

REQUEST FOR PROPOSALS

BID DESCRIPTION:

APPOINTMENT OF A PANEL OF ATTORNEYS FOR A PERIOD OF
FIVE (5) YEARS

BID NUMBER:

POLMED005/2022/LEGALSERVICES

CLOSING DATE:

05 APRIL 2022 AT 12H00

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GLOSSARY

Abbreviation	Description
Administrator	The Administrator of the Scheme, duly appointed by the Scheme from time to time.
Authorised representative	Person/ legal entity authorised by the Board of Trustees or by its delegate, the POLMED Officer of POLMED, to represent POLMED from time to time.
Award	Conclusion of the procurement process and final notification to this effect to the successful Bidder.
B-BBEE	Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) and the Codes of Good Practice issued there under by the Department of Trade and Industry.
Bid	A written offer on the official bid documents and in a prescribed or stipulated form in response to an invitation by POLMED for the provision of services, works or goods.
Bidder	Entity/joint venture/consortium responding to the Request for Bid.
Board of Trustees	The duly elected and appointed Board of Trustees of POLMED.
CMS/ Council	The Council for Medical Schemes established in terms of section 3 of the Medical Schemes Act.
CoGP	Codes of Good Practice.
Contracting Entity/ Contractor	Contracting entity with whom POLMED will conclude a formal contract and service level agreement subsequent to the final award of the contract based on this Request for Bid.
DTI	Department of Trade and Industry of the Government
EME	Exempted Micro Enterprise in terms of the Codes of Good Practice.
IP	Intellectual Property.
Medical Schemes Act	The Medical Schemes Act, Act No 131 of 1998, and any regulations published in terms thereof.

Abbreviation	Description
Member	Any person who is enrolled as a Member of the Scheme and who is a member in terms of the Rules and shall be deemed to include the registered dependents of a Member.
Original bid	Original document signed in ink by the person duly authorised to commit the Bidder. Copies of original document signed in ink by the person duly authorised to commit the Bidder.
PO	Principal Officer.
POLMED	The South African Police Service Medical Scheme being a medical scheme registered under the Medical Schemes Act, 1998 (referred to as POLMED and/or the Scheme).
QSE	Qualifying smart enterprise in terms of the codes of good practice.
RFP	Request for Proposals.
Rules	The registered Rules of the Scheme as defined in terms of the Medical Schemes Act.
SCM	Supply Chain Management.
SLA	Service Level Agreement
ToR	Terms of Reference.
Trustees	The members of the Board of Trustees of the Scheme, as constituted in terms of the Rules to manage the Scheme.
Valid document	A document containing authentic information conforming to legally binding status and is enforceable by the executing authority on the bidding authority whether in an original, copied, reproduced, photo, faxed or in electronic format and that has bearing to transaction(s) with POLMED. Such submission must be valid at the closing date and time of submission.
Will be deemed	Bidder will immediately be excluded from further evaluation non-responsive.

1. GENERAL TERMS AND CONDITIONS OF THE BID

1.1. FRAUD AND CORRUPTION

All Bidders are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004, as amended and any other Act applicable.

1.2. BRIEFING SESSION

No briefing session will be held for this request for bid.

1.3. CLARIFICATIONS AND QUERIES

Telephonic requests for clarification will not be accepted. Any clarification required by a bidder regarding the meaning or interpretation of any part of the Terms of Reference or any other aspect concerning the RFP, is to be requested in writing (e-mail) from procurement@polmed.co.za . The RFP number must be mentioned in all correspondence.

1.4. SUBMISSION OF RESPONSES

Responses to the RFP document must be submitted in the following manner:

Hard Copies Submissions

The tender box is situated at the reception of the POLMED head office:

Crestway Office Park

Block A, 20 Hotel Street

Persequor Park

Lynnwood

Pretoria

For purposes of this RFP, bids submitted via facsimile will not be considered.

The two (2) envelope system will be followed. One (1) original and two (2) copies of both the technical and financial bid must be submitted in a sealed envelope/ pack. The technical and financial bids must be submitted in separate envelopes. A total of nine (9) documents must be submitted. Bidders must indicate on the cover of each document whether it is the original or a copy of the submission.

