



**MICTSETA**

Media, Information And  
Communication Technologies  
Sector Education And Training Authority

SHAPING SKILLS, PIONEERING INDUSTRIES, EMPOWERING FUTURES

**MICT SETA Head Office;** Supply Chain Management  
19 Richards Drive, Gallagher Convention Centre,  
Gallagher House, Level 3 West Wing  
Tel +27 11 207 2600; E-mail: [bidqueries@mict.org.za](mailto:bidqueries@mict.org.za)

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MEDIA INFORMATION  
AND COMMUNICATIONS TECHNOLOGIES SECTOR EDUCATION AND TRAINING  
AUTHORITY**

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**REQUEST FOR BIDS REF: MICT/SETA/LAS/09/2022**

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**REQUIREMENT DESCRIPTION:**

**APPOINTMENT OF A PANEL OF LAW FIRMS TO PROVIDE LEGAL SERVICES TO MICT  
SETA FOR A PERIOD OF THREE (3) YEARS**

**BID CLOSING DATE: 22 MARCH 2023 at 11:00 AM**

<b>Bid Reference Number</b>	<b>MICT/SETA/LAS/09/2022</b>
<b>Bid Description</b>	<b>APPOINTMENT OF A PANEL OF LAW FIRMS TO PROVIDE LEGAL SERVICES TO MICT SETA FOR A PERIOD OF THREE (3) YEARS</b>
<b>Supplier Briefing Session</b>	<u>No Briefing Session</u>
<b>Bid Closing date &amp; time</b>	<b>22 March 2023 @ 11:00 am South African Time.</b>  <i>*Note: A bid will not be considered if it arrives a second after 11:00 am or any time thereafter. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.</i>
<b>Instruction for submission of Bid</b>	<b>The bid must be received in a sealed envelope (1 hard copy and 1 USB) marked with this RFB reference number and deposited in a tender box at the location indicated hereunder.</b>
<b>Location for Bid submissions</b>	<b>MICT SETA Head Office: Reception 19 Richards Drive, Gallagher Convention Centre West Wing, level 3 Midrand</b>
<b>Bid Validity Period</b>	<b>Bids received shall remain valid for acceptance for a period of 120 counted from the closing date of the bid.</b>

## CLARIFICATION AND COMMUNICATION

- a. All enquiries relating to this bid must be addressed in writing to [bidqueries@mict.org.za](mailto:bidqueries@mict.org.za) five days **before the closing date and time**. Queries received after this period will not be entertained.
- b. The bid reference number must be mentioned in all correspondences.

**Note:** Bidders are advised that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of **MICT- SETA** in respect of the RFB, between the closing and award date of the business.

## SUPPLIER REGISTRATION ON CSD

Prospective suppliers must register on the National Treasury Central Supplier database in terms of National Treasury circular no 4A of 2016/17. The bidder shall register prior submitting a proposal/bid.



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## RETURNABLE DOCUMENTS CHECKLIST

**Bid invitation document must be completed, signed and submitted as a whole** by the authorised Company representative. All forms must be properly completed, list below serve as a checklist of your RFB submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
<b>CSD</b> Central Supplier Database (CSD) Registration Report		
<b>SBD 1</b> - Fully completed with required proof <b>(Where applicable)</b>		
Valid Tax Clearance Certificate (S) and or proof of application endorsed by <b>SARS</b> / and or <b>SARS</b> issued verification pin		
<b>SBD 4 - Declaration of interest</b>		
Copy of joint venture/ consortium or sub-contracting agreement duly signed by all parties. <b>(Where applicable)</b>		
Financial Statements for 2022/2022 FY of the bidder		

**Note: This BID must be completed and signed by the authorised company representative**



**SBD 1: PART A: INVITATION TO BID**

SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
COMPANY REGISTRATION NUMBER			
DATE OF REGISTRATION			
VAT REGISTRATION NUMBER			
TCS PIN:		OR	CSD No:
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR NAME:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>[IF YES ENCLOSE PROOF]</b>	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>[IF YES ANSWER PART B:3 BELOW]</b>
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.			
TOTAL NUMBER OF ITEMS OFFERED	Refer to pricing schedule/costing	TOTAL BID PRICE (ALL INCLUSIVE)	Refer to pricing schedule/costing



## PART B: TERMS AND CONDITIONS FOR BIDDING

### BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES).
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

### TAX COMPLIANCE REQUIREMENTS:

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**



**BIDDING STRUCTURE**

**Bidding structure**

Indicate the type of bidding structure by marking with an 'X':

Individual bidder	
Joint Venture	
Consortium	
Subcontractors	
Other	

If the bid is submitted as a Consortium or Joint Venture or Sub Contracting Arrangement list the members of such Consortium or Joint Venture and Sub Contractors below:

