
**APPOINTMENT OF A PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES TO
THE NATIONAL AGRICULTURAL MARKETING COUNCIL (NAMC) FOR A PERIOD
OF THREE (3) YEARS**

BID NUMBER: NAMC- T01/2023

CLOSING DATE: 11 JANUARY 2024 @ 11H00

NO BRIEFING SESSION TO BE HELD

VALIDITY PERIOD: 90 DAYS

NB: On the last page of this document the bidder needs to declare and indicate that they have read and understood the document in full.

Faxed and/or emailed bids will not be accepted, only hand delivered, and couriered original proposals will be accepted.

1. INVITATION

The National Agricultural Marketing Council (NAMC) is inviting law firms to submit proposals for a panel of legal service providers for a period of three (3) years.

2. BACKGROUND

The National Agricultural Marketing Council (NAMC) was established in terms of sections 3 and 4 of the Marketing of Agricultural Products Act, No. 47 of 1996 (hereinafter referred to as the MAP Act), as amended by Act No. 59 of 1997 and Act No. 52 of 2001. The mandate of the organization as stipulated in the MAP Act, states that , “The NAMC shall, when requested by the Minister or on its own accord, investigate the establishment, continuation, amendment or revocation of statutory measures and other regulatory measures affecting the marketing of agricultural products, evaluating the desirability, necessity or efficiency of the measures and, if necessary, proposing alternatives to the establishment, continuation, amendment or repeal of a statutory measure or other regulatory measure and report to and advise the Minister accordingly”.

Furthermore, section 9 (1) (e) of the MAP Act stipulates that the NAMC may undertake investigations and advise the Minister regarding the following issues:

- a) Agricultural marketing policy and its application;
- b) The coordination of agricultural marketing policy in relation to national economic, social and development policies and international trends and developments and
- c) The effect that the marketing of products has on the objectives mentioned in section **2 (2) (a) - (d)** of the MAP Act.

3. SCOPE OF WORK

The appointed panel of legal service providers will be required to render services to the

NAMC on a wide range of legal issues in the following fields of law and related legislations, inter alia:

- Promotion of Access to Information Act (PAIA);
- Administrative law;
- Alternative dispute resolution, including mediation and arbitration;
- Marketing of Agricultural Products Act (MAP Act);
- Construction and the Built Environment (and related regulatory standards and practices);
- Law of Contracts;
- Companies Act;
- Mercantile law;
- Competition Act
- Insurance Act;
- Constitutional law;
- Corporate governance;
- Intellectual Property and Patents legislations;
- Interpretation of legislations;
- Labour laws and related matters;
- Litigation;
- Procurement-related legislation and Regulations (i.e., B-BBEE, PPPFA, PFMA, etc.);
- Promotion of Administrative Justice Act (PAJA); and applications
- Property laws and conveyancing,
- Protection of Personal Information Act (POPIA);
- Sound Knowledge of the Agricultural landscape, legislation, national policy, publications, and standards and
- Occupational Health and Safety Act.

3.1 In the application of the above knowledge, skills and statutes, the legal service providers must have extensive knowledge, experience and strong technical skills in the following:

- 3.1.1 Instituting and defending of matters relating to, amongst others, procurement processes, projects (i.e. constructions, designs and guarantees and claims), project management, deeds, insurance, property law, civil claims etc.;
- 3.1.2 Providing accurate and clear legal opinions based on researched legislation and decided case laws;
- 3.1.3 Initiating and chairing disciplinary proceedings and when necessary, prosecute on labour matters;
- 3.1.4 Representation at the Commission for Conciliation Mediation and Arbitration (CCMA);
- 3.1.5 Conveyancing (to register NAMC Servitudes when work is allocated) etc; and;
- 3.1.6 Any other specialised field (related to the agricultural sector, Environmental Law, Construction, Projects, Safety and International Agreements etc).

3.2 The legal service provider must also be able to:

- 3.2.1 Manage litigation and mitigate wasted costs;
- 3.2.2 Manage negotiations and influence good settlements on disputes;
- 3.2.3 Evaluate and provide accurate prospects of success before and during litigation.

3.3 Reports

- 3.3.1 Provide accurate reports on legal matters on monthly basis or as and when required.

3.4 Emergencies

3.4.1 Be readily available in cases of emergency (interdicts and etc).

3.5 CONDITIONS OF TENDER

Appointment of Panel of Attorneys:

3.5.1 Only legal practices established in accordance with the provisions of the Legal Practice Act 28 of 2014 (previously the Attorneys Act,1979 as amended) will be considered for this tender.