Bids should be submitted in a sealed envelope/ pack, marked with:

- RFP number: POLMED005/2022/LEGALSERVICES
- Closing date and time 05 April 2022.
- The name and address of the bidder.
- Indication if the envelope/ pack relates to the technical or financial response.

Electronic Bid Submissions

Electronic bids must be submitted by closing date and time to procurement@polmed.co.za in the following manner, **failure to comply to the submission format will invalidate the bid:**

- Part 1 – Administrative Documents
- Part 2 – Technical Proposal
- Part 3 – Pricing and B-BBEE Information

The reference number of the bid must be clearly indicated in the subject line.

All bids submitted to POLMED will become the property of POLMED and will as such shall not be returned to the bidder. POLMED will maintain all reasonable efforts to maintain bids in confidence. Proprietary information should be indicated as such in each bid.

1.5. LATE SUBMISSIONS

Bids received late will not be considered. A bid will be considered late if it arrived even one (1) second after 12:00PM or any time thereafter. The tender box shall be locked at exactly 12:00PM and bids arriving late will not be considered under any circumstances.

The official Telkom time (Dial 1026) will be used to verify the exact closing time.

Bids received late shall be returned unopened, where possible, to the bidder. Bidders are therefore strongly advised to ensure that bids be dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

1.6. FORMAT OF THE TECHNICAL BID

Submissions by Bidders must be in the following format:

- A: Executive Summary.
- B: Company Profile, Capacity and Geographical Footprint
- C: Company Competency and Expertise
- D: Methodology and Approach
- E: Team Competency and Experience, including CVs and Qualifications
- F: Financial Soundness (Financial Statements)
- G: Investigation by Regulatory Bodies
- H: Client References (Contactable)

1.7. VALIDITY OF THE BID

The functional and financial bids must be valid for a period of 90 days from the closing date of this RFP.

1.8. DURATION OF APPOINTMENT

The term of the contract commencement will be agreed upon with the successful service providers. POLMED reserves the right to terminate the contract of the service provider on the basis of poor performance, giving the service provider at least three (3) months' prior notice thereof in writing.

1.9. NEGOTIATING AND CONTRACTUAL OBLIGATIONS

A bid will constitute a binding offer, but such offer will be deemed not to have been accepted, unless and until a definitive contractual agreement (SLA) and other related documents are concluded between POLMED and the preferred bidder, with or without further negotiation .

POLMED or its authorised representatives have the right to enter into negotiation with one (1) or more bidders regarding any terms and conditions, including price(s), of a proposed contract.

POLMED shall not be obliged to accept the lowest bid price.

POLMED reserves the right to select another Preferred Bidder in the event that negotiations with the originally selected Preferred Bidder prove unsuccessful and/or unduly delayed.

Upon final selection and notification of the Preferred Bidder, a process of final negotiations will commence. Negotiations will be used to finalise outstanding elements of the SLA in an effort to arrive at a comprehensive binding SLA that will govern the relationship between POLMED and the Successful Bidder.

Under no circumstances will negotiation with any Bidders, including with preferred Bidders, constitute an award or promise/ undertaking to award the contract or be construed as legitimate expectations by such Bidder.

1.10. BIDDER SELECTION

POLMED reserves the right to select the appropriate service provider(s) based on its requirements; and

POLMED may review its panel of law firms, add or remove any Bidder from the panel at any time before the expiry of the five (5) year period which the panel will be appointed.

1.11. GOVERNING LAWS

This RFP and the Bid Process are governed by the POLMED SCM Policy as approved by the Board of Trustees.

All Bidders must complete the bid documents using the English language; and

All costing must be in South African Rand.

1.12. **ACCESS TO INFORMATION**

All Bidders will be informed of the status of their bid once the procurement process has been completed. Requests for information regarding the RFP process will be dealt with in line with the POLMED SCM Policy and other relevant applicable legislation in terms of access to information.

1.13. **BIDDER ENQUIRIES**

All technical and Supply Chain-related enquiries must be sent in writing to procurement@polmed.co.za. The RFP number must be mentioned in all correspondence.