**Bidder's Information (includes bids submitted Individual or as a Consortium or Joint Venture)**

<b>Supplier size type (Large or QSE or EME)</b>	
<b>First time business with MICT SETA (Yes/No)</b>	
<b>Number of existing running contracts and total value</b>	
<b>Total number of Employees</b>	

**Entity ownership**

<b>Ownership category</b>	<b>% of ownership</b>
Black or historically disadvantaged individual owned	
Black women owned	
Black youth owned	
People living with disability	
Military veteran	
Other ownership	
<b>Total (100%)</b>	



## MICT SETA -BID CONDITIONS

### 1. BID CONDITIONS

NOTE: Bids for the supply of goods or services described in this document are invited in accordance with the provision of Government Procurement: General Conditions of Contract available for download from <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/>

- a. **MICT SETA** does not bind itself to accept the lowest or any RFB, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of the RFB.
- b. No RFB shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.

#### 1.1 **MICT SETA** reserves the right to:

- a. Not evaluate and award RFB that do not comply strictly with the requirements of this RFB.
- b. Make a selection solely on the information received in the RFBs and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this RFB.
- c. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders and no change in the content of the RFB shall be sought, offered or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFB at any stage
- f. Accept a separate RFB or any RFB in part or full at its own discretion.
- g. Cancel this RFB or any part thereof at any stage as prescribed in the PPPFA regulation.
- h. Select the bidder(s) for further negotiations on the basis of the greatest benefit to MICT SETA and not necessarily on the basis of the lowest costs

### 2. COST OF BIDDING

The bidder shall bear all costs and expenses associated with preparation and submission of its RFB or RFB, and the MICT SETA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.





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## **TERMS OF REFERENCE**

# **APPOINTMENT OF A PANEL OF LAW FIRMS TO PROVIDE LEGAL SERVICES TO MICT SETA FOR A PERIOD OF THREE (3) YEARS**

## **1. INTRODUCTION**

The Media, Information and Communication Technologies Sector Education and Training Authority (MICT SETA) is a public entity established in terms of Section 9(1) of the Skills Development Act (Act No. 97 of 1998). The MICT SETA plays a pivotal role in achieving South Africa's skills development and economic growth within the 5 distinct sub-sectors it operates in, i.e., Advertising, Film and Electronic Media, Electronics, Information Technology, and Telecommunications.

## **2. OBJECTIVE AND SCOPE**

2.1. The MICT SETA invites written proposals from suitably qualified Bidders to be on the Panel of Law Firms to provide legal services relating to the legal practice areas listed below:

- i. Administrative law;
- ii. Commercial law;
- iii. Constitutional law;
- iv. Corporate governance;
- v. Data privacy law;
- vi. Government Practice;
- vii. Information Technology Law;
- viii. Labour law;
- ix. Media law;
- x. Public law; and
- xi. Any other area of law having an impact of MICT SETA's mandate.

2.2. The successful Bidders will be in a Panel of Law Firms for various legal services, and general litigation support for the MICT SETA-related work which, *inter alia*, includes the following:

- i) Reviewing and drafting service-level agreements;
- ii) Liaising with statutory/regulatory bodies, training providers, suppliers/vendors, employers and/or other stakeholders;
- iii) Negotiating, drafting and reviewing of corporate, commercial and property related agreements.
- iv) Advising on corporate governance-related matters;
- v) Advising on applicable rules, practices and relevant legislation by which MICT SETA is governed including, governance structures, duties and liabilities;
- vi) Providing legal advisory services through legal opinions;
- vii) Defending and/or instituting litigation, attending court appearances and managing the entire litigation process on behalf of the SETA;
- viii) Advising on labour law disputes;
- ix) Representing MICT SETA at public forums including, the CCMA and Labour Court; and
- x) Providing comments and inputs on legislation, regulations and policies affecting MICT SETA.



- 2.3. Bidders must demonstrate how they will manage MICT SETA litigation. Bidders must provide a step-by-step guide to effective litigation case management.
- 2.4. Bidders must indicate what pro-active measures they will put in place to assist MICT SETA in achieving its mandate as a sector education training authority and must identify any legal and compliance risks and mitigation controls.
- 2.5. Bidders must provide a communication and reporting plan. The plan must set out how often the Bidder will communicate to MICT SETA and how often the Bidder will report on the progress made on matters. The plan must be aligned with the litigation process described in clause 2.3 above.
- 2.6. The Bidders must have means to keep up to date with developments in the law that affect MICT SETA and must indicate how they will report such developments to the MICT SETA.
- 2.7. Bidder must have experience in at least three of the legal practice areas identified in clause 2.2 above. The Bidder may comprise more than one Project Team. Bidders must provide the CVs (including certified qualifications, and certified IDs) of all the Project Team members. **The bidder should clearly indicate the name & surname of the Project Team Leader on the application.**

### **3. DURATION AND PANEL OPERATION**

- 3.1. Successful Bidders will be appointed to be part of the panel of Legal Services to MICT SETA for a period of three (3) years.
- 3.2. Bidders who qualify to be on the panel may be invited to submit quotations for available projects/services as and when required depending on project and budget availability.
- 3.3. Only bidders who qualify to be in the panel will be invited to compete for allocated projects or services during these five (03) years period.

