

**REFERENCE: RFP 06/2016**

**REQUEST FOR PROPOSAL**

**DESCRIPTION:  
A PANEL OF LEGAL ADVISORS / ATTORNEYS**

**DATE ISSUED: 22 JULY 2016**

**CLOSING DATE: 24 AUGUST 2016, 11H00**

**TENDER BOX:  
570 FEHRSEN STREET  
BROOKLYN BRIDGE  
GROUND FLOOR, LINTON HOUSE  
BROOKLYN, PRETORIA**

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## 1 INTRODUCTION

The South African Revenue Service (SARS) is uniquely placed to contribute to government's plan of action to address socio-economic growth and development, poverty alleviation and job creation. Through the vital role of providing the revenue to fund the full spectrum of initiatives, plans, programmes and strategies of national and provincial government departments, SARS plays a crucial enabling role in government delivery.

### 1.1 OVERVIEW OF SARS

#### Our Mandate

In terms of the South African Revenue Service Act, 1997 (No. 34 of 1997), SARS is mandated to:

- Collect all revenues due;
- Ensure maximum compliance with tax and customs legislation; and
- Provide a customs service that will maximise revenue collection, protect our borders and facilitate trade.

#### Our Vision

SARS is an innovative revenue and customs agency that enhances economic growth and social development, and that supports the country's integration into the global economy in a way that benefits all South Africans.

#### Our Mission

To optimise revenue yield, to facilitate trade and to enlist new tax contributors by promoting awareness of the obligation to comply with tax and customs laws, and to provide a quality, responsive service to the public.

#### Our Values

- Integrity
- Fairness
- Respect
- Trust
- Honesty
- Accountability
- Transparency

## **Our Core Outcomes**

- Increased Customs Compliance
- Increased Tax Compliance
- Increased ease and fairness of doing business with SARS
- Increased cost effectiveness, internal efficiency and institutional respectability.

## **2 PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)**

The purpose of this Request for Proposal (RFP) is to solicit proposals from Bidders to enable SARS to appoint a SARS Panel of Legal Advisors / Attorneys, hereafter referred to interchangeably as "Bidders" or "Service Providers".

The objectives and scope of work are set out in more detail in clause 7 of the RFP.

This bid document details and incorporates, as far as possible, the tasks and responsibilities of the potential "Bidder(s)", required by SARS for the establishment of a Panel of Legal Service Providers.

This Bid does not constitute an offer to do business with SARS, but merely serves as an invitation to Bidders to facilitate a requirements-based decision process.

## **3 LEGISLATIVE FRAMEWORK OF THE BID**

### **3.1 TAX LEGISLATION**

Bidders should be familiar with all tax laws applicable in the Republic of South Africa and should fully comply with such laws.

### **3.2 PROCUREMENT LEGISLATION**

SARS has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000) and the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003).

### **3.3 TECHNICAL LEGISLATIONS**

Bidder(s) should be especially knowledgeable about all legislation applicable to the services.

## **4 DURATION OF CONTRACT**

The service providers will be appointed to the Panel for a period of forty eight (48) months.

## 5 TIMELINE OF THE BID PROCESS

The validity period of this tender is 180 calendar days from the closing date and time.

The project timeframes of this bid are set out below:

Activity	Date Due
Advertisement of bid in government tender bulletin	22 JULY 2016
Non-compulsory Briefing Session	28 JULY 2016 at 11H00
Distribution of bid documents on SARS Website and advertisement in newspaper	25 JULY 2016
Questions relating to bid from Bidder(s)	25 JULY to 15 AUGUST 2016
Bid Closing date	24 AUGUST 2016 at 11H00
Notice to Bidder(s)	OCTOBER/NOVEMBER 2016*

\* Subject to change

All times given in this bid are South African Standard Time.

Any time or date in this bid is subject to change at SARS's discretion. A reference to a time or date in this bid does not create an obligation on the part of SARS to take any action, or create any right in any way for any Bidder to demand that any action be taken on that specific date or at that specific time. The Bidder accepts that, if SARS extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this BID otherwise apply equally to the extended deadline.

## 6 CONTACT

A nominated official of the Bidder(s) can make enquiries in writing, to the specified person, Mr. Aser Makgate (Procurement Tender Office) via email [tenderoffice@sars.gov.za](mailto:tenderoffice@sars.gov.za) and copy [rft-professionalservices@sars.gov.za](mailto:rft-professionalservices@sars.gov.za). Bidders must reduce all telephonic enquiries to writing and send same to the above email addresses.

## 7 SCOPE OF WORK/SPECIFICATION/BUSINESS REQUIREMENTS

### 7.1 BACKGROUND

The purpose of this specification is to present to Bidders the requirements of the South African Revenue Service ("SARS") for legal firms to serve on a Panel of approved Legal Service Providers. SARS may from time to time utilise the services of the aforesaid panellists to provide legal and labour assistance to SARS, which assistance may include instituting or defending legal actions on behalf or against SARS and/or the provision to SARS of complex legal opinions. Bidders should note that SARS also makes use of the legal services of the State Attorney.

## 7.2 APPOINTMENT TERMS

7.2.1 The SARS does not guarantee that successful bidders will receive work during their appointment term. Service providers will be used on an ad hoc basis as and when required by the SARS.

7.2.2 Successful bidders will be appointed for a period of forty eight (48) months.

7.2.3 Bidders may submit proposals to be appointed to SARS's Panel in respect of the following legal service categories:

- Category 1: Tax law;
- Category 2: Commercial law; Company law and Banking law;
- Category 3: Constitutional law; Administrative law and Public Procurement law;
- Category 4: Information Technology law and Intellectual Property law;
- Category 5: Customs & Excise law;
- Category 6: Property law and Insolvency law;
- Category 7: Labour law; and
- Category 8: General legal assistance (such as general litigation, damages claims, debt collection etc.).

7.2.4 Bidders may submit proposals in respect of any one (1) or a combination of the eight (8) legal service categories.

7.2.5 For pricing purposes Legal Advisors / Attorneys employed by the bidder will be divided into five tiers –

- Tier 1: Trainees / Candidate Attorneys
- Tier 2: Legal Advisors / Attorneys with 3 (three) years or less relevant post-article experience;
- Tier 3: Legal Advisors / Attorneys with more than 3 (three) years, but equal to or less than 7 (seven) years' relevant post-article experience;
- Tier 4: Legal Advisors / Attorneys with more than 7 (seven) years but equal to or less than 15 (fifteen) years' relevant post-article experience; and
- Tier 5: Legal Advisors / Attorneys with more than 15 (fifteen) years' relevant post-article experience.

The title of a Legal Advisor / Attorney i.e. director, associate or professional assistant will thus not determine the fee which may be charged by such director, associate or professional assistant. Professional fees charged may not exceed the pre-determined percentages for deviation allowed in respect of each tier, as set out below. A director with 3 (three) years or less post-article experience and who qualifies as a tier 2 Legal Advisor / Attorney, may thus not charge a fee equivalent to that of a tier 5 Legal Advisor / Attorney.