3.5.2 The panel of attorneys will be required to sign confidentiality and indemnity agreements with the NAMC.

3.5.3 The cost of every assignment will be negotiated with the relevant panel members.

3.5.4 Panel members are not guaranteed any work under this tender proposal as work will be issued on a rotational basis.

3.5.5 Panel of attorneys will be on an assignment basis.

3.5.6 Assignments awarded before the contract expires will be allowed to continue after expiry of this contract period.

3.6 Ownership of the Work Produced

3.6.1 NAMC shall retain proprietary ownership of all the works including opinions, reports and other material that the law firm produced on the instructions of or assignment from the NAMC.

3.6.2 Such material is also subject to the confidentiality clause and POPIA respectively.

3.7 CONFLICT OF INTERESTS

3.7.1 On appointment to any assignment, the panel of attorneys must declare any interest it has in an assignment as well as declare any possible conflict of interests with the NAMC in the pursuance of the proposed assignment and recuse themselves from that assignment if so declared.

3.7.2 In the event, that any conflict of interest is discovered during the assignment, NAMC reserves the right to summarily cancel the instruction and demand that all information, documents, and property of NAMC be returned forthwith.

4. EVALUATION PROCESS

The evaluation process will follow the stages detailed below:

- Mandatory compliance (Stage 1)
- Functionality (Stage 2); and
- Pricing and Specific Goals (Stage 3).

4.1 Stage 1: Mandatory requirements

Proposals duly lodged will be examined to determine compliance with bidding requirements and conditions (completion and attachment of compulsory documents). Proposals with deviations from the requirements/conditions will be eliminated before stage 2 (two) of the evaluation process.

The following are compulsory requirements and if not submitted the bidder will not progress to stage 2 (two) of the evaluation process:

Pre-Qualification Requirements	Check list √ Tick each box
SBD 1 Completed, attached, and signed	
SBD 3.1: Completed, attached	
SBD 4: Completed, attached, and signed	
SBD 6.1: Completed, attached and signed	
Terms of Reference document: Completed, attached and signed	
General Conditions of Contract: Initialled and attached	
Proof of registration on Central Supplier Database (managed by National Treasury) a report not older than a month of the date of submission must be submitted	
Valid Fidelity Fund Certificate for the practitioner/s	
Letter of Good standing for the practitioner/s	
Certificate of Right of appearance in Courts for the practitioner/s	

Note: All SBD forms must be submitted (signed) noting where it is not applicable. If any specific SBD form is not submitted, documentary proof clearly stating the reasons must be attached.

Failure to adhere to the above conditions will invalidate the proposal.

Bidders must also supply the following documents (where applicable).

Other Requirements	Checklist √ Tick each box
Valid B-BBEE Certificate or attach (certified copy) or Sworn Affidavit	
Company Registration documents	

4.2 Stage 2: Elimination of proposals on grounds of functionality

No	Description	Subdivision of Functional Criteria	Points Weighting	Total Points
1	Company Experience, Skills and Ability of Service Provider (the service provider must provide a detailed company profile)	Relevant experience on similar service (legal service in public sector) 1- 3 years=5 points 4-7 years=10 points 8-10 years=15 points Above 11 years=20 points	20	
2	Technical Approach and Methodology	Comprehensive proposed legal methodology to be adopted demonstrating an understanding of NAMC's requirements in accordance with the scope of work as described under Point 3 above.	25	
3	Personnel Experience and qualification (The bidder must provide an organogram which details the team that will be allocated to NAMC together with their cv and qualifications)	Experience of the Lead Attorney/ Legal Advisor – Seven (7) years post-admission experience as an Attorney (Proof should be the Legal Advisor/ Attorney profile) Detailed CV that shows experience 1-3 years' experience =3 points 4-6 years' experience= 5 points More than 6 years=10 points Experience of an Associate post admission 1-3 years' experience = 3 4-6 years' experience = 5 More than 6 years' experience= 10	20	

No	Description	Subdivision of Functional Criteria	Points Weighting	Total Points
		Expertise of the Middle level personnel: Legal Qualifications and competency- demonstrate capacity to deliver (certified copies of qualifications) Qualifications No tertiary qualification=0 LLB =3 LLM=5 LLD=10	10	
		Expertise of the Junior level personnel: legal Qualifications and competency- demonstrate capacity to deliver (certified copies of qualifications) Qualifications No tertiary qualification=0 National Diploma in law =3 LLB=5 LLM=10	10	
4	References (contactable clients that were serviced in the past 36 months)	Reference Letters with positive feedback from public institutions serviced in the past 36 months (departments, SOEs, agencies and etc) 1-2 Reference letters= 5 3- 5 Reference letters=10 More than 5 Reference letters=15	15	
	<i>Minimum threshold for technical (functionality)</i>			70
	TOTAL			100

Proposals that score less than 70 points of the scores for functionality will be eliminated from further participation in the Bid Evaluation process (Stage 3).

