



1. Background

- 1.1. The South African National Blood Services (SANBS) is a non-profit Company and receives no funding from the government.
- 1.2. SANBS is primarily responsible for providing blood and blood products.
- 1.3. SANBS operates across South Africa, with the exclusion of Western Cape.

2. Objective

- 2.1. The objective of this bid is to appoint suitable, qualified and competent legal firms with adequate capacity and experience in dealing with legal issues.
- 2.2. The purpose of the request is to present SANBS' requirements for the appointment of the firms of attorneys to serve as SANBS' Panel of Attorneys.

3. Terms and Conditions of Contract

- 3.1. This Request for Proposal (RFP), as compiled by SANBS is being made available on the same basis to all bidders and all bidders submitting a response thereto will be deemed to do so on the basis that they acknowledge and accept the terms and conditions set out below.
- 3.2. Supplier performance management is viewed by SANBS as a critical component in ensuring value for money acquisition and good supplier relations between SANBS and all its suppliers. The successful bidder shall upon receipt of written notification of an award, be required to conclude a Memorandum of Agreement (MOA) which will form an integral part of the supply agreement. This MOA will serve as a tool to measure, monitor and assess the supplier's performance and ensures effective delivery of service, quality and value-add to SANBS. The scope of work shall form part of the aforementioned agreement as it arises through the duration of this agreement

3.3. Confidentiality

3.3.1. The bidder undertakes, at any time during the term of its appointment and after any termination or cancellation thereof, **not to:**

(a) directly or indirectly disclose, or

(b) directly or indirectly use,

whether for its own benefit or that of any other person any confidential information of SANBS including that of or any information relating to its clients, customers, suppliers, donors, sponsors or agents.

3.4. Intellectual property rights

3.4.1. All copyright and intellectual property rights that may result as consequences of the work to be performed will become the property of SANBS.

3.4.2. Firms of attorneys must hand over all documents and information in any format, including copies thereof, that it received from SANBS or that it had access to during the assignment immediately after completion of the assignments to SANBS.

4. Scope of Work

4.1. SANBS has provided a table of the scope of work below, which the bidders need to comply with as provided. Please tick (✓) the categories you are bidding for.

NO	Area of expertise	Scope of Work	Skills required	Tick(✓)
1.	Medical or Health law	<ul style="list-style-type: none">• Provide advice on matters such as ethical issues and other equally sensitive issues.• Provide legal opinions on medical and health related issues.• Represent and appear in court on behalf of SANBS	<ul style="list-style-type: none">• Knowledge of the regulatory issues of the healthcare industry.• Knowledge and understanding of health legislations• Excellent research and drafting skills for purposes of preparing legal opinions in the health sector.	
2.	Environmental law	<ul style="list-style-type: none">• Provide legal opinions on environmental	<ul style="list-style-type: none">• Comprehensive understanding of environment law	

		legislation and regulations		
3.	Labour/Employment law	<ul style="list-style-type: none"> • Provide legal opinions on labour, employment benefits and employment law related matters. • Assist in disciplinary hearings, arbitrations and Labour Court • Assist in collective bargaining processes • Provide labour law training where necessary 	<ul style="list-style-type: none"> • An understanding of labour law and employment law jurisprudence for purposes of providing legal opinions. • Knowledge of CCMA and other dispute resolution forum. • Experience in reviews at Labour Court. • Experience at the Labour Appeal Court 	
4.	Commercial and Corporate law	<ul style="list-style-type: none"> • Provide legal opinions of a commercial and corporate law nature; • Advise on legal issues arising from asset, risk and debt management 	<ul style="list-style-type: none"> • Excellent research and drafting skills, for purposes of preparing legal opinions of a commercial and corporate law nature. • Ability to work and delivery of specific outputs on time • Experience in providing advice in general corporate law • 	
5.	Litigation	<ul style="list-style-type: none"> • Conduct litigation on behalf of SANBS (e.g. handling of pleadings etc.) • Ensure effective and efficient litigation process is followed • Provide custody of all pleadings and documents in litigation matters • Provide oral and written legal advice throughout litigation process • Avoid prescriptions, barring and default judgments • Represent and appear at Court on behalf of SANBS 	<ul style="list-style-type: none"> • Experience in providing opinions in matters • Knowledge of litigation processes and procedures in various forums including but not limited to the High Court, SCA, Constitutional Court and Magistrate Court • Comprehensive and coherent understanding of all laws and regulations 	
6.	Tax Law	<ul style="list-style-type: none"> • Advise on tax issues 	<ul style="list-style-type: none"> • Knowledge and understanding of South African tax regime, including but not limited to principles of taxation, forms of taxation and tax reforms • In some cases, understanding specialized areas of tax legislation. • Knowledge of tax specific legislation 	

