

Expression of Interest (EOI)

The Appointment of a Panel to Provide Legal Services to the CSIR, for a period of five (5) years on an “as and when basis”

EOI:8051/19/11/2021

Date of Issue	Wednesday , 03 November 2021	
Last date for submission of intent to bid form (Appendix A)	Thursday , 11 November 2021 Time: 16h30	
Compulsory Briefing Session	Date: Friday, 12 November 2021 Platform: Microsoft Teams session (Meeting link to be shared prior commencement of the session) Time: 12h00-13h00	
Last date for submission of queries / clarifications	Thursday, 18 November 2021	
Enquiries and submission of proposals	Strategic Procurement Unit	E-mail: tender@csir.co.za
Closing Date and Time	Friday, 19 November 2021 at 16h30	
CSIR business hours	08H00-16h30	

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1. INTRODUCTION

The Council for Scientific and Industrial Research (CSIR), an organ of state, is one of the leading scientific research and technology development organisations in Africa. In partnership with national and international research and technology institutions, the CSIR undertakes directed and multidisciplinary research and technology innovation that contributes to the improvement of the quality of life of South Africans. The CSIR's main site is in Pretoria while it is represented in other provinces of South Africa through regional offices.

2. BACKGROUND

The CSIR Legal & Compliance Department ("the Department"), situated at the Pretoria campus provides in-house legal services to the organization. The Department is made up of a small team of legal advisors, all of whom are admitted attorneys with experience in different areas of law.

From time to time, the Department requires the assistance of external legal services providers to assist it in discharging its legal services mandate to the CSIR.

3. INVITATION AND SCOPE OF WORK

- 3.1 The Department is embarking on a process to identify a limited number of external firms of attorneys to appoint to its panel to provide *ad hoc* specialised services for a period of five (5) years, as and when the need arises.
- 3.2 Firms of attorneys are invited to send expression of interest to the CSIR for consideration to render legal services to the CSIR in one or more of the following areas of law-
 - 3.2.1 Aviation, Defence and Security Law;
 - 3.2.2 Corporate Governance and Compliance;
 - 3.2.3 Competition Law;
 - 3.2.4 Debt recoveries and collections;
 - 3.2.5 Energy Mining and Petroleum Law;
 - 3.2.6 Environment, Natural Resources and Climate Change Law;
 - 3.2.7 Information Communication Technology (ICT) Law;
 - 3.2.8 Insurance Law;
 - 3.2.9 Intellectual Property Law (with special focus on its recognition, protection and commercialisation);
 - 3.2.10 International Trade Law and Trade Compliance/Control;

- 3.2.11 Pension Law and Medical Aid Schemes Law;
- 3.2.12 Property Law Conveyancing, and Notarial Practice;
- 3.2.13 Tax Law;
- 3.2.14 Criminal Law;
- 3.2.15 Medical law; and
- 3.2.16 Transport and transportation Law.

3.3 It is expected that the prospective bidders should have thorough working understanding of the Preferential Procurement Policy Framework Act (PPPFA), or its successor (the Public Procurement Bill is currently going through legislative processes) and its Regulations, the Public Finance Management Act (PFMA) and other legislation or standards applicable to organs of state.

Interested firms of attorneys should select not more than 3 (three) areas of specialisation (as described in paragraph 3.2 above and in the Scope of Worktable below) for consideration to the panel, clearly indicating, by means of a cover letter or otherwise, the area(s) of specialisation in respect of which their specific expression of interest (EOI) applies. The same letter can be submitted for each area of specialization for which the potential bidder has submitted the bid.

3.4 A covering letter clearly indicating the areas of specialisation the bidder is tendering for must be submitted.

3.5 CSIR will appoint not more than five (5) law firms per area of specialisation.

3.6 All firms are to ensure that all Attorneys have a minimum recognised Bachelor of Laws (LLB) degree or equivalent and must be admitted in terms of the applicable legislation.

3.7 Prospective bidders must submit detailed curricula vitae and/or resume of Attorneys and/or Directors and junior attorneys to be used for CSIR related instructions, for the area(s) that the bidder is tendering for, with certified copies of their respective qualifications.

