



KWAZULU-NATAL PROVINCE

HUMAN SETTLEMENTS
REPUBLIC OF SOUTH AFRICA

INVITATION FOR PROPOSALS

APPOINTMENT OF A PANEL OF LEGAL SERVICE PROVIDERS INCLUDING DEBT COLLECTORS FOR A PERIOD OF 3 YEARS

BID NUMBER	ZNB67/2020/21HSE
CLOSING DATE	15/01/2021
BID BOX NO.	01 (SITUATED AT THE 12TH FLOOR, DEPARTMENT OF HUMAN SETTLEMENTS, EAGLE BUILDING, 353 – 363 DR PIXELY KASEME STREET, DURBAN, 4001)
COMPULSORY BRIEFING SESSION DATE	No briefing session will be conducted. Bidders will be given an opportunity to submit their enquiries and responses will be published on the eTender portal and Departmental website.
BID DOCUMENTS	Bid document can be downloaded from www.etenders.gov.za
NOTE	(NO BID DOCUMENTS WILL BE ISSUED BY THE DEPARTMENT)
TECHNICAL ENQUIRIES	MS. O. ANDERSON: 033 392 6414/ 083 267 7256
BID ENQUIRIES	MRS R. GAFOOR 031 336 5142/MS. K. MTHEMBU 031 336 5166/ MR. S. MKHIZE 031 336 5241/ MR. S. BIYASE 031 336 5165

This bid is limited to tenderers who will meet the following pre-qualification criteria (in terms of Preferential Procurement Regulations, 2017):

- (a) a bidder having a minimum B-BBEE status level 1; or**
- (b) an EME or QSE;**

The KZN Department of Human Settlements hereby invites proposals and expressions of interest from suitably qualified and experienced legal service providers to be on a panel for legal services including debt collection for a period of 03 years.

1. OBJECTIVE

The purpose of appointing the panel is to establish a database of legal service providers consisting of law firms and debt collecting agents to provide services to the Department of Human Settlements as and when required.

2. SCOPE OF WORK

The panel will be required to render legal services to and to recover outstanding monies due to the Department of Human Settlements pertaining to, inter alia, the following:

- i) Attack upon constitutionality of any law or conduct
- ii) Specialist legal matters such as land invasion, environmental law and labour law
- iii) Litigation in which the Head of Department and the Member of the Executive Committee are cited in their personal capacity
- iv) Arbitration and alternative dispute resolution mechanisms
- v) Judicial review of administrative action
- vi) Demand for access to information
- vii) Debt collection (Collection of debts owing to the Department)
- viii) Property disputes, land claims and conveyancing
- ix) Application for, or opposition to, interdicts
- x) Criminal defence of public servants under certain circumstances
- xi) Appearances before Commission of Enquiry
- xii) Matters where the Office of the State Attorney have indicated that they would not be able to assist; and
- xiii) Other matters of a highly specialized, complex or urgent nature

3. SKILLS TRANSFER

3.1 The panel will be required to ensure transfer of skills to in house legal advisors of the Department.

4. CONDITIONS FOR THE PANEL

4.1 Appointment of Panel

- 4.1.1 The cost of every instruction will be negotiated with the relevant panel member and a letter of appointment will be issued for each instruction.
- 4.1.2 Any price quoted or invoice submitted shall include VAT (only if the service provider is a registered VAT vendor) and
- 4.1.3 The panel members will be required to sign confidentiality and indemnity agreements with the Department.
- 4.1.4 Panel members are not guaranteed any work under this bid.
- 4.1.5 The award or allocation of assignment, depending on the complexity of the assignment, will be on a roster basis.
- 4.1.6 The Department may, at its sole discretion, award an assignment or any part thereof to more than one panel member.
- 4.1.7 The Department may, at its sole discretion, vary any instructions to include more work.
- 4.1.8 The Department reserves the right to interview panel members that are shortlisted for a specific assignment.
- 4.1.9 In litigious matters, panel members may not brief either junior or senior counsel without prior written consent of the Department.
- 4.1.10 The panel members may not cede or assign any part of this agreement with the Department or subcontract any part of the work assigned to them without prior written consent of the Department.
- 4.1.11 All copyrights and intellectual property rights that may result as consequences of the work to be performed will become the property of the Department.
- 4.1.12 immediately after finalisation of a matter, the panel member shall hand over all documents and information in any format, including copies thereof, that it received from the Department or that it had access to during the assignment.