7.	Communication Information Technology Law	<ul style="list-style-type: none"> Advice on all aspects of IT law, such as inter alia, service level agreements pertaining to system integration, software, website development etc. 	<ul style="list-style-type: none"> Experience in IT law and communication, including cyber law 	
8.	Property Law, Conveyancing Practice	<ul style="list-style-type: none"> Provide legal opinions on property law and conveyancing practice 	<ul style="list-style-type: none"> Comprehensive and understanding on property law, conveyancing practice matters 	
9.	Constitutional & Administrative law	<ul style="list-style-type: none"> Provide legal opinions in respect of constitutional, administrative law matters. Ensure technical quality, adherence to best practice and consistency with the Constitution and other Act of Parliament. 	<ul style="list-style-type: none"> Understand regulatory framework governing Constitutional and administrative dispute resolution. Experience in providing opinions in constitutional, administrative law matters 	
10.	Intellectual Property (IP)	<ul style="list-style-type: none"> Provide legal opinion in respect of IP rights Ensure that SANBS IP is protected and enforce our IP rights 	<ul style="list-style-type: none"> Understand IP in relation to: <ul style="list-style-type: none"> Brands Copyright and related rights Patents Product design Transactional IP 	

NOTE: Bidders may submit proposals in respect of any one or a combination of the 10 services categories. Please indicate which service categories under 4.1 you are bidding for. Bidders must indicate in their proposals the relevant experience and exposure as well as the capacity of the bidder in relation to the selected service categories.

4.2. SANBS intends to promote broad based transformation and development of small and medium firms in this industry and as such will appoint firms in the following categories. The bidder must indicate in the table below with a tick (√) the category relevant to it:

FIRM CATEGORY	DEFINITION	PLEASE TICK(√)
Category 1: Small Firms	Firms with an annual turnover of not more than R10 million	
Category 2: Medium Firms	Firms with an annual turnover greater than R10 million but less than R50 million	

Category 3: Large Firms	Firms with an annual turnover greater than R50 million	
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NOTE: Bidder must submit their latest audited financial statements as proof of their annual turnover as confirmed by an independent accountant. Small businesses with no financial history, must submit a letter from an independent accounting firm confirming their financial status and/or projections.

5. Reporting Relationship

The respective firms of attorneys will report to the Legal Manager and/or Company Secretary of SANBS.

6. Duration

The duration of the project is for thirty-six (36) months from the date of appointment.

7. Special Conditions of invitation

7.1. Only legal practices established and registered in accordance with the provisions of the Attorneys Act, 1979 (Act No. 53 of 1979 as amended) will be considered for the Panel of Legal Attorneys.

7.2. SANBS does not guarantee that bidders will receive instructions in the event that they are appointed onto SANBS panel of attorneys.

7.3. All instructions to selected attorneys on the panel of attorneys shall be given, in writing, by a duly authorised representative of SANBS.

7.4. SANBS may, at its sole discretion award an assignment or any part thereof to more than one panel member or any legal firm not forming part of the panel of attorneys depending on the nature of the assignment.