1.14. **REASONS FOR REJECTION**

POLMED shall reject a bid for the award of a contract if the recommended Bidder is suspected of fraud or improper conduct or has committed a proven corrupt or fraudulent act in competing for the particular contract.

POLMED may disregard the bid of any Bidder if that Bidder, or any of its directors:

- Have abused the Supply Chain Management (SCM) system of POLMED.
- Are suspected of or have committed proven fraud or any other improper conduct in relation to such system.
- Have failed to perform on any previous contract.
- In case of collusive tendering by the Bidders or any anti-competitive conduct as determined in terms of the Competition Act, 89 of 1998.
- In case a Bidder, a member of the Bidder, has interest (directly or indirectly) in any other Bidder.

1.15. **CANCELLATION OF PROCUREMENT PROCESS**

POLMED reserves the right to amend, modify or withdraw this RFP or amend, modify or terminate any of the procedures or requirements set out herein at any time and from time to time, without prior notice and without liability to compensate or reimburse any person.

1.16. **ADMINISTRATIVE/ MANDATORY REQUIREMENTS**

Bids submitted by potential service providers must include at least the following mandatory documentation/ information:

- Company registration and shareholding information to support the B-BBEE contribution certificate.
- Valid, tax clearance pin certificate or equivalent.
- B-BBEE status level of contribution certification or sworn affidavit.
- Audited or independently reviewed annual financial statements covering at a minimum three financial year ends
- Declaration of interest.
- Declaration of bidder's past SCM practices.
- Investigation by regulatory bodies.
- Fidelity Fund Certificate: The firm of Attorney must provide proof of the Fidelity Fund Insurance Cover and in addition, the individual director/partner/Attorney/s must provide a certified copy of a valid Fidelity Fund Certificate.
- Bidders must submit a valid letter of good standing issued by the Legal Practice Council prior to work being allocated.
- Service Providers must provide proof of minimum five (5) years consecutive experience in the relevant field.
- Signature by a duly authorized representative of the bidder and all pages of the bid initialled for correctness.
- Amendment of pricing schedule and bid documents **will lead** to Service Provider disqualification.

1.17. **COMPANY REGISTRATION AND SHAREHOLDING INFORMATION**

The Bidder must be a South African entity and must submit its company registration details and documentation. Bids submitted without a company registration document **will** be deemed to be non-responsive.

1.18. **VALID, ORIGINAL TAX CLEARANCE CERTIFICATE**

A valid SARS Tax Clearance Certificate must accompany the bid and must be valid at the date of closing of the RFP. In case of a consortium/ joint venture, a valid SARS Tax Clearance Certificate for each consortium/ joint venture member must be submitted.

The following options will be regarded as a valid tax clearance certificate:

- A valid original tax clearance pin certificate printed directly by SARS; or
- A valid tax clearance certificate mailed to the relevant party to the bid and thus printed by the party to the bid and which is accompanied by a PIN through which POLMED may confirm the validity of the certificate on the closing date of the bid. Failing to provide a PIN will lead to the verification being done at a later stage which would require that the party to the bid's tax compliance status be measured after the closing date and must be in order on date of measurement.
- Where no valid tax clearance exists for any party noted above, a letter from SARS needs to be provided for that party, indicating that satisfactory arrangements have been made with SARS to meet the party's tax obligations.

Bids submitted without a valid original tax clearance certificate or proof of arrangements made with SARS for each party to the bid **will** be deemed to be non-responsive.

1.19. **B-BBEE STATUS LEVEL**

The proof pertaining to the bidder's level contributor status or sworn affidavit should be provided. Information is available at www.dti.gov.za.

Failure to provide the B-BBEE Certification will lead to the bid being regarded as non-responsive.

1.20. **DECLARATION OF INTEREST**

The bidder must complete and return the "Declaration of Interest" on behalf of all parties to the bid.

The bidder must fully declare all co-administration or sub-contracting arrangements/ agreements/ financial interest between the organisation and other entities, including POLMED and its service providers.

Irrespective of the "Declaration of Interest" form, the bidder must submit a full declaration of relationships between the bidder and other service providers in the healthcare industry (including POLMED). If no such relationships exist, the bidder must indicate this in their submission in terms of this requirement.