- 4.1.13 The panel members shall not, without prior written consent of the Department, release any Departmental information to third parties.
- 4.1.14 The panel members must declare any interest it has in the assignment as well as declare any possible conflict of interest with the Department in pursuance of the proposed assignment.
- 4.1.15 Any instruction at any stage prior to expiry of the contract will be allowed to continue until such time that assignment is concluded.
- 4.1.16 The panel members shall submit to the Department a copy of a valid Certificate issued by their respective regulatory bodies twice a year (6-month intervals) during the existence of the contract.

5. REPORTING RELATIONSHIPS

The panel members will report to: Director-Legal Services (Department of Human Settlements) and will be required to provide monthly written reports on the progress made in all instructions received without charge and by no later than an agreed deadline

EVALUATION CRITERIA

THE BID WILL BE EVALUATED IN TWO STAGES AS FOLLOWS:

STAGE 1 – ELIGIBILITY CRITERIA

IN ADDITION TO ALL REQUIREMENTS A COMPREHENSIVE COMPANY PROFILE MUST BE ATTACHED DETAILING ALL INFORMATION REQUIRED AS PER STAGE 1 OF EVALUATION CRITERIA, FOR THE PROGRESSION TO STAGE 2, SERVICE PROVIDERS MUST SCORE A MINIMUM OF 60% OF TOTAL POINTS AND PROFILE MUST HAVE TRACEABLE REFERENCES WITH A PROVEN TRACK RECORD. DOCUMENTARY PROOF OF COMPLETED CONTRACTS MUST BE ATTACH

Key Aspect Eligibility	Basis for Points allocation	Score	Min-Max Points
METHODOLOGY	<p>Describe the ability to meet deadlines; especially on a short-time frame, and give examples of how past tight deadlines have been met. 10 points</p> <p>Define methodology in relation to various legal matters in the scope of work viz;</p> <ul style="list-style-type: none"> • Specialist legal matters such as land invasion, environmental law and labour law. 5 points • Litigation in which the Head of Department and the Member of the Executive Committee are cited in their personal capacity. 5 points • Arbitration and alternative dispute resolution mechanisms. 5 points • Property disputes, land claims and conveyancing. 5 points • Debt collection (Collection of debts owing to the Department). 5 points • Judicial review of administrative action. 1 points • Demand for access to information. 1 points • Attack upon constitutionality of any law or conduct 1 points 	Good	25-40

	<ul style="list-style-type: none"> • Application for, or opposition to, interdicts. 1 points • Appearances before Commission of Enquiry. 1 points 		
	Methodology is adequate- 24 points (indicated 4-5 legal matters with plan to meet deadlines)	Fair	17-24
	Methodology is inadequate- 16 points (Indicated 1-3 legal matters or plan to meet deadlines)	Poor	0-16
RESOURCES (PROVIDE CV's & QUALIFICATIONS)	Key personnel has outstanding knowledge and expertise in the field of legal services and debt collection CV's with qualifications in all related field - 30 points	Good	19-30
	Key personnel has adequate knowledge and expertise in the field of legal services and debt collection. <ul style="list-style-type: none"> - Provided CV's and qualifications in 4-5 related fields -11 points. - Provided CV only in the related fields-7 points - Did not provide any CV's or qualifications -0 point 	Fair	13-18
	Key personnel has limited knowledge and expertise <ul style="list-style-type: none"> - Did not provide any CV's, qualifications , only provided list of their key personnel indicating their qualifications- 9 points - List of key personnel does not have qualifications-3 points - Did not provide any key personnel-0 points 	Poor	0-12
EXPERIENCE	Proven record of accomplishment with reference letters from clients where similar services/assignments have been rendered. <ul style="list-style-type: none"> - Provide at least 5 and above reference letters in a letterhead and must include addresses, contact details, brief description of the type of service provided for them.- 30 points 	Good	19-30
	<ul style="list-style-type: none"> - Provided 3-4 reference letters, which are in a letterhead and must include addresses, contact details, brief description of the type of service provided for them. – 10 points - Provided 2 reference letter in a letterhead and they are inclusive of addresses, contact details and description- 8 points 	Fair	13-18
	<ul style="list-style-type: none"> - Provided 1 reference letter -7 points - Provided reference letter with incomplete details as outlined above- 4 points - Provided list of references with contact details -1 point - No reference letters or list of references, did not provide sufficient information to satisfactory conduct reference checks.-0 point 	Poor	0-12
TOTAL			100

STAGE 2 – 80/20 PREFERENCE POINTS SYSTEM

The 80/20 Preference Points System will be utilized. 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0