7.5. SANBS may at its own discretion vary an instruction to include more assignment.

- 7.6. The firms of attorneys may not cede or assign any part of its agreement with SANBS nor subcontract any part of the assignment to them without the prior written authorisation of SANBS.
- 7.7. Regular monthly written feedback must be given to the Legal Manager, or her nominee on all matters at no costs to SANBS.
- 7.8. Failure to comply with any conditions of this proposal will invalidate respective proposal.
- 7.9. Successful bidders will be required to negotiate fees with advocates before a brief is finalised. Service Providers may not appoint Senior Counsel, unless written instruction to this effect has been received from SANBS.
- 7.10. Payment of legal fees by SANBS will be effected within 30(thirty) days from date of receipt of the statement.
- 7.11. Where a panel falls short of other fundamental legal aspects, SANBS reserves the right to appoint firms outside the appointed panel.
- 7.12. SANBS reserves the right to interview panel members that would have been short listed for specific assignments.
- 7.13. In the event that any conflict of interest is discovered during a particular assignment, SANBS reserves the right to summarily cancel the services agreement and demand that all information, documents and property of SANBS be returned forthwith.
- 7.14. SANBS shall be entitled, in its discretion to remove a firm of attorneys from the panel before the expiry of the three (3) years period by written notice and recall all the files in the possession of the said firm of attorneys.
- 7.15. A bidder shall, in the event of a sale, acquisition, merger, or other change of control of a bidder after submission of a bid (Change Event) where such Change Event is

achieved, directly or indirectly, in a single transaction or series of related transactions, or in the event of a sale of all or substantially all of the assets of the bidder in a single or series of related transactions procure the prior written approval of SANBS, failing which SANBS shall at its own discretion exclude the bidder from further participation in the bid process.

7.16. No entity may be involved, whether directly or indirectly, in more than one Bid in response to this RFP. A failure to comply with this requirement may, within the sole discretion of SANBS, result in disqualification of the relevant entity.

8. Statutory and Technical Compliance Requirements

The following compulsory documents must accompany the proposal and failure to provide such documentation may constitute automatic disqualification (at the discretion of SANBS):

- a. Curriculum Vitae of team members with relevant experience. The bidder must indicate who the lead attorney is. The lead attorney must have the relevant experience that the entity intends to bid for;
- b. Certified copies of the LLB qualifications of team members;
- c. Certified copies of admission as attorney certificate and/or relevant admission certificates for bid areas of team members;
- d. Reference letters (on the client's company letterhead) from clients serviced in the past. The reference letter must be relevant to the area of expertise;
- e. Certified Copy of valid Fidelity Fund Certificate;
- f. Letter of Good Standing from the relevant Law Society for the responding Entity and the individual attorney's.

NB: Please note that the above requirements are mandatory and MUST accompany the proposal. Non-compliance with the above may automatically lead to disqualification.

9. Proposal Detail:

The Proposal must include but not be limited to the following salient topics:

9.1. **Executive Summary:**

This section will present a high-level synopsis of the Bidder's response to the RFP. The Executive Summary should be a brief overview of the Bidder's experience

9.2. **Scope, Approach and Methodology:**

Include detailed procedures and technical expertise by phase. This section should include a description of each major type of work being previously carried out by the Bidder. All information that is provided will be held in strict confidence.

9.3. **Project Management Approach:**

The applications of various project management tools and techniques to enable an on time and on budget project delivery.

10. **Pricing**

10.1. Bidders must submit their Pricing Schedule and in doing so must propose tariffs relevant for the following categories: -

- Candidate Attorneys
- Professional Assistant
- Associate
- Senior Associate
- Director/ Partner

10.2. The tariffs proposed will be used for contracting purposes only. The tariffs will form part of the MOA and will apply to appointments arising out of this Bid. The SANBS, however reserves the right to negotiate reduced rates based on the nature and complexity of the instruction.

10.3. SANBS reserves the right to review the proposed tariffs on the anniversary of the agreement and in its sole discretion propose to the service provider adjustments thereto.

10.4. SANBS reserves the right to indicate the level of Attorney that is required to render the specific legal services to SANBS, with reference to the aforesaid categories. Should a

service provider choose to assign an Attorney who falls in a higher category to attend to an instruction, such service provider may not charge the higher rate.

10.5. In the event that SANBS has not prescribed the level of Attorney required for a specific instruction, the bidder must in good faith appoint an Attorney with suitable experience and qualifications.

10.6. In the event that an Attorney moves to a new higher category during the service provider's appointment term, the service provider shall notify SANBS accordingly in writing and SANBS shall have the right to request another Attorney from the service provider who is at the same category as the Attorney who as initially appointed to replace him/her before such Attorney renders his/her next account to SANBS.

10.7. The service provider is required to advise SANBS of any new professional staff members appointed during the contract term to attend to SANBS' instructions and shall furnish SANBS with a short CV, including the appointee's applicable category, prior to such new appointee commencing work on a SANBS matter.

10.8. Service providers will be regarded as having acted in bad faith in the event that SANBS finds:

- instructions and/or duties that could be attended to, or executed by junior staff members have been assigned to senior Legal Attorneys and billed for at such senior staff members' rates;
- multiple 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 SANBS' prior permission in writing to appoint multiple 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 an Attorney.

NOTE: The aforesaid list is not exhaustive. Bidders must note that transgressions such as the above may lead to SANBS electing to remove the Service Provider from the Panel of Attorneys.

11. EVALUATION CRITERIA

Evaluation Criteria entails the following phases

- 11.1. **Phase 1:** review of compulsory documents
- 11.2. **Phase 2:** Technical Evaluation

Note: Bidders must score a minimum of 50 points out of 80 to be considered on the Panel of legal attorneys.

	TECHNICAL EVALUATION CRITERIA	POINTS
	Experience of the Bidder(s) lead Personnel:	40
1	<p>The Bidder(s) must provide SANBS with the CVs detailing with the background and years of experience (post admission) for Partner(s) and/or Director(s) or Sole Proprietor in the area bidding for.</p> <p>Point allocation post admission experience as per CV:</p> <p>10 years and above = 40 points ≥ 6 > 9 years = 30 points ≥ 3 years > 6 years = 20 points ≥ 1 year > 3 years = 10 points</p>	40
	Capacity of the Bidder(s) with reference to Staff/Personnel	15
3	<p>The Bidder(s) must provide SANBS with the CVs detailing with the background and years of experience (post admission) in the area bidding for of team members that will assist the Lead Attorney Partner(s) and/or Director(s) or Sole Proprietor i.e. Senior Associate(s), Associate(s) Professional Assistant(s)</p>	

4	<p>Point allocation post admission experience as per CV: CV of Senior Associate/Associate/ Professional Assistant detailing experience- above 3 years = 10 points from 1 year to 3 years = 5 points</p> <p>Candidate Attorneys The Bidder must submit CVs of candidate attorneys</p>	10 5
Experience of the Law firm		15
	<p>The firm must have the experience in the category(ies) it is bidding for as set out in the Scope of Work. The Bidder must provide 3 contactable reference letters per category the bidder is bidding for, from clients where the bidder(s) recently provided the relevant services.</p> <p>3 reference letters = 15 points 2 reference letters = 10 points 1 or 0 reference letters = 0 points</p> <p>Note that SANBS reference will not be accepted.</p>	15
Methodology		10
	<p>The Bidder must demonstrate clearly, the approach and methodology of how instructions will be executed and managed by the Bidder</p>	10
Total		80

12. Submission of Bid

- 12.1. All bid must be submitted online via SANBS website.
- 12.2. This RFP also has its compulsory documents that must be submitted for the online submission to be finalized.
- 12.3. SANBS may request clarification or further information regarding any aspect of the bid. The bidder must supply the requested information within 48 hours or unless otherwise indicated after the request has been made; otherwise the bidder may be disqualified.