Bids submitted without a completed and signed Declaration of Interest **will be** deemed to be non-responsive.

1.21. DECLARATION OF BIDDER’S PAST SCM PRACTICES

The bidder must complete and return the “Declaration of bidder’s past Supply Chain Management practices” on behalf of all parties to the bid.

Bids submitted without a completed and signed “Declaration of bidder’s past Supply Chain Management practices” form **may** be deemed to be non-responsive.

1.22. INVESTIGATIONS BY REGULATORY BODIES

The bidder is to confirm that it is not being investigated by any regulatory bodies irrespective of the nature of the investigation. If it is being investigated, the respective details are to be supplied as part of this submission.

1.23. SIGNATORY BY DULY AUTHORISED REPRESENTATIVE

Bidders must provide proof that the individual signing the bid documents are duly authorised to sign the bid, i.e., a resolution of directors, etc. should be provided.








1.24. FINANCIAL SOUNDNESS

All bidders must submit audited financial statements financial statements.

Bids submitted without the required proof of financial soundness for the contracting entity **will** be deemed to be non-responsive.

1.25. EVALUATION PROCESS

Evaluation of the responses from the Bidders will be done in a phased approach as per the below criteria:

Stage 1	Stage 2	Stage 3	Award
<p>ADMINISTRATIVE COMPLIANCE</p>  <p>RETURNABLE DOCUMENTS</p> 	<p>TECHNICAL EVALUATION</p>  <p>80% MINIMUM THRESHOLD</p> 	<p>PRICE & B-BBEE EVALUATION</p> <div style="border: 1px solid blue; border-radius: 15px; padding: 5px; width: fit-content; margin: 10px auto;"> <p>Price = 80 B-BBEE = 20</p> </div> <p>WEIGHTED SCORING / 100</p> 	<p>FINAL AWARD</p> <p>Post tender negotiation (if applicable) requesting best & final offer.</p>  <p>Negotiation of final terms & conditions of contract.</p> 

GATE 1 – ADMINISTRATIVE DOCUMENTS AND COMPLIANCE

2. ADMINISTRATIVE COMPLIANCE

Refer to the checklist for a summary of the compulsory documentation and information. All bid documents must be completed and signed by the duly authorised representative of the Bidder. All pages of the bid documents must be initialled by an authorised director of the company. During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The Bidder's bid will be disqualified for non-submission of any of the documents.

STANDARD BID DOCUMENTS

i) INVITATION TO BID

YOU ARE HEREBY INVITED TO RESPOND TO A BID OF POLMED					
BID NUMBER	POLMED005/2022/LEGALSERVICES	CLOSING DATE	05 April 2022	CLOSING TIME	12:00
DESCRIPTION	Request for Proposals for appointment of a Panel of Legal Service Providers for a period of five (5) years.				
VALIDITY	90 Days				
The successful Bidder will be required to fill in and sign a written Formal Contract and SLA.					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:					
Crestway Office Park Block A, 20 Hotel Street Persekor Park Lynnwood Pretoria					
No posted OR faxed Bids will be accepted					
Bidders should ensure that bids are delivered before the closing date and time to the correct physical address.					
Submission of late bids will not be accepted.					
Bids can be delivered and deposited into the tender box between 08:00 and 16:30, Mondays to Fridays prior to the closing date and between 08:00 and 11:00 on the closing date.					
All bids must be submitted on the official bid forms (not to be re-typed).					