- 7.2.6 Legal Advisors / Attorneys will not be allowed to deviate from SARS's Schedule of Proposed Tariffs by more than the pre-determined maximum percentages in respect of such Legal Advisor / Attorney's applicable tier.
- 7.2.7 The pre-determined maximum percentages allowed for deviation from the proposed tariffs must be calculated with reference to the base fee proposed for such line item:
- Tier 1: No deviation is allowed;
  - Tier 2: A deviation of up to 30% of the proposed fee is allowed;
  - Tier 3: A deviation of up to 40% of the proposed fee is allowed;
  - Tier 4: A deviation of up to 50% of the proposed fee is allowed; and
  - Tier 5: A deviation of up to 60% of the proposed fee is allowed.
- 7.2.8 SARS reserves the right to indicate the level of Legal Advisor / Attorney that is required to render the specific legal services to SARS, with reference to the aforesaid tiers. Should a service provider choose to assign a Legal Advisor / Attorney who falls in a higher tier to attend to the instruction, such service provider may not charge the higher fee.
- 7.2.9 In the event that SARS has not prescribed the level of Legal Advisor / Attorney required for a specific instruction, the bidder must in good faith appoint a Legal Advisor / Attorney with suitable experience and qualifications.
- 7.2.10 In the event that a Legal Advisor / Attorney moves to a new tier during the service provider's appointment term, the service provider shall notify SARS accordingly in writing and SARS shall have the right to request another Legal Advisor / Attorney from the service provider who is at the same tier as the Legal Advisor / Attorney who as initially appointed to replace him/her before such Legal Advisor / Attorney renders his/her next account to SARS.
- 7.2.11 The service provider is required to advise SARS of any new professional staff members appointed during the the contract term to attend to SARS's instructions and shall furnish SARS with a short curriculum vitae, including the appointee's applicable tier, prior to such new appointee commencing work on a SARS matter.
- 7.2.12 Service providers will be regarded as having acted in bad faith in the event that SARS finds:
- instructions and/or duties that could be attended to, or executed by junior staff members have been assigned to senior Legal Advisors / Attorneys and billed for at such senior staff members' rates;
  - multiple Legal Advisors / Attorneys have been assigned to attend to a single instruction without any proper justification, such as the complexity or magnitude of a matter and/or the service provider failed to request SARS's prior permission in writing to appoint multiple Legal Advisors / Attorneys for such an instruction; and

- unrealistic time billing taking into account the nature (i.e. relative simplicity) of any action performed and/or service rendered by a Legal Advisor / Attorney.

The aforesaid list is not exhaustive. Bidders must note that transgressions such as the above may lead to SARS electing not to make any further use of the services of such legal service provider.

### **7.3 CONFIDENTIALITY**

7.3.1 It will be expected from the bidder to sign the SARS Oath of Secrecy.

7.3.2 The bidder undertakes, at all times during the existence of the contract or any renewal thereof or after termination thereof, not to reveal any confidential or sensitive information or knowledge concerning SARS or clients of SARS.

### **7.4 EXPERTISE REQUIRED**

Both the Revenue and High Court Litigation Units of SARS have as their main functions to successfully dispose of litigious tax related matters and to achieve either a win or a favourable outcome for SARS. For this reason SARS requires service providers who are both skilled in and knowledgeable about all types of tax legislation. Service Providers are encouraged to support the development and employment of HDI's (including counsel). SARS requires the services to be rendered in the most cost efficient manner possible. The High Court Litigation Unit regularly receives (or even launches) matters on an urgent basis and as such the need is there for service providers to expeditiously deal with instructions received from SARS.

The Customs and Excise Litigation Unit of SARS requires service providers to timeously and effectively handle notices of intended litigation, as well as subsequent litigation instituted against the Commissioner of SARS in respect of determinations and decisions made in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964). The Unit will require service providers to provide legal opinions to the Commissioner, exchange correspondence on instruction, brief counsel and experts and all matters relating thereto.

The Corporate Legal Services and Employee Relations Units of SARS deal with all non-tax related matters. To be of assistance to these Units, the service provider will be expected to advise SARS on commercial matters such as contract drafting, contract negotiations and contractual disputes; intellectual property rights and information technology law; procurement processes, tender compliance; administrative justice and labour law. Service Providers will further be expected to assist the aforesaid Units with damages claims or other claims sounding in money, including debt collection and/or any related legal services. Bidders with a strong background in commercial law, company law, banking law, intellectual property law, information technology law, constitutional law, administrative law, public procurement law, labour law, insolvency law, property law and/or damages claims is required. Bidders must be willing and/or capable of enforcing and/or protecting SARS's rights and interests in any appropriate forum and be prepared to do so on an urgent basis, if necessary.

## 7.5 MINIMUM REQUIREMENTS FROM THE BIDDER(S)

- 7.5.1 An admitted attorney, who is in good standing with the Law Society of South Africa and who holds a Fidelity Fund Certificate (if a practising attorney);
- 7.5.2 A legal practice/consultancy that has been established for a minimum period of 5 (five) years. Alternatively, at least half of the directors or partners of the legal practice/consultancy, or the sole proprietor has at least 7 (seven) years post-article experience; and
- 7.5.3 Failure by a bidder to comply with the above minimum requirements will result in such Bidder's proposal not being evaluated.

## 7.6 DOCUMENTATION REQUIRED

Bidders must submit all the required information for each category they are tendering for. Each category will be evaluated independent of each other and it is therefore important that Bidders respond to all the required information separately should they be submitting proposals in one (1) or any combination of the eight (8) categories.

Bidders must refer to the following Annexures in their response to the documentation required for each category:

- ANNEXURE A: All Bidders **must** complete Annexure A once;
- ANNEXURE A1: CATEGORY 1 – Tax Law;
- ANNEXURE A2: CATEGORY 2 - Commercial Law; Company Law and Banking Law;
- ANNEXURE A3: CATEGORY 3 - Constitutional Law; Administrative Law and Public Procurement Law;
- ANNEXURE A4: CATEGORY 4 - Information Technology Law and Intellectual Property Law;
- ANNEXURE A5: CATEGORY 5 - Customs & Excise Law;
- ANNEXURE A6: CATEGORY 6 - Property Law and Insolvency Law;
- ANNEXURE A7: CATEGORY 7 - Labour Law; and
- ANNEXURE A8: CATEGORY 8 - General Legal Assistance (such as general litigation, damages claims, debt collection etc.)

## 7.7 DOCUMENTATION REQUIRED

Bidders are required to submit:

- 7.7.1 A Company Profile including detailed CV's of all Key Personnel set out as follows:

[\* Refer to relevant Annexure as outlined in 7.6]

- 7.7.1.1 The history of the legal practice/consultancy and experience of Key Personnel in practice management. (Supporting documentation such as certified copies of Company registration documents or partnership agreements, practice numbers, Admission Certificates, Practice

Management Certificates and Fidelity Fund Certificates must be furnished to SARS. Failure to submit the aforesaid documentation, may lead to Bidders' proposals not being evaluated);

- 7.7.1.2 The respective backgrounds, fields of specialisation and relevant experience of all Key Personnel;
- 7.7.1.3 The background and experience of staff members who assist such Key Personnel (i.e. secretaries, candidate attorneys, professional assistants and/or associates);
- 7.7.1.4 A matrix indicating the names of all professional staff members who will be attending to SARS matters and their applicable attorney tier (refer to paragraph 7.2.7 above);
- 7.7.1.5 Information on support staff (i.e. bookkeepers, receptionists, administrative staff (i.e. filing clerks), messengers and/or drivers, IT support staff);
- 7.7.1.6 Information in respect of resources and infrastructure available (e.g. computers, internet, email, research, phone, fax, printing & photocopying facilities, software utilised in the firm, information security safeguards, company vehicles etc.);
- 7.7.1.7 Business references, SARS reserves the right to verify information provided; and
- 7.7.1.8 Location of the legal practice/consultancy, including distance (measured in kilometres) from the closest court(s).

7.7.2 Applicable tariffs – Refer to Annexure C, read together with Annexure B.

The proposals submitted by Bidders must be as comprehensive as possible. SARS reserves the right to request further details or supporting documentation.

## **7.8 TARIFFS**

Agreed tariffs will be reviewed on the anniversary of the Agreement, at the discretion of SARS, and if necessary, after thorough consultation with the service provider(s).

## **7.9 REFERENCES**

Bidders are required to provide the name(s) of at least three (3) current clients to whom similar legal services are being provided. Alternatively if the name of a former client/s is furnished to SARS as a reference, Bidders must indicate the reason for termination of their mandate. Bidders are obliged to include for each reference: the name of the company, the name of the contact person, the company's business address, phone number/s, the duration of the Bidder's contract with the company and a brief description of all services provided to such company.