Proposals will be evaluated for functionality as follows:

Note: The minimum qualifying score for functionality is 70 points out of 100 points. All bidders that fail to achieve the minimum qualifying score on functionality shall not be considered for further evaluation on presentation.

A point scoring system would be utilized as follows:

Score	Description
1	Does not meet requirements, or no information supplied.
2	Meet some of the requirements
3	Almost meet all requirements
4	Fully meet all requirements
5	Exceeds all requirements

4.3 Stage 3: Price and Specific Goal

- All quotations up to the rand value of R 50 000 000.00 including all applicable taxes will be evaluated on the 80/20 principle as prescribed by the Preferential Procurement Policy Framework Act 5 of 2022 and its Regulations.
- N:B - Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids to substantiate their specific goal as stated below. However, Bidders who do not submit B-BBEE Status Level Verification Certificates do not qualify for specific goals points but they will not be disqualified from the bidding process.
- The lowest acceptable price will score 80 points, the 20 specific goals points will be allocated as follows:

SPECIFIC GOAL	TOTAL POINTS
Percentage (%) Black Ownership	Points (10)
91-100	10
81-90	9
71-80	8
61-70	7
51-60	6
41-50	5
31-40	4
21-30	3
11-20	2
1-10	1
0	0
Percentage (%) Ownership By Women	Points (4)
81-100	4
51-80	3
31-50	2
1-30	1
0	0
Percentage (%) Ownership By Youth	Points (4)
81-100	4
51-80	3
31-50	2
1-30	1
0	0
Percentage (%) Ownership By People living With Disability	Points (2)
51-100	2
1-50	1
0	0

5. PRICING SCHEDULE

Proposed fee structure (inclusive of VAT) based on the following:

Description	Hourly rate Year 1	Hourly rate Year 2	Hourly rate Year 3
Candidate Attorney			
Attorney			
Director			
Taking Instructions to sue or defend			
Preparation of legal opinion			
Drafting of Notice of intention to defend			
Drafting of the Plea			
Consultation			
Court appearance			
Drafting of contract			
Vetting of contract			
Interpretation of contract			
Disbursements			
% Escalations if any			

6. VALIDITY OF PROPOSAL

- The Service Provider is required to confirm that it will hold its proposal valid for 90 days from the closing date of the submission of proposals.
- In exceptional circumstances, NAMC may solicit the bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing.

7. PROPOSAL SUBMISSION REQUIREMENTS

- All compulsory documents as stated under point 4 above.
- The bid proposal as per point 3 above
- In case of joint ventures, bidders must provide a clear agreement regarding joint venture/consortia.
- A trust, consortium or joint venture must submit a consolidated B-BBEE status level verification certificate.
- Bidders must submit 1 x original Bid document, and 1 x copy of the original.
- No late bids will be considered. It is the bidder's responsibility to ensure that the bid is sent to the correct physical address and that it is received by the NAMC before the closing date and time in NAMC's dedicated tender box or physical address. The office hours are 08h00 to 16h00 from Monday to Friday, except on public holidays.

Proposals must be submitted or delivered to NAMC at the following address:


National Agricultural Marketing Council
Old Mutual Building, Block A, 4th Floor
536 Francis Baard Street
Meintjiesplein, Arcadia, Pretoria, 0001

Closing date for submission of proposals is

8. ENQUIRIES

- **Technical and SCM Enquiries can be directed to Ms Nomathemba Dlodla** at scm@namc.co.za

9. APPROVAL

Approval			
	Name and Title	Signature	Date
Approved by:	Mashao David Mohale Chairperson of the BSC		30 November 2023

10. DECLARATION BY THE BIDDER

I, (Full names) the undersigned certify that the information provided is true and correct, and understood the contents of the document in full.

SIGNATURE :

DATE: