users.

2. Purpose

The purpose of this process is to appoint a panel of reputable, suitable legal E to provide legal service to Mangosuthu university of technology for a period of thirty-six months.

The Legal experts will include:

1. Attorneys
2. Advocates
3. Commissioners: accredited with the CCMA or accredited at recognized institutions
4. Consultants with legal expertise

3.1 Extent of the services

Description of Services

The panel services will include a diverse range of legal matters but it is preferred for the Bidders to have the following areas of legal expertise.

a). Litigation Law

Attorneys will attend to civil litigation on behalf of MUT, either in a court of law or through arbitrations or in the magistrate court and in high court.

b). Contract and Tenders

Knowledge is required of all types of contracts and contract law,

c) Labour Law

Expertise in labour and employment law matters are required, more specifically but not limited to,

- Ability to prosecute/initiate and being chairpersons for all levels of employees in the disciplinary hearings
- Advice on procedural and substantive issue relating to disciplinary hearing conducted
- Advise on disciplinary code, policies governing legislation
- Representation at CCMA, labour court, and Labour appeal court
- To advise and assist in process and compliance in terms of section 189 of the Labour Relations Act No. 66 of 1995 procedures.
- Negotiation and settlement of Labour dispute whether with individual employment or the bargaining unit represented by either union or lawyer.
- Provision of legal opinion related to labour issues and
- Investigation of alleged misconduct.

d). Constitutional and Administrative law

Expertise in constitutional and public sector law is required, dealing but not limited to;

- Tenders and tenders' appeal
- Freedom of information and data protection
- Intellectual property
- PPPPFA and Procurement regulation

4. Procurement

All procurement shall comply with MUT Supply Chain Management Policy. The Supply Management Policy can be viewed on <https://www.mut.ac.za/tenders-procurement/>

3. Abbreviations

Abbreviation	Description
MUT	Mangosuthu University of Technology
HE	Higher Education

4. Roles and responsibilities

The Project will be managed by MUT's

PART C4: PREMISES LOCATION INFORMATION

Services shall be rendered within the university campuses as per location addresses below for each per engagement locations.

Main Campus

Mangosuthu University of Technology
511 Griffiths Mxenge Highway,
Umlazi Township

7: Key performance indicators (KPI's)

SERVICE LEVELS

Service levels are measured using Key Performance Indicators (“KPIs”).

The appointment of a panel of professionals is project based and will be tracked according to milestone delivery. The minimum expected milestones are listed in the Milestone Stable below.

It is necessary for the documents listed below are agreed and baselined. All KPIs will be tracked against the baselined project artifacts.

- **Timeliness:** Baselined Plan vs Actual Timelines
- **Budget:** Budget vs Actual spend
- **Quality:** Delivery of scope and deliverables according to engagement letter signed
- **Effectiveness:** Are you spending your time and money appropriately, or could you be managing the project more effectively?

KPI 1: Adherence to Project Schedule

The project scheduled needs to be agreed and baselined. Regular tracking and updating of the project plan are required. The variance between the baseline and the actual time spent should be included in the weekly reporting.

A tolerance level of 5% against the baselined project plan will be acceptable and can be managed by the MUT Project Manager (Director Risk & Audit). Any deviation beyond that needs to be reported to the Vice Chancellor for intervention and ratification.

KPI 2: Adherence to Project Budget

The project budget needs to be agreed and baselined. Regular tracking and updating of the project plan are required. The variance between the baseline and the actual time spent should be included in the weekly reporting.

A tolerance level of 5% against the baselined Project Budget will be acceptable and can be managed by the MUT Project Manager. Any deviation beyond that needs to be reported to the Vice Chancellor for discussion and approval.

KPI 3: Adherence to Quality Standards & Frameworks

The quality of the project delivered will be considered.

A project survey will be circulated to the process owner of the area under review to rate the audit, risk process or investigation and provide feedback regarding achieving the project objectives, the following criteria will be used:

- Expectations met
- Exceeded expectations
- Expectation not met

KPI 4: Stakeholder Satisfaction

The level of satisfaction of the Management during and once the panel is appointed and allocates a project for execution will be measured by the following:

- Regular auditee/customer Satisfaction Surveys
- The number of auditee/or management complaints
- Effective Project Communication to all levels of Stakeholders
- Face to Face engagement with MUT stakeholders for specific phases of the project, like Kick off meetings, final draft discussion meeting and closeout meetings.

KPI 5: Number of agreed Milestones delivered on time and within budget.

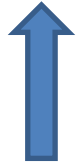
Ideally, we do not want any milestones to be missed. As with the Project schedule a tolerance level of 3 milestones is acceptable against the baselined project plan which can be managed by the MUT Project Manager. Any deviation beyond that needs to be reported to the Vice Chancellor for discussion and approval.

Project Organization structure and Escalation Procedures

The following organization organogram will apply. Note that the escalation process for the project resources and management will follow a bottom-up approach. This will also apply for any approvals or decisions required relating to each allocated project.



ARCC	
Director Risk & Audit	
Supplier Project Manager	MUT Process owner
Supplier Project Team	MUT Project Team /Auditee



Escalation Process

The Project progress of the project team must be tracked by the Supplier Project Manager who will report to and escalate to the MUT Project Manager. The MUT Project Manager reports to the Vice Chancellor on any admirative matters and to the Chair of ARCC for functional provides guidance, coaching and Quality assurance.

It must be noted that all reports and communications should be approved by the Director Risk & Audit.

Milestone Delivery

The project will be tracked according to milestone delivery according to the table below. Payment will take place on completion and sign-off of the project.

RISK

Please elaborate on the control measures put in place by your entity, which would mitigate the risk to MUT pertaining to potential non-performance, in relation to Quality and specification of Services/Goods delivered:

The document management solution will be a campus wide solution that will be used by all staff. There are inherent risks associated with the delivery of this project. The project risks should be defined as part of the Project Risk Management process and tracked in accordance with the agreed risk management plan.

Value Add Offering

Please Include other value add offering you have that may be beneficial to MUT as part of this Bid document.