## **7.10 CONDITIONS APPLICABLE TO APPOINTMENT**

- 7.10.1 Bidders must disclose all cases against the SARS that they are currently involved with and undertake not to use any information gained in this process to the detriment of the SARS, or in any manner that may prejudice SARS.

- 7.10.2 Regular monthly written feedback must be given to the Chief Officer: Legal Counsel, or his/her nominee on all matters received from the SARS with the service provider, at no costs to the SARS. In so far as the services relate to Labour law matters, such reports must be furnished to the Chief Officer: Human Capital and Development.
  - 7.10.3 When cases have been postponed at the request of the service provider acting on behalf of the SARS owing to non-compliance with any procedural requirements, the service provider who was negligent in this regard will bear the costs of postponement, and this amount will not be recovered from the SARS.
  - 7.10.4 In the event that a firm of attorneys or consultants merges with a firm which is not on SARS's Panel, the inclusion of such merged firm on the SARS's Panel will be subject to the written approval of the Chief Officer: Legal Counsel, or his/her nominee and it will further be subject to the following conditions:
    - 7.10.4.1 The merged firm must submit a letter of acceptance of SARS's tender conditions.
    - 7.10.4.2 A profile as per paragraph 7.7 of this specification must be submitted.
    - 7.10.4.3 The merged firm must meet the pre-evaluation requirements as per paragraph 9.1.
  - 7.10.5 Successful bidders will be required to negotiate fees with advocates before a brief is finalised. Service providers may not appoint senior counsel, unless written instructions to this effect have been received from SARS.
  - 7.10.6 Payment of legal fees by SARS will be effected within 30 (thirty) days from date of receipt of an acceptable invoice.
  - 7.10.7 SARS reserves the right not to include a Bidder on SARS's Panel of Legal Service Providers and reserves the right to only appoint a bidder to a legal service category/ies according to the Bidder's area/s of expertise.
  - 7.10.8 SARS further reserves the right during the term of this contract, if necessary, to appoint a firm of attorneys/consultants outside the approved Panel of Legal Service Providers for purposes of rendering the services to SARS, subject to the necessary procurement processes being followed.
- 7.11 Successful bidders must be prepared to enter into a service level agreement with SARS.

## **8 INSTRUCTIONS TO BIDDER(S)**

- 8.1 Bids must be properly packaged and deposited on or before the closing date and before the closing time in the tender box situated at the main entrance of the:
- SARS Procurement Centre
  - Brooklyn Bridge
  - Linton House - Ground floor

570 Fehrsen Street  
Brooklyn, Pretoria

- 8.2** Bid documents may also be posted to The Tender Office - SARS Procurement Department, Linton House, 570 Fehrsen Street, Brooklyn Bridge, Brooklyn, Pretoria, 0181.
- 8.3** Bid documents will only be considered if received by SARS before the closing date and time, regardless of the method used to send or deliver such documents to SARS.
- 8.4** Late bids will not be accepted and shall be returned to Bidder(s).
- 8.5** Bidders are required to submit the below mentioned three files as well as submit copies of each file (i.e. three original files and two duplicate files) together with 1 (one) CD-ROM/USB containing the content of both files by no later than **24 AUGUST 2016 at 11H00**. Each file as well as the CD-ROM/USB must be properly labelled and submitted in the following format:

**8.5.1 ARCH LIVER FILE 1**

Exhibit 1

- Submit proof of Central Supplier Database (CSD) Registration Report (preferably the CSD report in PDF format) from National Treasury
- Pre-qualification documents (SBD documents)
- General Conditions of Contract (GCC)
- Comments/inputs on the draft Master Service Level Agreement

Exhibit 2

- Technical Response to Annexure A

Exhibit 3 – Category 1: Tax Law

- Technical Response
- Supporting documents for technical response
- References/testimonials

Exhibit 4 – Category 2: Commercial Law; Company Law and Banking Law

- Technical Response
- Supporting documents for technical response
- References/testimonials

Exhibit 5 – Category 3: Constitutional Law; Administrative Law and Public Procurement Law

- Technical Response

- Supporting documents for technical response
- References/testimonials

Exhibit 6 – Category 4: Information Technology Law and Intellectual Property Law

- Technical Response
- Supporting documents for technical response
- References/testimonials

**8.5.2 ARCHLIVER FILE 2**

Exhibit 7 – Category 5: Customs & Excise Law

- Technical Response
- Supporting documents for technical response
- References/testimonials

Exhibit 8 – Category 6: Property Law and Insolvency Law

- Technical Response
- Supporting documents for technical response
- References/testimonials

Exhibit 9 – Category 7: Labour Law

- Technical Response
- Supporting documents for technical response
- References/testimonials

Exhibit 10 – Category 8: General Legal Assistance (such as general litigation, damages claims, debt collection etc.)

- Technical Response
- Supporting documents for technical response
- References/testimonials

**8.5.3 FILE 3**

Exhibit 1

- BEE Certificate

Exhibit 2

- 3 years audited/reviewed financial statements (a detailed explanation is required if statements are furnished for any lesser period)

- Pricing Schedule, i.e. Schedule of Tariffs as per paragraph 7.6.2.

Each file and CD-ROM/USB must be marked correctly and sealed separately for easy reference during the evaluation process.

## **8.6 AGREEMENTS**

### **8.6.1 General Conditions of Contract**

Any award made to a Bidder under this bid is conditional, amongst others, upon:

- 8.6.1.1 such Bidder as a minimum accepting the terms and conditions set out in the General Conditions of Contract (GCC), which forms part of this tender pack.
- 8.6.1.2 such Bidder accepting all terms and conditions applicable to the provision of legal services as set out in this RFP document.
- 8.6.1.3 such Bidder accepting that SARS reserves the right to vary the aforesaid terms and conditions during the course of the contract negotiations with a successful Bidder (including for purposes of better giving effect to the objectives of this bid) and further that pending the conclusion and signing of a Services Agreement, the successful bidder will be bound by the terms and conditions of the SARS General Conditions of Contract.

### **8.6.2 Master Services Agreement**

The draft Master Services Agreement constitutes the terms and conditions upon which SARS is prepared to contractually engage the prospective Bidder(s) to render the services under this bid. Bidders are requested to:

- 8.6.2.1 Indicate their acceptance of the terms and conditions set out in the draft Master Services Agreement, alternatively to propose required changes to such terms and conditions;
- 8.6.2.2 Each comment and/or amendment must be fully explained; and,
- 8.6.2.3 All changes and/or amendments to the draft Master Services Agreement must be in an easily identifiable colour font and tracked for ease of reference.

SARS reserves the right to accept or reject any or all changes or amendments proposed by Bidders. In addition, SARS reserves the right to change, amend or add to the terms and conditions of the draft Master Services Agreement.

## 9 EVALUATION AND SELECTION CRITERIA

SARS has set minimum standards (Gates) that a Bidder needs to meet in order to be evaluated and selected as a successful Bidder.

The minimum standards consist of the following:

- Pre-Qualification Criteria (Gate 0) – Bidder must submit all Standard Bidding Documents as outlined in paragraph 9.1
- Technical Evaluation Criteria (Gate 1) – Bidder must attain a minimum of 75 out of 100 points per category they are bidding for.

### 9.1 PRE-QUALIFICATION CRITERIA – GATE 0

Without limiting the generality of SARS's other critical requirements for this Bid, a Bidder must submit the documents listed in **Table 1** below. Documents must be completed and signed by the duly authorised representative of the prospective Bidder. The Bidder's proposal may be disqualified for non-submission of any of the documents.

**Table 1**

Name of the document that must be submitted	Non-submission may result in disqualification?
Proof of Central Supplier Database (CSD) Registration Report (preferably the CSD report in PDF format) from National Treasury	<b>YES</b> – Bidders must register on Central Supplier Database System and submit the Report as confirmation of registration.
SARS's Oath of Secrecy	<b>YES</b> – Please complete and sign the supplied pro forma document in the presence of a Commissioner of Oaths and initial every page.
Invitation to Bid – SBD 1	<b>YES</b> – Please complete and sign the supplied pro forma document.
Pricing Schedule – Annexure C	<b>YES</b> – Please submit full tariff details to SARS as per Annexure C
Declaration of Interest – SBD 4	<b>YES</b> – Please complete and sign the supplied pro forma document.
Preference Point Claim Form – SBD 6.1	<b>NO</b> – Non-submission will lead to a zero score for B-BBEE.
Declaration of Bidder's Past Supply Chain Management Practices – SBD 8	<b>YES</b> – Please complete and sign the supplied pro forma document.
Certificate of Independent Bid Determination – SBD 9	<b>YES</b> – Please complete and sign the supplied pro forma document

### 9.2 TECHNICAL EVALUATION (GATE 1) = 100 POINTS

Only Bidders that have met the Pre-Qualification Criteria (Gate 0) will move to Gate 1 for evaluation based on the prescribed Technical Criteria. In the Technical Evaluation phase (Gate 1), Bidders will need to attain a minimum of 75 out of 100 points per category they are bidding for.

The Bidders' technical proposals will be scored as follows:

Technical Adjudication Criteria	Points
Technical analysis <ul style="list-style-type: none"> <li>• Respective backgrounds, fields of specialisation and relevant experience of Key Personnel</li> <li>• Backgrounds and experience of staff members assisting Key Personnel</li> <li>• Resources and Infrastructure</li> <li>• Support staff</li> <li>• References/Testimonials from clients</li> </ul>	100

### 9.3 PRICE AND B-BBEE EVALUATION (GATE 2)

#### 9.3.1 Stage 1 – Price Evaluation (0 Points)

Bidders are required to submit the pricing schedule in Annexure C. The Pricing Tariffs will be used for internal analysis, and will form part of future engagement with the successful bidders as and when the services are required:

9.3.1.1 A Schedule of SARS's Proposed Tariffs is attached as Annexure B.

9.3.1.2 Bidders must clearly indicate their respective tariffs in the Pricing Schedule attached as Annexure C, taking into account SARS's Schedule of Proposed Tariffs as well as the pre-determined maximum percentages for deviation allowed in the five tiers, as set out in paragraph 7.2 above.

9.3.1.3 Bidders must note that deviations apply and must be calculated per line item. Deviations may thus not be calculated based on the total fees payable in terms of a specific attorney tier, nor on the total overall fees payable in terms of such bidder's Pricing Schedule.

9.3.1.4 Bidders must complete the Pricing Schedule which is attached as Annexure C in full, regardless of whether the bidder employs Legal Advisors / Attorneys who fall in each tier or not. Should a bidder fail to provide SARS with a 100% completed Pricing Schedule [i.e. in respect of all 8 (eight) attorney tiers], the SARS Proposed Tariffs set out in Annexure B will be applicable to all cells left blank in such bidder's Pricing Schedule.

9.3.1.5 Bidders must note that tariffs stipulated in their Pricing Schedules will be reviewed on the anniversary of the Agreement, at the discretion of SARS, and if necessary, after thorough consultation with the service provider(s).

- 9.3.1.6 Where "N/A" appears in any cells in SARS's Proposed Schedule of Tariffs, the bidder is not allowed to charge more than the maximum fee proposed for such line item, despite the Legal Advisor / Attorney attending to such item perhaps falling in a higher attorney tier.
- 9.3.1.7 Bidders will be ranked according to the overall percentages with which the bidder's fees deviate from SARS's Schedule of Proposed Tariffs.
- 9.3.1.8 Fees above the maximum deviation allowed in respect of a specific attorney tier may be negotiated with SARS on a case by case basis in the following instances, namely where –
- 9.3.1.8.1 instructions are received from SARS to attend to a very urgent matter on extremely short notice;
- 9.3.1.8.2 instructions are received from SARS to attend to a highly complex matter; or
- 9.3.1.8.3 the services of a specific, highly skilled attorney is requested by SARS (i.e. by name).

Bidders must disclose to SARS upfront, before an instruction is accepted, that such acceptance is subject to an increased fee being negotiated with SARS. Approval of a bidder's request for an increased fee will be subject to SARS's sole discretion.

- 9.3.1.9 SARS reserves the right not to utilize the services of a legal service provider on the SARS Panel whose fees exceed the maximum percentage of deviation allowed in a specific attorney tier, unless the necessary approval has been granted by SARS in terms of paragraph 9.3.1.8 above. In the event that SARS, at its sole discretion, is of the opinion that a calculation error may have occurred on the bidder's Pricing Schedule, clarification will be sought from such bidder.

#### 9.3.2 Stage 2 – B-BBEE Evaluation (10 points)

Adjudication Criteria	Points
A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1) and a B-BBEE Certificate (B-BBEE Certificate and/or submission of SBD 6.1)	10

The checklist below indicates the B-BBEE documents that must be submitted for this tender. Failure to submit the required documents will result in bidders scoring zero for B-BBEE.

Turnover	Classification	Submission Requirement
Exempted Micro Enterprise (EME)	Below R10 million p.a.	Certified Copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency or a Registered Auditor approved by the Independent Regulatory Board for Auditors ("IRBA") or a letter from an Accounting Officer as contemplated in the CCA.

Turnover	Classification	Submission Requirement
Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	Certified Copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency or a Registered Auditor approved by IRBA.
Large Enterprise (LE)	Above R50 million p.a.	Certified Copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency or a Registered Auditor approved by IRBA.

Bidders who do not claim Preference Points will be scored zero for BEE and cannot be excluded from the tender process.

SARS will accept B-BBEE Certificate issued on the revised B-BBEE Codes.

#### 9.3.2.1 Use and acceptance of Affidavits

All companies will need to request the information which proves Black Ownership and Turnover in addition to the Affidavit, or request that their EME/QSE suppliers be verified and have this confirmed on the Affidavit.

SARS reserves the right to request that bidders submit their Black ownership and turnover information in support of their Affidavits.

#### 9.3.2.2 Joint Ventures and Consortiums

Incorporated JVs must submit the B-BBEE status of the entity. Unincorporated JVs must submit a consolidated B-BBEE scorecard as if they were a group structure for every separate tender.

#### 9.3.2.3 Sub-contracting

Bidders who want to claim Preference points will have to comply fully with regulation 11(8) and 11(9) of the PPPFA Act with regard to sub – contracting:

- **Regulation 11(8)**

A person must 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 EME that has the capability and ability to execute the sub-contract.

- **Regulation 11(9)**

A person 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 EME that has the capability and ability to execute the sub-contract.

#### 9.3.2.4 **Proof of Existence: Joint Ventures and/or Sub-Contracting**

Bidders must submit concrete proof of the existence of joint ventures and/or sub-contracting arrangements. SARS will accept signed agreements as acceptable proof of the existence of a joint venture and/or sub-contracting arrangement.

The joint venture and/or sub-contracting agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or sub-contracting party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or sub-contracting arrangement.

### 9.4 **FINANCIAL STATEMENT ANALYSIS**

Bidders must submit 3 (three) years of audited/reviewed financial statements which provide a comprehensive view of their financial viability. Financial statement analysis will be used to determine the financial stability of the recommended bidder(s). Submission of financial statements for any lesser period must be accompanied by a detailed explanation.

9.4.1 The annual financial statements must contain:

- 9.4.1.1 Statement of Profit and Loss and Other Comprehensive Income
- 9.4.1.2 Statement of Financial Position
- 9.4.1.3 Statement of Cash Flows
- 9.4.1.4 Accompanying Notes

9.4.2 Entities which are trading for less than 3 (three) financial periods should provide:

- 9.4.2.1 A letter detailing the fact, signed by a duly authorised representative of the entity; and
- 9.4.2.2 Any other information or documentation which would provide more clarity on the financial history of the bidder.

9.4.3 In the event that the subsidiary is the bidding entity and submits the financial statements of the holding company for financial evaluation purposes, the holding company must furnish a Performance Guarantee that is signed by a duly authorised representative of the entity.

9.4.4 In the event of the bid being in the form of a Joint Venture (JV), the following is required:

- 9.4.4.1 Annual financial statements of the JV; and
- 9.4.4.2 JV legal agreement detailing the percentage ownership of each entity.

SARS reserves the right to request further information with regards to the annual financial statements at a later stage.

## **10 SPECIAL CONDITIONS OF THIS BID**

### **10.1 SARS reserves the right:**

- 10.1.1 Not to award or to cancel this bid at any time and shall not be bound to accept the lowest or any bid;
- 10.1.2 To negotiate with one or more Preferred Bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other Bidder(s) who has not been awarded the status of the Preferred Bidder(s);
- 10.1.3 To accept part of a Bid rather than the whole Bid;
- 10.1.4 To cancel and/or terminate the Bid process at any stage, including after the Closing Date and/or after presentations have been made, and/or after Bids have been evaluated and/or after the preferred Bidder(s) have been notified of their status as such;
- 10.1.5 To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the Bidder(s), whether before or after adjudication of the Bid;
- 10.1.6 To correct any mistakes at any stage of the Bid that may have been in the Bid documents or that occurred at any stage of the Bid process; and
- 10.1.7 To reduce the duration of contract before appointment of the successful bidders on the panel, in which case such service providers will be informed thereof beforehand.

### **10.2 SARS REQUIRES BIDDER(S) TO DECLARE**

In a Bidder's Technical response, the Bidder is required to:

- 10.2.1 List the names of the key individual/s i.e. representative of the Bidder(s) that will act on behalf of the Bidder(s), if successful in this Bid.
- 10.2.2 Confirm that the Bidder will:
  - 10.2.2.1 Act honestly, fairly and with due skill, care and diligence, in the interests of SARS;
  - 10.2.2.2 Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;
  - 10.2.2.3 Act with circumspection and treat SARS fairly in a situation of conflicting interests;
  - 10.2.2.4 Comply with all applicable statutory or common law requirements applicable to the services;

- 10.2.2.5 Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with SARS;
- 10.2.2.6 Avoid fraudulent acts and misleading advertising, canvassing and marketing;
- 10.2.2.7 Conduct its business activities with transparency and consistently upholding the interests and needs of SARS as a client before any other consideration; and
- 10.2.2.8 Ensure that any information acquired by the Bidder(s) from SARS will not be used or disclosed unless the written consent of SARS has been obtained to do so.

### **10.3 CONFLICT OF INTEREST, CORRUPTION AND FRAUD**

SARS reserves its right to disqualify any Bidder who either itself or any of whose members (save for such members who hold a minority interest in the Bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the Bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of SARS or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity"):

- 10.3.1 engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this bid;
- 10.3.2 seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- 10.3.3 makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SARS's officers, directors, employees, advisors or other representatives;
- 10.3.4 makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- 10.3.5 accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
- 10.3.6 pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;
- 10.3.7 has in the past engaged in any matter referred to above; or
- 10.3.8 has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such Bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

#### **10.4 MISREPRESENTATION DURING THE TENDER PROCESS AND LIFECYCLE OF THE CONTRACT**

The Bidder should note that the terms of its Tender will be incorporated in the proposed Services Agreement by reference and that SARS relies upon the Bidder's Tender as a material representation in making an award to a successful Bidder and in concluding an agreement with the Bidder.

It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by SARS against the Bidder notwithstanding the conclusion of a Services Agreement between SARS and the Bidder for the provision of the services in question. In the event of a conflict between the Bidder's proposal and the Services Agreement concluded between the parties, the Agreement will prevail.

#### **10.5 PREPARATION COSTS**

The Bidder will bear all its costs in preparing, submitting and presenting its response to this bid and all other costs incurred by it throughout the bid process. Furthermore, no statement in this bid will be construed as placing SARS, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response to this bid.

#### **10.6 INDEMNITY**

If a Bidder breaches the conditions of this bid and, as a result of that breach, SARS incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds SARS harmless from any and all such costs which SARS may incur and for any damages or losses SARS may suffer.

#### **10.7 PRECEDENCE**

This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

#### **10.8 LIMITATION OF LIABILITY**

A Bidder participates in this bid process entirely at its own risk and cost. SARS shall not be liable to compensate a Bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this bid process.

#### **10.9 TAX COMPLIANCE**

No tender shall be awarded to a Bidder whose tax affairs are not in order. SARS reserves the right to withdraw an award made, or cancel a contract concluded with a successful Bidder in the event that it is established that such

Bidder was in fact not tax compliant at the time of the award, or has submitted a fraudulent Tax Clearance Certificate ("TCC") to SARS. SARS further reserves the right to cancel a contract with a successful Bidder in the event that such Bidder does not remain tax compliant for the full term of the contract. The Bidder will be required to submit a new tax clearance certificate upon expiry of a previous TCC.

#### **10.10 NATIONAL TREASURY**

No tender shall be awarded to a Bidder whose name (or any of its members, directors, partners or trustees), appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. SARS reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a Bidder has been blacklisted with National Treasury by another government institution.

#### **10.11 GOVERNING LAW**

South African law governs this bid and the bid response process. The Bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid.

#### **10.12 RESPONSIBILITY FOR SUB-CONTRACTORS AND BIDDER'S PERSONNEL**

A Bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and the personnel of its sub-contractors comply with all terms and conditions of this bid. In the event that SARS allows a Bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the Bidder and SARS will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors,

#### **10.13 CONFIDENTIALITY**

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a Bidder's Tender(s) will be disclosed by any Bidder or other person not officially involved with SARS's examination and evaluation of a Tender.

No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This bid and any other documents supplied by SARS remain proprietary to SARS and must be promptly returned to SARS upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

Throughout this bid process and thereafter, Bidders must secure SARS's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this bid relates; or (ii) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

No confidential information relating to the process of evaluating or adjudicating Tenders or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

#### **10.14 SARS PROPRIETARY INFORMATION**

Bidders must on their Bid cover letter make a declaration that they did not have access to any SARS proprietary information or any other information that may have unfairly placed that Bidder in a preferential position in relation to any of the other Bidders.

ORIGINAL

## TECHNICAL SCORECARD

### 11 ANNEXURE A – TECHNICAL SCORECARD

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- All bidders must complete Annexure A once.

	Criteria	Weight	Comment
<b>MINIMUM REQUIREMENTS</b>			
(Bidders are specifically referred to paragraph 7.5 of the RFP)			
<b>*Bidders who do not comply with the requisite minimum requirements will not be evaluated</b>			
11.1	<b>Experience of Key Personnel in practice management</b>  Legal Advisors / Attorneys must be admitted attorneys  A legal practice / consultancy must be established for a minimum period of 5 (five) years. Alternatively, at least half of the directors or partners of the legal practice / consultancy, or the sole proprietor must have at least 7 (seven) years post-article experience	<b>Mandatory Requirements</b>	Bidders must provide the following supporting documentation: <ol style="list-style-type: none"> <li>1) A short history of the legal practice / consultancy, including the opening date of the legal practice / consultancy and if a legal practice, the practice number issued by the relevant Provincial Law Society</li> <li>2) Certified copies of Admission Certificates for all Key Personnel</li> <li>3) Certified copies of Fidelity Fund Certificates for all Key Personnel (where applicable), together with an indication of the amount of cover</li> <li>4) Certified copies of the Practice Management Certificates of Key Personnel, if applicable (i.e. post 14 August 2009, alternatively proof of exemption from the relevant Provincial Law Society)</li> <li>5) Certified copies of company registration documents / partnership agreement</li> </ol>
<b>CAPABILITY TO DELIVER</b>			
<b>Resources and Infrastructure</b>			
11.2	<b>Available Resources and Infrastructure</b>	<b>20</b>	Bidders must provide information on the availability of the following: <ol style="list-style-type: none"> <li>1) Computer(s), email and internet access</li> <li>2) Software applications used in the legal practice / consultancy to provide legal</li> </ol>

			<p>services to clients</p> <p>3) Information security safeguards (i.e. anti-virus software, firewalls etc.)</p> <p>4) Back-up and disaster recovery plans</p> <p>5) Telephone and fax facilities</p> <p>6) Printing- and photocopying facilities</p> <p>7) Library / research facilities</p> <p>8) Mode of transport for service or filing of documents - please also indicate the legal practice/consultancy's approximate distance(s) from any court(s) in the area</p>
11.3	Support Staff	10	<p>Bidders must provide information on any additional support staff employed by the legal practice / consultancy, such as:</p> <p>1) Bookkeeper(s) / Accountant(s)</p> <p>2) Receptionist(s)</p> <p>3) Messenger(s) / Driver(s)</p> <p>4) Administrative staff (i.e filing clerks etc.)</p> <p>5) IT support staff</p>

## TECHNICAL SCORECARD

### 12 ANNEXURE A1: CATEGORY 1 – TAX LAW

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
12.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - <ol style="list-style-type: none"> <li>1) List such Key Personnel's:               <ol style="list-style-type: none"> <li>a) academic and professional qualifications;</li> <li>b) relevant courses and/or seminars attended;</li> <li>c) respective field(s) of specialisation;</li> <li>d) number of years of relevant (post-article) experience; and</li> <li>e) national / international recognition or awards received</li> </ol> </li> <li>2) List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships</li> <li>3) Demonstrate expertise in such Key Personnel's respective fields of specialisation</li> <li>4) List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered</li> <li>5) Confirm that Key Personnel have right of appearance in the High Court</li> <li>6) List the different forums in which such Key Personnel have appeared</li> </ol>

12.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
CLIENT FEEDBACK							
12.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1. Turn-around times</li> <li>2. Quality of feedback</li> <li>3. Accessibility and availability</li> <li>4. Reliability</li> <li>5. Customer satisfaction</li> </ol> <table border="1" data-bbox="954 1473 1442 1518"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## TECHNICAL SCORECARD

### 13 ANNEXURE A2: CATEGORY 2 – COMMERCIAL LAW, COMPANY LAW AND BANKING LAW

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
13.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - 1) List such Key Personnel's: <ol style="list-style-type: none"> <li>academic and professional qualifications;</li> <li>relevant courses and/or seminars attended;</li> <li>respective field(s) of specialisation;</li> <li>number of years of relevant (post-article) experience; and</li> <li>national / international recognition or awards received</li> </ol> 2) List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships 3) Demonstrate expertise in such Key Personnel's respective fields of specialisation 4) List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered 5) Confirm that Key Personnel have right of appearance in the High Court 6) List the different forums in which such Key Personnel have appeared

13.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
CLIENT FEEDBACK							
13.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1) Turn-around times</li> <li>2) Quality of feedback</li> <li>3) Accessibility and availability</li> <li>4) Reliability</li> <li>5) Customer satisfaction</li> </ol> <table border="1"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## TECHNICAL SCORECARD

### 14 ANNEXURE A3: CATEGORY 3 - CONSTITUTIONAL LAW; ADMINISTRATIVE LAW AND PUBLIC PROCUREMENT LAW

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
14.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - <ol style="list-style-type: none"> <li>1) List such Key Personnel's:               <ol style="list-style-type: none"> <li>a) academic and professional qualifications;</li> <li>b) relevant courses and/or seminars attended;</li> <li>c) respective field(s) of specialisation;</li> <li>d) number of years of relevant (post-article) experience; and</li> <li>e) national / international recognition or awards received</li> </ol> </li> <li>2) List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships</li> <li>3) Demonstrate expertise in such Key Personnel's respective fields of specialisation</li> <li>4) List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered</li> <li>5) Confirm that Key Personnel have right of appearance in the High Court</li> <li>6) List the different forums in which such Key</li> </ol>

			Personnel have appeared				
14.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
CLIENT FEEDBACK							
14.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1) Turn-around times</li> <li>2) Quality of feedback</li> <li>3) Accessibility and availability</li> <li>4) Reliability</li> <li>5) Customer satisfaction</li> </ol> <table border="1"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## TECHNICAL SCORECARD

### 15 ANNEXURE A4: CATEGORY 4 - INFORMATION TECHNOLOGY LAW AND INTELLECTUAL PROPERTY LAW

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
15.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - <ol style="list-style-type: none"> <li>1) List such Key Personnel's:               <ol style="list-style-type: none"> <li>a) academic and professional qualifications;</li> <li>b) relevant courses and/or seminars attended;</li> <li>c) respective field(s) of specialisation;</li> <li>d) number of years of relevant (post-article) experience; and</li> <li>e) national / international recognition or awards received</li> </ol> </li> <li>2) List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships</li> <li>3) Demonstrate expertise in such Key Personnel's respective fields of specialisation</li> <li>4) List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered</li> <li>5) Confirm that Key Personnel have right of appearance in the High Court</li> <li>6) List the different forums in which such Key Personnel have appeared</li> </ol>

15.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
CLIENT FEEDBACK							
15.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1) Turn-around times</li> <li>2) Quality of feedback</li> <li>3) Accessibility and availability</li> <li>4) Reliability</li> <li>5) Customer satisfaction</li> </ol> <table border="1" data-bbox="954 1473 1442 1518"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## TECHNICAL SCORECARD

### 16 ANNEXURE A5: CATEGORY 5 - CUSTOMS AND EXCISE LAW

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
16.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - <ol style="list-style-type: none"> <li>1) List such Key Personnel's:               <ol style="list-style-type: none"> <li>a) academic and professional qualifications;</li> <li>b) relevant courses and/or seminars attended;</li> <li>c) respective field(s) of specialisation;</li> <li>d) number of years of relevant (post-article) experience; and</li> <li>e) national / international recognition or awards received</li> </ol> </li> <li>2) List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships</li> <li>3) Demonstrate expertise in such Key Personnel's respective fields of specialisation</li> <li>4) List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered</li> <li>5) Confirm that Key Personnel have right of appearance in the High Court</li> <li>6) List the different forums in which such Key Personnel have appeared</li> </ol>

16.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
CLIENT FEEDBACK							
16.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1) Turn-around times</li> <li>2) Quality of feedback</li> <li>3) Accessibility and availability</li> <li>4) Reliability</li> <li>5) Customer satisfaction</li> </ol> <table border="1" data-bbox="954 1473 1442 1518"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## TECHNICAL SCORECARD

### 17 ANNEXURE A6: CATEGORY 6 - PROPERTY LAW AND INSOLVENCY LAW

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
17.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - <ol style="list-style-type: none"> <li>1) List such Key Personnel's:               <ol style="list-style-type: none"> <li>a) academic and professional qualifications;</li> <li>b) relevant courses and/or seminars attended;</li> <li>c) respective field(s) of specialisation;</li> <li>d) number of years of relevant (post-article) experience; and</li> <li>e) national / international recognition or awards received</li> </ol> </li> <li>2) List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships</li> <li>3) Demonstrate expertise in such Key Personnel's respective fields of specialisation</li> <li>4) List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered</li> <li>5) Confirm that Key Personnel have right of appearance in the High Court</li> <li>6) List the different forums in which such Key Personnel have appeared</li> </ol>

17.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
<b>CLIENT FEEDBACK</b>							
17.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1) Turn-around times</li> <li>2) Quality of feedback</li> <li>3) Accessibility and availability</li> <li>4) Reliability</li> <li>5) Customer satisfaction</li> </ol> <table border="1"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## TECHNICAL SCORECARD

### 18 ANNEXURE A7: CATEGORY 7 - LABOUR LAW

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
18.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - <ol style="list-style-type: none"> <li>1) List such Key Personnel's: <ol style="list-style-type: none"> <li>a) academic and professional qualifications;</li> <li>b) relevant courses and/or seminars attended;</li> <li>c) respective field(s) of specialisation;</li> <li>d) number of years of relevant (post-article) experience; and</li> <li>e) national / international recognition or awards received</li> </ol> </li> <li>2) List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships</li> <li>3) Demonstrate expertise in such Key Personnel's respective fields of specialisation</li> <li>4) List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered</li> <li>5) Confirm that Key Personnel have right of appearance in the High Court</li> <li>6) List the different forums in which such Key Personnel have appeared</li> </ol>

18.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
CLIENT FEEDBACK							
18.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1) Turn-around times</li> <li>2) Quality of feedback</li> <li>3) Accessibility and availability</li> <li>4) Reliability</li> <li>5) Customer satisfaction</li> </ol> <table border="1" data-bbox="954 1473 1442 1518"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## TECHNICAL SCORECARD

### 19 ANNEXURE A8: CATEGORY 8 - GENERAL LEGAL ASSISTANCE (SUCH AS GENERAL LITIGATION, DAMAGES CLAIMS, DEBT COLLECTION ETC.)

#### NOTES:

- Bidders must carefully read through paragraph 7 of the main RFP before responding to the SARS requirements as outlined in this Annexure.
- Bidders tendering for this category must respond to all required information as outlined below.
- Bidder's response to SARS requirements must be specific to this category they are tendering for. Generic responses will be considered as non-responsive.
- Non-submission of the required information as outlined below may render the bidder's submission as non-responsive.
- Bidder's total points will be calculated based on the points achieved in Annexure A plus the points achieved in this category.

CAPABILITY TO DELIVER			
Experience & Expertise			
19.1	<b>Background, fields of specialisation and relevant experience of Key Personnel</b>  Bidders are referred to paragraph 7.2.3 of the RFP, which sets out the respective legal service categories in which successful bidders may be appointed.	40	Bidders must submit detailed CV's of all Key Personnel that specifically - <ol style="list-style-type: none"> <li>List such Key Personnel's:               <ol style="list-style-type: none"> <li>academic and professional qualifications;</li> <li>relevant courses and/or seminars attended;</li> <li>respective field(s) of specialisation;</li> <li>number of years of relevant (post-article) experience; and</li> <li>national / international recognition or awards received</li> </ol> </li> <li>List such Key Personnel's major/key clients (current and/or past), together with an indication of the nature and duration of such attorney/client relationships</li> <li>Demonstrate expertise in such Key Personnel's respective fields of specialisation</li> <li>List high profile matters Key Personnel have worked on, as well as in what capacity legal assistance was rendered</li> <li>Confirm that Key Personnel have right of appearance in the High Court</li> <li>List the different forums in which such Key Personnel have appeared</li> </ol>

19.2	Background and experience of staff members who assist Key Personnel	10	<p>Bidders must provide background details and indicate the experience of all staff members that assist Key Personnel, such as:</p> <ol style="list-style-type: none"> <li>1) Secretary(ies)</li> <li>2) Candidate attorney(s)</li> <li>3) Professional Assistant(s) / Associate(s)</li> </ol>				
CLIENT FEEDBACK							
19.3	Written References	20	<p>Bidders must provide written references from 3 current/recent (not older than 24 months) clients to whom legal services are/were provided. The aforesaid references must be on the client's letterhead and include the name of the company, a contact name, business address, phone numbers, the duration of such specific attorney/client relationship, as well as a brief description of the legal services that are/were being provided by the Bidder to such client.</p> <p>Clients must further include on such written references their rating of the Bidder according to the following specific criteria, by using the matrix displayed below:</p> <ol style="list-style-type: none"> <li>1) Turn-around times</li> <li>2) Quality of feedback</li> <li>3) Accessibility and availability</li> <li>4) Reliability</li> <li>5) Customer satisfaction</li> </ol> <table border="1" data-bbox="954 1473 1442 1518"> <tr> <td>Excellent</td><td>Good</td><td>Average</td><td>Poor</td></tr> </table>	Excellent	Good	Average	Poor
Excellent	Good	Average	Poor				

## 20 ANNEXURE B – SARS'S SCHEDULE OF PROPOSED TARIFFS

	LEGAL ADVISOR / ATTORNEY TIERS	TIER 5	TIER 4	TIER 3	TIER 2	TIER 1
	YEARS EXPERIENCE REQUIRED	> 15 years post-article experience	> 7 years but ≤ 15 years post-article experience	> 3 years but ≤ 7 years post-article experience	≤ 3 years post-article experience	Candidate Attorney
	MAXIMUM PERCENTAGE DEVIATION ALLOWED	Up to 60%	Up to 50%	Up to 40%	Up to 30%	No deviation allowed
<b>SARS PROPOSED TARIFFS</b> * quoted per hour or portion thereof						
<b>20.1</b>	<b>TAKING INSTRUCTIONS</b>					
20.1.1	Taking instructions to sue or defend or for a counter-claim	R 2 145	R 1 540	R 1 210	R 880	R 440
20.1.2	Perusal of any necessary documents	R 2 145	R 1 540	R 1 210	R 880	R 440
<b>20.2</b>	<b>LEGAL OPINIONS</b>					
20.2.1	Preparation thereof, including research	R 2 420	R 1 540	R 1 310	R 880	N/A
<b>20.3</b>	<b>NOTICES</b>					
20.3.1	Drawing of Notice of Intention to Defend action and other formal Notices	N/A	N/A	R 1 100	R 880	R 440
20.3.2	Drawing filing sheet	N/A	N/A	R 605	R 528	R 352
<b>20.4</b>	<b>DEFENDANT'S PLEA</b>					
20.4.1	Taking instructions to draw plea and drawing of same	R 2 145	R 1 540	R 1 210	R 880	R 440
20.4.2	Taking instructions to brief Counsel and drawing brief	R 2 145	R 1 540	R 1 210	R 880	R 440
20.4.3	Sorting and arranging papers, delivery to Counsel and uplifting of brief	N/A	N/A	N/A	R 440	R 275
20.4.4	Perusal of plea	R 2 145	R 1 540	R 1 210	R 880	R 440

20.5 PLAINTIFF/DEFENDANT'S SUBSEQUENT PLEADINGS						
20.5.1	Perusal of pleadings	R 2 145	R 1 540	R 1 210	R 880	R 440
20.5.2	Re-perusing relevant papers prior to drawing pleading	R 1 540	R 1 310	R 1 045	R 880	R 440
20.5.3	Drawing pleading	R 2 145	R 1 540	R 1 210	R 880	R 440
20.5.4	Taking instructions to brief counsel and drawing brief	R 2 145	R 1 540	R 1 210	R 880	R 440
20.5.5	Sorting and arranging papers, delivery to counsel and uplifting of brief	N/A	N/A	N/A	R 440	R 275
20.6 CONSULTATION, PRE-TRIAL, INSPECTION IN LOCO						
20.6.1	Consultation and/or attendance at pre-trial and/or inspection in loco	R 2 145	R 1 540	R 1 210	R 880	R 440
20.6.2	Preparation, including re-perusal of documents where necessary	R 2 145	R 1 540	R 1 210	R 880	R 440
20.6.3	Drawing of witness statements	R 2 145	R 1 540	R 1 210	R 880	R 440
20.7 DRAWING OF DISCOVERY AFFIDAVITS AND SUPPLEMENTARY DISCOVERY						
20.7.1	Re-perusing of papers	R 1 540	R 1 210	R 1 045	R 880	R 440
20.7.2	Taking instructions and drawing affidavit	R 2 145	R 1 540	R 1 210	R 880	R 440
20.8 PREPARATION FOR TRIAL						
20.8.1	Preparation for trial including re-perusal of necessary documents where attorney is attending to the trial	R 2 420	R 1 815	R 1 310	R 1100	N/A
20.8.2	Taking instructions and briefing counsel on advice regarding the trial	R 2 145	R 1 540	R 1 210	R 880	R 440
20.8.3	Taking instructions and briefing counsel to attend to the trial	R 2 145	R 1 540	R 1 210	R 880	R 440
20.8.4	Preparation including re-perusal of necessary documents where counsel is employed to appear in court	R 2 145	R 1 540	R 1 210	R 880	R 440
20.8.5	Sorting, arranging and paginating papers	N/A	N/A	N/A	R 440	R 275
20.8.6	Drafting of Subpoena	N/A	N/A	R 1 045	R 880	R 440