4. SCOPE OF WORK

The CSIR has provided a table of scope of work below, which the bidders need to comply with as provided:

Area of Work	Scope of Work	Skills required
Building and Construction Law	<ul style="list-style-type: none"> • Provide guidance and advise on building and construction law 	<ul style="list-style-type: none"> • Experience in rendering advise and court representation on building and construction law • Understanding the regulatory framework governing building and construction law
Criminal Law	<ul style="list-style-type: none"> • Provide guidance and representation on criminal proceedings • Render advise on matters with a possibility and aspects of criminal law 	<ul style="list-style-type: none"> • Ability to understand and interpret criminal law legislation • Experience in practical criminal court proceedings
Debt recoveries and collections	<ul style="list-style-type: none"> • Collect debt for and on behalf of the CSIR • Provide advice on the recoverability of debt owed to the CSIR 	<ul style="list-style-type: none"> • Have an established debt collection office with a functional call center
Corporate Governance and Compliance	<ul style="list-style-type: none"> • Advise on governance related issues. • Advise on regulatory and compliance related issues. 	<ul style="list-style-type: none"> • Extensive knowledge of compliance in entities similar to the CSIR. • Understanding regulatory framework governing the CSIR and public entities in general.
Insurance Law	<ul style="list-style-type: none"> • Provide legal opinions on insurance. 	<ul style="list-style-type: none"> • Comprehensive and understanding on insurance matters.
Intellectual Property Law	<ul style="list-style-type: none"> • IP search, spec drafting, filing, prosecution and maintenance services • Advice, services and legal opinions on any aspects of IP and IP commercialization (including contract drafting and review) • IP enforcement, litigation and dispute resolution services 	<ul style="list-style-type: none"> • Science/engineering/technical degree and experience (for patent law) • Relevant Patent Examination Board qualifications • Experience with local and international IP regimes • Comprehensive understanding of all relevant legislation (including the regulatory framework applicable to state-owned entities) • IP commercialisation experience

Aviation, Defence and Security Law	<ul style="list-style-type: none"> • Provide legal opinions and aviation issues. 	<ul style="list-style-type: none"> • Comprehensive and understanding on aviation matters.
Energy, mining, and petroleum Law	<ul style="list-style-type: none"> • Provide legal opinions on energy law. 	<ul style="list-style-type: none"> • Comprehensive and understanding on energy law matters.
Environment, Natural Resources and Climate Change Law	<ul style="list-style-type: none"> • Provide legal opinions on environment, natural resources and climate change. 	<ul style="list-style-type: none"> • Comprehensive and understanding on environment, natural resources and climate change.
International Trade Law and Trade Compliance/Control.	<ul style="list-style-type: none"> • Provide legal opinions on international trade. 	<ul style="list-style-type: none"> • Comprehensive and understanding on international trade matters.
Medical Law	<ul style="list-style-type: none"> • Provide legal opinions in respect of substantive and procedural/compliance aspects of and in Healthcare, Life Sciences, Pharmaceutical practice, and research into, recognition and registration of traditional medicines and indigenous knowledge related thereto. • Assist in drafting of commercial agreements to be entered into by the CSIR, in relation to the Healthcare, Life Sciences, Pharmaceutical law and research undertaken in relation to traditional medicines and indigenous knowledge related thereto. 	<ul style="list-style-type: none"> • Experience in providing opinions in all aspects of Healthcare, Life Sciences and Pharmaceutical and recognition of indigenous knowledge laws. • Extensive knowledge of international law in respect of Healthcare, Life Sciences and Pharmaceutical laws. • Extensive experience in the drafting, vetting commercial contracts with regard to Medical Laws. • Understand regulatory framework governing Healthcare, Life Sciences and Pharmaceutical industries.
Transport and transportation law	<ul style="list-style-type: none"> • Provide legal opinions and guidance on legal matters impacting on public transport infrastructure (development) and systems 	<ul style="list-style-type: none"> • Understanding of public transport laws and regulations.
Pension Law and Medical Aid Schemes	<ul style="list-style-type: none"> • Provide legal advice on pension law and medical aid schemes. 	<ul style="list-style-type: none"> • Understanding pension fund law legislation and administration of pension funds • Understanding medical aid schemes related issues.
Tax Law	<ul style="list-style-type: none"> • Advise on tax issues. 	<ul style="list-style-type: none"> • Knowledge and understanding of South African tax regime, including but not limited to principles of taxation, forms of taxation and tax reforms.

		<ul style="list-style-type: none"> • In some cases, understanding specialized areas of tax legislation, such as insurance taxation, environment taxation, financial products and trusts. • Knowledge of Customs and Excise legislation. • Understanding international tax. • Knowledge of tax specific legislation. • Thorough understanding and knowledge of customs and excise legislation and administrative processes.
Information Communication Technology Law	<ul style="list-style-type: none"> • Advice on all aspects of IT law, such as, service level and licensing agreements pertaining to system integration, software, website development, information security, etc. 	<ul style="list-style-type: none"> • Experience in IT law and communication, including cyber law.
Competition Law	<ul style="list-style-type: none"> • Advice on all aspects related to Competition Law. 	<ul style="list-style-type: none"> • Experience in Competition in Competition Law.

5. PRE-QUALIFICATION CRITERIA TO ADVANCE CERTAIN GROUPS

- 5.1. Only Law firms that are Level 1, 2 or 3 B-BBEE Contributors will be considered.
- 5.2. Attendance (either in person at the CSIR or other designated venue and/or online as shall be advised) of a compulsory briefing session.
- 5.3. Law firms that fail to meet the pre-qualification criteria stipulated in this paragraph 5 will be automatically disqualified and therefore not be considered.

6. ELIMINATION CRITERIA

Bidders will be eliminated under the following conditions-

- a. Submission after the deadline;
- b. Proposals submitted at incorrect location;
- c. Failure to provide proof of Fidelity Insurance Cover for the Law Firm and/or for each professional intended to work in each area of specialization in the form of a valid Fidelity Fund Certificate.

- d. Failure to submit a detailed CV(s) of professional(s) intended to work in each area of specialisation, proof of minimum required qualification (LLB, B. Proc., BLC, BA LLB, B. Juris or equivalent or combination thereof) in the form of a **certificate** issued by the relevant tertiary institution(s) and proof of admission in the form of a **court order** or **admission certificate** to that effect for the proposed resources.
- e. Failure to meet the pre-qualification criteria to advance certain groups. A valid certified copy of the law firm's B-BBEE Certificate or sworn affidavit must be submitted; and,
- f. Failure to submit proof of registration (no older than thirty (30) calendar days) with the Central Supplier Database.
- g. Non- attendance of compulsory briefing session.

7. FUNCTIONAL EVALUATION CRITERIA

EVALUATION CRITERIA FOR MEASURING FUNCTIONALITY	WEIGHT %
<p>Proposal:</p> <p>The Bidder must demonstrate expertise and knowledge of the area of specialisation that the bidder is tendering for:</p> <ul style="list-style-type: none"> • Expertise • Knowledge • Structure of proposal 	50
<p>Law Firm Experience:</p> <ul style="list-style-type: none"> • The law firm, in the person(s) of its nominated resources for each area of specialisation, must have demonstrable experience in the area of specialisation that they are tendering for, as set out in the specification requirements. • A minimum of 3 reference letters per area of specialisation with details of the service rendered are to be submitted. The reference letters must be from both private and public sector clients, and must not be older than six (6) months and be for services rendered within the last twelve (12) months. 	20
<p>Resources Experience – Detailed CVs indicating work done and years of experience must be submitted:</p> <ul style="list-style-type: none"> • Lead Partner/Director <ul style="list-style-type: none"> - The lead partner or director can be proposed in more than one area of expertise if they possess such experience. 	

<ul style="list-style-type: none"> - Minimum ten (10) years' post admission experience as an attorney for each area of specialisation. • Senior Attorney / Junior Partner or Director / Associate <ul style="list-style-type: none"> - The Senior Attorney / Junior Partner or Director / Associate can be proposed in more than one area of expertise if they possess such experience. - Minimum six (6) years' post admission experience of the Senior Attorney / Junior Partner or Director / Associate for the area of specialisation post admission as an attorney. • Junior Attorney <ul style="list-style-type: none"> - The Junior Attorney can be proposed in more than one area of expertise if they possess such experience. - Minimum two (2) years' post admission experience as an attorney for the area of specialisation. 	30
Total	100

7.1 Proposals with functionality/technical points of less than the pre-determined minimum overall percentage of 70% and less than 50% on any of the individual criteria will be eliminated from further evaluation.

7.2 Refer to Annexure A for the scoring sheet that will be used to evaluate functionality.

SECTION B – TERMS AND CONDITIONS

8. PROCEDURE FOR SUBMISSION OF PROPOSALS

- All proposals must be submitted electronically to: **tender@csir.co.za**
- Respondents must use the EOI number as the subject reference number when submitting their bids
- The email and file sizes should not exceed a total of 25mb per email
- The naming / labelling syntax of files or documents must be short and simple (e.g. Product Catalogues)
- All documents submitted electronically via email must be clearly visible.
- Proposals/submissions submitted via cloud (e.g. WeTransfer, Dropbox, Google drive, etc) will not be accepted.

- Proposals or documents received after the closing date and time will be considered as a late submission. Late submissions will not be evaluated.

NB: NO HARD COPIES OR PHYSICAL SUBMISSIONS WILL BE ACCEPTED

9. EOI PROGRAMME

The EOI program, as currently envisaged, incorporates the following key dates:

Date of Issue	Wednesday, 03 November 2021
Briefing Session	Friday , 12 November 2021
Last date for submission of queries / clarifications	Thursday, 18 November 2021
Closing Date and Time	Friday, 19 November 2021 at 16h30

The CSIR will inform all successful suppliers qualifying to be part of the panel as well as to be registered on the CSIR supplier database in due course.

10. SUBMISSION OF RESPONSES

- All proposals are to be submitted electronically to tender@csir.co.za. No late proposals will be accepted.
- Responses submitted by companies must be signed by a person or persons duly authorised.
- All emailed proposal submissions are to be clearly subject-referenced with the EOI number.
- The CSIR will award the contract to qualified tenderer(s)' whose proposal is determined to be the most advantageous to the CSIR, taking into consideration the technical (functional) solution, price and B-BBEE.

11. DEADLINE FOR SUBMISSION

Expression of interest shall be submitted at the **email** address mentioned above no later than the closing date of **Friday, 19 November 2021** during CSIR's business hours. The CSIR business hours are between 08h00 and 16h30.

Where a proposal is not received by the CSIR by the due date and stipulated place, it will be regarded as a late submission. Late submissions will not be considered.

12. EVALUATION PROCESS

The EOI proposal evaluation process will include only the functionality/technical evaluation. No price evaluation will be done at this stage. To be appointed as part of the panel, the service provider shall meet the minimum threshold for functionality and must meet the pre-

qualification requirements. An official contract will be concluded with each supplier on the panel.

13. VALIDITY PERIOD OF RESPONSES

Each **proposal** shall be valid for a minimum period of six (6) months calculated from the closing date.

14. APPOINTMENT OF PANEL

The contract(s) will be awarded to bidders who meets and/or exceeds the minimum functional score of 70%, except where the law permits otherwise.

Appointment as a successful service provider(s) shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement CSIR reserves the right to appoint an alternative supplier.

Awarding of contracts will be announced on the National Treasury website and no regret letters will be sent to unsuccessful bidders.

15. UTILISATION OF PANEL GUIDELINES

A Request for Quotation (RFQ) will be issued to the relevant appointed panel members on a per project basis which will be evaluated on Price and B-BBEE as per the 80/20 principle per the 2017 Preferential Policy and Procurement Framework Act (PPPFA) 2017 regulations.

The appointed provider through the RFQ process will be issued with a formal purchase order. The selection of the services providers from the appointed panel for the RFQ process will be performed on a rotational basis. There is no guarantee that a service provider on the appointed panel will be contracted for the duration of this contract, and there is no guarantee that CSIR will procure all the services as included in this EOI document.