## BID EVALUATION CRITERIA

### BID EVALUATION CRITERIA

Bids received will be evaluated on the following evaluation criteria:

#### **Phase 1: Mandatory criteria**

Bids received will be evaluated on mandatory criteria as per below:

- a)** Bidders must be law firms and the Lead Legal Practitioner (Directors / Partners) must be registered with the Legal Practice Council

#### **Proof of Evidence:**

Bidder must submit a valid Fidelity Fund Certificate issued to the relevant Lead Legal Practitioner (Partner/Director) by the Legal Practice Council

- b)** Bidders must have a Certificate of Good Standing issued by the Legal Practice Council or relevant Law Society.

#### **Proof of Evidence:**

The bidder must submit a valid Certificate of Good Standing from the Legal Practice Council.

- c)** Bidders must specialise in at least three of the legal practice areas identified below:

- i. Administrative law;
- ii. Commercial law;
- iii. Constitutional law;
- iv. Corporate governance;
- v. Data privacy law;
- vi. Government Practice;
- vii. Information Technology Law;
- viii. Labour law;
- ix. Media law;
- x. Public law; and
- xi. Any other area of law having an impact of MICT SETA's mandate.

#### **Proof of Evidence:**

The bidder must submit a comprehensive Company profile indicating areas of legal practice.

**Please note:** Only bidders that have met all set mandatory requirements will move to the next stage /phase of evaluation.

**Note: All bidders not meeting the set evaluation criteria will be declared non-responsive.**

## **Phase 2: Functional/ Technical criteria**

Bids submitted will be evaluated on technical functionality out of a maximum of **100 points**. A threshold of **75 points** out of the **100 points** has been set.

Only bidders that have met or exceeded the qualification threshold on technical functionality of **75 points** will form part of the panel.

**Note:** All bidders achieving less than the set threshold of **75 points** will be declared non-responsive. Assessment of evaluation of the functional/ technical criteria will be based on the table below:

<b>FUNCTIONAL CRITERIA WEIGHING</b>		
<b>Category</b>	<b>Description</b>	<b>Maximum Points</b>
<b>Strategy</b>	<p>The bidder must provide a step-by-step guide to effective litigation case management strategy.</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"><li>▪ Identified stages in litigation, demonstrated a litigation strategy for MICT SETA, demonstrated how such an approach will assist MICT SETA and provided practical examples from previous or current litigation cases = <b>20 Points</b></li><li>▪ Identified stages in litigation, demonstrated a litigation strategy for MICT SETA and further demonstrated how such an approach will assist MICT SETA = <b>15 Points</b></li><li>▪ Identified stages in litigation and demonstrated a litigation strategy for MICT SETA= <b>10 Points</b></li><li>▪ Identified stages in litigation without demonstrating a litigation strategy for MICT SETA = <b>05 Points</b></li></ul> <p><b>Non-compliance with the minimum requirement = 0 points</b></p>	<b>20</b>
<b>Methodology and Project Plan</b>	<p>The bidder must provide a detailed plan and proactive measures on how they will assist MICT SETA in achieving its mandate, including identifying and mitigating potential risks.</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"><li>▪ Demonstrated proactive measures with a detailed plan, identified potential risks and provided a thorough analysis of potential risks with mitigation controls = <b>20 Points</b></li><li>▪ Demonstrated proactive measures with a detailed plan and identified potential risks but did not provide an analysis to mitigate the risks = <b>15 Points</b></li><li>▪ Demonstrated proactive measures with a detailed plan but did not identify potential risks = <b>10 Points</b></li><li>▪ Demonstrated proactive measures but with no detailed plan = <b>05 Points</b></li></ul> <p><b>Non-compliance with the minimum requirement = 0 points</b></p>	<b>20</b>