<b>20.9</b>	<b>ON TRIAL</b>					
20.9.1	Attorney appearing in court at trial	R 2 420	R 1 815	R 1 320	R 1 100	N/A
20.9.2	Attorneys attendance at court where counsel is employed	R 2 145	R 1 540	R 1 210	R 880	R 440
20.9.3	Noting judgment	N/A	N/A	R 1 210	R 880	R 440
<b>20.10</b>	<b>INTERLOCUTORY APPLICATIONS</b>					
20.10.1	Instructions to make applications or to oppose same	R 2 145	R 1 540	R 1 210	R 880	R 440
20.10.2	Preparation, including re-perusal of documents	R 2 145	R 1 540	R 1 210	R 880	R 440
20.10.3	Attorney's attendance at the hearing of an unopposed application	R 1 540	R 1 210	R 1 045	R 880	R 440
20.10.4	Attorney's attendance at the hearing of an opposed application (i.e. actual time spent in court)	R 2 420	R 1 815	R 1 310	R 1 100	N/A
20.10.5	Taking instructions to brief counsel and drawing brief	R 2 145	R 1 540	R 1 210	R 880	R 440
20.10.6	Sorting and arranging papers, delivery to counsel and uplifting of brief	N/A	N/A	N/A	R 440	R 275
20.10.7	Attorney attendances at the hearing where counsel is employed	R 2 145	R 1 540	R 1 210	R 880	R 440
<b>20.11</b>	<b>CORRESPONDENCE</b>					
20.11.1	Letters written (excluding letters containing opinions)	R 1 540	R 1 210	R 1 045	R 880	R 440
20.11.2	Letters received	R 1 100	R 792	R 605	R 528	R 352
<b>20.12</b>	<b>TELEPHONE CALLS</b>					
20.1	Telephone calls made and received	R 1 100	R 792	R 605	R 528	R 352
<b>20.13</b>	<b>PHOTOCOPYING</b>					
20.13.1	Photocopying of a document	N/A	N/A	N/A	R 440	R 275

<b>20.14</b>	<b>SERVICES AND FILING</b>					
20.14.1	Services and filing	N/A	N/A	N/A	R 440	R 275
<b>20.15</b>	<b>ATTENDANCES</b>					
20.15.1	Receiving and perusing third party accounts	R 1 100	R 792	R 605	R 528	R 352
20.15.2	Any other attendances	R 1 100	R 792	R 605	R 528	R 352
<b>20.16</b>	<b>OTHER</b>					
20.16.1	Drafting memorandums containing important information	R 2 145	R 1 540	R 1 210	R 880	R 440
20.16.2	Receiving and perusing transcripts	R 1 540	R 1 210	R 1 045	R 880	R 440

## 21 ANNEXURE C – PRICING SCHEDULE

	LEGAL ADVISOR / ATTORNEY TIERS	TIER 5	TIER 4	TIER 3	TIER 2	TIER 1
	YEARS EXPERIENCE REQUIRED	> 15 years post-article experience	> 7 years but ≤ 15 years post-article experience	> 3 years but ≤ 7 years post-article experience	≤ 3 years post-article experience	Candidate Attorney
	MAXIMUM PERCENTAGE DEVIATION ALLOWED	Up to 60%	Up to 50%	Up to 40%	Up to 30%	No deviation allowed
	<b>SERVICE PROVIDER'S TARIFFS</b> *quoted per hour or portion thereof					
<b>21.1</b>	<b>TAKING INSTRUCTIONS</b>					
21.1.1	Taking instructions to sue or defend or for a counter-claim					
21.1.2	Perusal of any necessary documents					
<b>21.2</b>	<b>LEGAL OPINIONS</b>					
21.2.1	Preparation thereof, including research					N/A
<b>21.3</b>	<b>NOTICES</b>					
21.3.1	Drawing of Notice of Intention to Defend action and other formal Notices	N/A	N/A			
21.3.2	Drawing filing sheet	N/A	N/A			
<b>21.4</b>	<b>DEFENDANT'S PLEA</b>					
21.4.1	Taking instructions to draw plea and drawing of same					
21.4.2	Taking instructions to brief Counsel and drawing brief					
21.4.3	Sorting and arranging papers, delivery to Counsel and uplifting of brief	N/A	N/A	N/A		
21.4.4	Perusal of plea					

21.5	PLAINTIFF/DEFENDANT'S SUBSEQUENT PLEADINGS					
21.5.1	Perusal of pleadings					
21.5.2	Re-perusing relevant papers prior to drawing pleading					
21.5.3	Drawing pleading					
21.5.4	Taking instructions to brief counsel and drawing brief					
21.5.5	Sorting and arranging papers, delivery to counsel and uplifting of brief	N/A	N/A	N/A		
21.6	CONSULTATION, PRE-TRIAL, INSPECTION IN LOCO					
21.6.1	Consultation and/or attendance at pre-trial and/or inspection in loco					
21.6.2	Preparation, including re-perusal of documents where necessary					
21.6.3	Drawing of witness statements					
21.7	DRAWING OF DISCOVERY AFFIDAVITS AND SUPPLEMENTARY DISCOVERY					
21.7.1	Re-perusing of papers					
21.7.2	Taking instructions and drawing affidavit					
21.8	PREPARATION FOR TRIAL					
21.8.1	Preparation for trial including re-perusal of necessary documents where attorney is attending to the trial					N/A
21.8.2	Taking instructions and briefing counsel on advice regarding the trial					
21.8.3	Taking instructions and briefing counsel to attend to the trial					

21.8.4	Preparation including re-perusal of necessary documents where counsel is employed to appear in court					
21.8.5	Sorting, arranging and paginating papers	N/A	N/A	N/A		
21.8.6	Drafting of Subpoena	N/A	N/A			
<b>21.9</b>	<b>ON TRIAL</b>					
21.9.1	Attorney appearing in court at trial					N/A
21.9.2	Attorneys attendance at court where counsel is employed					
21.9.3	Noting judgment	N/A	N/A			
<b>21.10</b>	<b>INTERLOCUTORY APPLICATIONS</b>					
21.10.1	Instructions to make applications or to oppose same					
21.10.2	Preparation, including re-perusal of documents					
21.10.3	Attorney's attendance at the hearing of an unopposed application					
21.10.4	Attorney's attendance at the hearing of an opposed application (i.e. actual time spent in court)					N/A
21.10.5	Taking instructions to brief counsel and drawing brief					
21.10.6	Sorting and arranging papers, delivery to counsel and uplifting of brief	N/A	N/A	N/A		
21.10.7	Attorney attendances at the hearing where counsel is employed					

<b>21.11</b>	<b>CORRESPONDENCE</b>					
21.11.1	Letters written (excluding letters containing opinions)					
21.11.2	Letters received					
<b>21.12</b>	<b>TELEPHONE CALLS</b>					
14.12.1	Telephone calls made and received					
<b>21.13</b>	<b>PHOTOCOPYING</b>					
21.13.1	Photocopying of a document	N/A	N/A	N/A		
<b>21.14</b>	<b>SERVICES AND FILING</b>					
21.14.1	Services and filing	N/A	N/A	N/A		
<b>21.15</b>	<b>ATTENDANCES</b>					
21.15.1	Receiving and perusing third party accounts					
21.15.2	Any other attendances					
<b>21.16</b>	<b>OTHER</b>					
21.16.1	Drafting memorandums containing important information					
21.16.2	Receiving and perusing transcripts					