Should the successful bidders not be in a position to provide CSIR with the required services via the RFQ process, the CSIR then reserves the right to contact other service providers through a separate RFQ process.

16. ENQUIRIES AND CONTACT WITH THE CSIR

Any enquiry regarding this EOI shall be submitted in writing to CSIR at tender@csir.co.za with ***“EOI No 8051/19/11/2021 - To provide digital events solutions and virtual event platforms to the CSIR for a period of 3 years on an “as and when required” basis,*** as the subject.

17. MEDIUM OF COMMUNICATION

All documentation submitted in response to this Expression of Interest must be in English.

18. COST OF EXPRESSION OF INTEREST

Service providers are expected to fully acquaint themselves with the conditions, requirements and specifications of this EOI before submitting responses. Each service provider assumes all risks for resource commitment and expenses, direct or indirect, of proposal preparation and participation throughout the EOI process. The CSIR is not responsible directly or indirectly for any costs incurred by service providers.

19. CORRECTNESS OF RESPONSES

The service provider must confirm satisfaction regarding the correctness and validity of their proposal.

20. VERIFICATION OF DOCUMENTS

Tenderers should check the numbers of the pages to satisfy themselves that none are missing or duplicated. No liability will be accepted by the CSIR in regard to anything arising from the fact that pages are missing or duplicated.

Only one electronic copy of the EOI proposal must be submitted via email to tender@csir.co.za In the event that the bidder sends more than one proposal, the first submission shall take precedence should it not have been recalled/withdrawn in writing by the bidder.

21. SUB-CONTRACTING

A tenderer will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has the capability and ability to execute the sub-contract.

A tenderer awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level

than the person concerned, unless the contract is sub-contracted to an exempted micro enterprise that has the capability and ability to execute the sub-contract.

22. ADDITIONAL TERMS AND CONDITIONS

A tenderer shall not assume that information and/or documents supplied to CSIR, at any time prior to this request, are still available to CSIR, and shall consequently not make any reference to such information document in its response to this request.

Copies of any affiliations, memberships and/or accreditations that support your submission must be included in the tender.

In case of proposal from a joint venture, the following must be submitted together with the proposal:

- Joint venture Agreement including split of work signed by both parties;
- The original or certified copy of the B-BBEE certificate of the joint venture;
- The Tax Clearance Certificate of each joint venture member;
- Proof of ownership/shareholder certificates/copies; and
- Company registration certificates.

An omission to disclose material information, a factual inaccuracy, and/or a misrepresentation of fact may result in the disqualification of a tender, or cancellation of any subsequent contract.

Failure to comply with any of the terms and conditions as set out in this document will invalidate the Proposal.

23. CSIR RESERVES THE RIGHT TO

Extend the closing date;

Verify any information contained in a response;

Request documentary proof regarding any tendering issue;

Cancel or withdraw this EOI as a whole or in part; and

Not to include any supplier on the list of suppliers on the approved database based on functional criteria not met.

24. DISCLAIMER

This EOI is an expression of interest only and not an offer document; answers to it must not be construed as acceptance of an offer or imply the existence of a contract between the parties.

By submission of its EOI proposal, service providers shall be deemed to have satisfied themselves with and to have accepted all Terms & Conditions of this EOI. The CSIR makes no representation, warranty, assurance, guarantee or endorsements to service provider

concerning the EOI, whether with regard to its accuracy, completeness or otherwise and the CSIR shall have no liability towards the service provider or any other party in connection therewith.

25. DECLARATION BY TENDERER

Only tenderers who completed the declaration below will be considered for evaluation.

EOI No: 8051/19/11/2021

I hereby undertake to render services described in the attached tendering documents to CSIR in accordance with the requirements and task directives / proposal specifications stipulated in **EOI No: 8051/19/11/2021** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the CSIR during the validity period indicated and calculated from the closing date of the proposal.

I confirm that I am satisfied with regards to the correctness and validity of my proposal; that the price(s) and rate(s) to be quoted will cover all the services specified in the proposal documents; that the price(s) and rate(s) will cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this proposal as the principal liable for the due fulfilment of this proposal.

I declare that I have no participation in any collusive practices with any tenderer or any other person regarding this or any other proposal.

I accept that the CSIR may take appropriate actions, deemed necessary, should there be a conflict of interest or if this declaration proves to be false.

I confirm that I am duly authorised to sign this proposal.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2
DATE:	

26. PRICE PROPOSAL

The proposal must include the following information regarding the pricing in respect of the services:
Pricing proposal broken down according to each deliverable and/or task to be performed as part of the services or assigned work.

The price proposal must clearly indicate the rate per hour for a partner, junior and senior attorneys, associate and candidate attorneys and other expenses. Should the firm wish to indicate any other form of billing, they should reflect this.

The price proposal must be submitted separately and clearly marked as such.

The pricing must be clearly indicated by using the following table:

Attorney's experience	Rate per hour (Incl. VAT)
Candidate attorney: 0 – 2 years	R.....
Junior attorney: 2 – 5 post admission experience	R.....
Senior Attorney / Junior Partner or Director / Associate: 6 years or more post admission	R.....
Lead Partner or Director: 10 years or more post admission experience	R.....
Other costs	R.....

27. ANNEXURE A

No.	Criteria	Proof required	Points allocation	Weight
1	<p>Law Firm's Proposal</p> <p>The Law firm must demonstrate expertise and knowledge of the area of specialisation that it is tendering for.</p>	Detailed proposal	<ul style="list-style-type: none"> • Proposal is of poor quality or No information was submitted – 0 points • Only the method and approach of delivering on assignment has been provided. Bidder has not demonstrated knowledge and experience of area of specialisation that they are tendering for – 5 points. • Method and approach of delivering on assignments as well as demonstrated knowledge and experience in the area of specialisation were provided. Bidder has clearly demonstrated ability to respond to emergency requests – 7 points. • Clearly outlined method and approach on how assigned work would be handled. Clearly demonstrate in-depth knowledge of area of specialisation that the Bidder is tendering for. Bidder has clearly demonstrated ability to respond to emergency requests. Any value-add offered (e.g. training; online tools, favourable fee structures, etc.)? – 10 points 	50%
2	<p>Law Firm Experience</p> <p>A minimum of 3 reference letters (from private and public sector clients, not older than 3 months and for work performed with 12 months of the closing date of the EOI submission) per area of specialisation that the bidder is tendering for with details of the service rendered are to be submitted.</p>	Client reference letters	<p>0 – 2 references or irrelevant references provided – 0 points</p> <p>3 – 4 references provided – 5 points</p> <p>5 – 6 references – 7 points</p> <p>> 6 references – 10 points</p>	20%

3	<p>Experience of key personnel and team competency</p> <ul style="list-style-type: none"> • Lead Partner/Director <ul style="list-style-type: none"> - The Lead partner or director can be proposed in more than one area of expertise if they possess such experience. - Minimum ten (10) years' experience of the lead partner for the area of specialisation post admission as an attorney. • Senior Attorney / Junior Partner or Director / Associate <ul style="list-style-type: none"> - The Senior Attorney / Junior Partner or Director / Associate can be proposed in more than one area of expertise if they possess such experience. - Minimum six (6) years' experience of the Senior Attorney / Junior Partner or Director / Associate for the area of specialisation post admission as an attorney. • Junior Attorney <ul style="list-style-type: none"> - The Junior Attorney can be proposed in more than one area of expertise if they possess such experience - Minimum two (2) years' experience of the junior attorney for the area of specialisation post admission as an attorney 	<p>Staff CVs, detailing qualifications, years of experience in conducting similar assignments and details of such assignments</p>	<p>Lead Partner/Director</p> <p>10 – 14 years – 5 points 15 – 20 years – 7 points >20 years –10 points</p>	15%
			<p>Senior Attorney / Junior Partner or Director / Associate</p> <p>6 years – 5 points 6 – 12 years – 7 points > 12 years – 10 points</p>	10%
			<p>Junior Attorney / Associate</p> <p>2 – 4 years – 5 points 5 – 6 years – 7 points > 7 years – 10 points</p>	5%
TOTAL				100%