<b>Lead legal Practitioner - Experience and track record</b>	<p>The bidder must provide a CV of the Lead legal practitioner outlining work experience, certified qualifications, and certified ID.</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ The Lead Legal practitioner has 20 years or more experience practicing as an attorney in South Africa = <b>20 Points</b></li> <li>▪ The Lead Legal practitioner has 15 – 19 years of experience practicing as an attorney in South Africa = <b>15 Points</b></li> <li>▪ The Lead Legal practitioner has 11 – 14 years' experience practicing as an attorney in South Africa = <b>10 Points</b></li> <li>▪ The Lead Legal practitioner has 10 years' experience practicing as an attorney in South Africa = <b>05 Points</b></li> </ul> <p><b>Non-compliance with the minimum requirement = 0 points</b></p>	<b>20</b>
<b>Bidder's Team</b>	<p>Bidder's team must comprise of at least one team member other than the Lead legal practitioner who is an admitted attorney with more than 10 years of post-admission experience.</p> <p>Bidder must submit a comprehensive CV(s) of team member(s) outlining work experience, certified copies of qualifications and certified ID copies (the certified copies may <b><u>not be older than 3 months</u></b>)</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ CV(s) of admitted attorney(s), certified copies of qualifications and ID submitted not older than 3 months = <b>10 Points</b></li> </ul> <p><b>Non-compliance with the minimum requirement = 0 point</b></p>	<b>10</b>
<b>Reference Letters</b>	<p>The Bidder must provide reference letters that are signed and dated (on the client's letterhead), where the bidder has successfully provided legal services. <b><i>Bidders are to use the template provided for reference letters. (No reference letters other than those of the provided template will be accepted.)</i></b></p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder provided three reference letters with an overall rating of Excellent = <b>10 Points.</b></li> <li>▪ Bidder provided three reference letters with an overall rating of Very Good = <b>08 Points</b></li> <li>▪ Bidder provided three reference letters with an overall rating of Good = <b>06 Points</b></li> <li>▪ Bidder provided three reference letters with an overall rating of Fair = <b>04 Points</b></li> </ul> <p><b>Non-compliance with the minimum requirement = 0 points</b></p>	<b>10</b>

<b>Communication &amp; Reporting</b>	<p>The Bidder must provide a detailed communication and reporting plan indicating how developments in law will be communicated and how potential conflicts of interest will be handled.</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Provided a communication and reporting plan, indicating how developments in law will be communicated to MICT SETA and how a potential conflict of interest will be handled and provided the Bidder's Chinese wall policy = <b>20 Points</b></li> <li>▪ Provided a communication and reporting plan, indicating how developments in law will be communicated to MICT SETA and how a potential conflict of interest will be handled = <b>15 Points</b></li> <li>▪ Provided a communication and reporting plan and indicated how developments in the law that affect MICT SETA will be communicated = <b>10 Points</b></li> <li>▪ Provided a communication and reporting plan = <b>05 Points</b></li> </ul> <p><b>Non-compliance with the minimum requirement = 0 points</b></p>	<b>20</b>
<b>Total</b>	<b>100</b>	

## BIDDER'S DICLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

1.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
 .....

---

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.



2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## ANNEXURE A: BIDDER'S REFERENCE

**BIDDER'S REFERENCE:** APPOINTMENT OF A PANEL OF LAW FIRMS TO PROVIDE LEGAL SERVICES TO MICT SETA FOR A PERIOD OF THREE (3) YEARS

<b>Name</b>	
<b>Capacity/Title</b>	
<b>Organisation</b>	
<b>Contact number</b>	
<b>Email address</b>	
<b>Name of Bidder</b>	
<b>Description of legal services provided by Bidder</b>	

**1. Did the Bidder deliver the services timeously? Please elaborate and mark the relevant box "X"**

	<b>Poor</b>
	<b>Fair</b>
	<b>Good</b>
	<b>Very Good</b>
	<b>Excellent</b>

**2. How would you describe the quality of the service provided? Please elaborate and mark the relevant box "X"**

	<b>Poor</b>
	<b>Fair</b>
	<b>Good</b>
	<b>Very Good</b>
	<b>Excellent</b>

**3. Was the Bidder's behaviour professional? Please elaborate and mark the relevant box "X"**

	<b>Poor</b>
	<b>Fair</b>
	<b>Good</b>
	<b>Very Good</b>
	<b>Excellent</b>

**4. Was the Bidder readily available when needed? Please elaborate and mark the relevant box "X"**

	<b>Poor</b>
	<b>Fair</b>
	<b>Good</b>
	<b>Very Good</b>
	<b>Excellent</b>

**Do you recommend the Bidder for an appointment by MICT SETA? Please motivate.**


I, the undersigned, hereby certify that the above information is to the best of my knowledge, correct and a true reflection.

\_\_\_\_\_  
**Signature**

(Who declares that (s)he is authorised to give a reference)

MICT SETA reserves the right to contact you if deemed necessary