



Ekurhuleni Housing Company

Ekurhuleni Housing Company (SOC)
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REQUEST FOR QUOTATIONS

RFQ NO: EHCLEGAL //11//2024

Issued: 27/11/2024

	CONTACT PERSON	CLOSING DATE & TIME
REQUEST FOR WRITTEN QUOTATIONS: PROVISION OF LEGAL SERVICES	Technical Queries: Ms Busi Baloyi O11 879 8285 busib@ehco.org.za SCM Enquiries: Pheladim@ehco.org.za dollyp@ehco.org.za SCMinterns@ehco.org.za	CLOSING DATE: 06 DECEMBER 2024 CLOSING TIME: 13h00

Quotations are hereby requested from service providers

PREAMBLE

Ekurhuleni Housing Company (“EHC”) is a Municipal Entity set up in 2000. It was established to undertake the development and management of rental housing stock for low and moderate-income households in the City of Ekurhuleni.

1. OBJECTIVE

EHC wishes to identify legal practitioners that can render legal services over a broad spectrum of the fields of law as well as specific types of legal services where a bidder specialises in a specific field of law as set out hereunder.

2. PERFORMANCE STANDARDS

The Legal Firm appointed should demonstrable qualifications and experience to handle legal work in the following Service Categories/ Specialised fields/ areas of law (please tick whichever is applicable):

ITEM #:	SERVICE CATEGORIES/ SPECIALISED FIELDS/ AREAS OF LAW	TICK
1.	Property Law (specifically Evictions) and Conveyancing/Notary	
2.	Labour/Employment Law	
3.	Litigation and Dispute Resolution (High Court, Magistrate Court, Arbitration)	
4.	Debt Collection and Property Rates Law	
5.	Corporate and Commercial Law	
6.	Constitutional Law, Administrative Law, and Public Law (Local Government)	
7.	Cyber Law and Information Security (IT)	
8.	Intellectual Property Law	
9.	General Legal Services	

3. MANDATORY COMPLIANCE

The bidder must comply and submit the following documents in order for the bid to be accepted for evaluation:

ITEM #	DESCRIPTION
1.	Company profile.
2.	Respond to RFQ.
3.	Valid tax clearance/pin.
4.	All legal practitioners must submit their Admission Certificates (Court Order).
5.	Certified Director's ID copy (Not older than three months).
6.	All legal practitioners must submit their valid Certificate of Good Standing issued by the South African Legal Practice Council.
7.	All Directors must submit their valid Fidelity Fund Certificate as provided by Legislation.
8.	Completion of all MBD Forms.
9.	Company Registration Documents (copies).
10.	Provide Proof of registration with CSD.
11.	Up to date municipal account/statement for the company (not in arrears for more than 30 days). In case where a bidder is a lessee, a valid copy of a lease agreement must be supplied or a valid lease agreement in their area of jurisdiction

4. FUNCTIONALITY

For a bidder to qualify it is a requirement that a Professional Service Provider score a minimum of **16 out of a maximum of 20 points (80%)** for functionality to be evaluated further.

ITEM	CRITERIA	POINTS	VERIFICATION METHOD
1. Lead Attorney's Experience post admission		10	Signed appointment and reference letters from the relevant companies/ Organ of State / public institution.
Number of years practical experience in the specialized legal service/field applying for.	3-5 years' experience (Points = 2) 6-9 years' experience (Points = 6) 10 + years' experience (Points= 10)		A detailed CV including certified copies of admission as an attorney of high court certificate, up to date Fidelity Fund Certificate of Academic and Professional qualifications (Please Attach).
2. Professional Assistant's/ Associate's experience		5	
Number of years practical experience in the specialized legal service/field applying for.	3-5 years' experience (Points = 1) 6-9 years' experience (Points = 3) 10 + years' experience (Points= 5)		A detailed CV including certified copies of admission as an attorney of high court certificate, up to date Fidelity Fund Certificate of Academic and Professional qualifications (Please Attach).
3. In – depth experience of the law firm in Labour Relations		5	
Company Experience in Labour Relations – Law Firm must demonstrate experience in providing similar services.	3-5 years' experience (Points = 1)		Signed appointment and reference letters from the relevant companies/ government / public institution.

	6-9 years' experience (Points = 3)		
	10 + years' experience (Points= 5)		
TOTAL		20	

5. PRICING SCHEDULE

In addition to other costs that a bidder may highlight, the following should be included when preparing quotations:

COST BREAKDOWN

MAGISTRATE COURT AND/OR HIGH COURT			
ITEM #:	DESCRIPTION	FEES	DISBURSEMENT
1.	Taking Instructions		
2.	Drawing Summons		
3.	Drawing Particulars of Claim/ Declaration/Affidavit		
4.	Drawing up Court documents		
5.	Preparation of hearing		
6.	Sorting and paginating		
7.	Daily rate/fee		
8.	Drawing of letter		
9.	Attendance to receive letter		
10.	Perusal of documents		
11.	Telephone call per 5min		
12.	Consultation		
13.	Travelling time		
14.	Travelling costs per km		

15.	Waiting time at Court		
16.	Attendance at settlement negotiation		
17.	Attend to research		
18.	Attendance for index and paginating,		
19.	Attendance for drawing, service and filing		
20.	Copy per page		
21.	Attendance for sending an e-Mail		
22.	Attendance to draw heads of arguments, including the drawing, service and filing		
23	Fees for recovery of legal costs on behalf of EHC per the percentage of the recovered amount but excluding disbursement. The fees include but not limited to taking instructions, drawing and receipt of letters, drawing and filing of court documents, appearance at court at etc.		
24.	Monthly retainer		

6. EVALUATION IN TERMS OF PPPFA REGULATIONS 2022 (AS AMENDED):

This bid will be evaluated and adjudicated according to the 80/20 preference point system, in terms of which a maximum of 80 points will be awarded for price and 20 points will be awarded for specific goals.

80/20 PREFERENCE POINT COMPONENTS		POINTS
PRICE		80
SPECIFIC GOALS		20
Bidders residing in the Ekurhuleni Municipality region		05

Enterprises with at least 51% ownership historically disadvantaged people		03
Bidders with at least 51% women ownership		04
Bidders with disability		03
Bidders with at least 51% black ownership		05
Total		100

NB: Bidders must complete all attached MBD forms.

Should you not hear from us within 10 working days after closing date, please consider your proposal unsuccessful.

All prices must be VAT inclusive and include all other related costs.

Submissions must be emailed to: info@ehco.org.za or hand delivered to EHC head office (at Hanover building, cnr Hendrik Potgieter & 7th Ave Edenvale) in a sealed envelope **IN A RED TENDER BOX BY THE RECEPTION. PLEASE SIGN SUBMISSION REGISTER.**

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences,

in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

80/20

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 points is allocated for price on the following basis:

80/20

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.
(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises located in the Ekurhuleni municipal area		05		
Enterprises with at least 50% ownership historically disadvantaged people		03		
Bidders with at least 51% disability ownership		03		
Bidders with at least 51% women ownership		04		
Bidders with at least 51% black ownership		05		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