TECHNICAL AND SUPPLY CHAIN ENQUIRIES MAY BE DIRECTED VIA EMAIL TO

E-MAIL ADDRESS

procurement@polmed.co.za

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			
INCOME TAX REFERENCE NUMBER			
COMPANY PAYE NUMBER			
COMPANY UIF NUMBER			
VAT REGISTRATION NUMBER			
TAX CLEARANCE CERTIFICATE/ TAX COMPLIANCE SYSTEM PIN SUBMITTED	TICK APPLICABLE BOX <input type="checkbox"/> Yes <input type="checkbox"/> No <i>PROOF MUST BE SUBMITTED</i>		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ B-BBEE STATUS LEVEL SWORN AFFIDAVIT	TICK APPLICABLE BOX <input type="checkbox"/> Yes <input type="checkbox"/> No <i>A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED</i>		

POLMED DOMICILLIUM	
POLMED chooses the following as its <i>domicilium citandi et executandi</i> for all purposes of and in connection with the final contract: Crestway Office Park, Block A, 20 Hotel Street, Persequor Park, Lynnwood, Pretoria	
DECLARATION	
I/ We have examined the information provided in your bid documents and offer to undertake the work prescribed in accordance with the requirements as set out in the bid document. The prices quoted in this bid are valid for the stipulated period. We confirm that this bid will remain binding upon us and may be accepted by you at any time before the expiry date.	
Signature of the bidder	
Position	
Date	
Duly authorised to commit the Bidder	TICK APPLICABLE BOX <input type="checkbox"/> Yes <input type="checkbox"/> No <i>PROOF MUST BE SUBMITTED</i>

ii) TAX COMPLIANCE REQUIREMENTS

It is a condition of this bid that the taxes of the successful Bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Services (SARS) to meet the Bidder's tax obligations.

Bidders are required to submit their Unique Personal Identification Number (PIN) issued by SARS to enable POLMED to view the Bidders profile and tax status.

Application for tax compliance status (TCS) or PIN may also be made via e-filing. In order to use this provision, tax payers will need to register with SARS e-filing through the website www.sars.co.za.

Bidders may also submit a printed Tax Clearance Certificate or Tax Clearance Status.

In bids where consortia/ joint ventures/ sub-contractors are involved, each party must submit a separate Tax Clearance Certificate or proof of Tax Clearance Status/ PIN.

iii) DECLARATION OF INTEREST

Any legal person, including persons employed by POLMED, or persons having a kinship with persons employed by POLMED, including a blood relationship, may make an offer or offers in terms of this invitation

to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by POLMED, or to persons connected with or related to them, it is required that the Bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where:

- the Bidder is employed by POLMED; and/or
- the Bidder is a Board of Trustees member; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

1. Are you or any person connected with the Bidder, employed by POLMED?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If so, provide particulars:		
2. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by POLMED and who may be involved with the evaluation and or adjudication of this bid?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If so, provide particulars:		

3. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by POLMED who may be involved with the evaluation and or adjudication of this bid?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If so, provide particulars:		
4. Do you or any of the directors/ trustees/ shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If so, provide particulars:		

DECLARATION	
I, the undersigned (name)..... certify that the information furnished above is correct. I accept that POLMED may reject the bid or act against me should this declaration prove to be false.	
Name of Bidder	
Signature	
Position	
Date	

(iv) DECLARATION OF INTEREST

This declaration will be used by institutions to ensure that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

The bid of any Bidder may be disregarded if that Bidder, or any of its directors have:

- a. abused POLMED's SCM system.
- b. committed fraud or any other improper conduct in relation to such system; or
- c. failed to perform on any previous contract.

In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

<p>1. Is the Bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
<p>If so, provide particulars:</p>		
<p> </p>		
<p> </p>		
<p>2. Is the Bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004), as amended?</p> <p>To access the Register, enter the National Treasury's website, www.treasury.gov.za click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number 012-3265445.</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
<p>If so, provide particulars:</p>		
<p> </p>		
<p> </p>		

3. Was the Bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five (5) years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If so, provide particulars:		
4. Was any contract between the Bidder and any organ of state or private entity terminated during the past five (5) years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If so, provide particulars:		

DECLARATION	
I, the undersigned (name)..... certify that the information furnished above is correct. I accept that POLMED may reject the bid or act against me should this declaration prove to be false.	
Name of Bidder	
Signature	
Position	
Date	

iv) SUB-CONTRACTING

Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

If yes, indicate:

- I. What percentage of the contract will be sub-contracted:
.....%
- II. The name of the sub-contractor(s)
.....
- III. The B-BBEE status level of the sub-contractor(s)
.....

The Service Provider may use subcontractors in connection with the work performed under this Agreement. When using subcontractors, however, if not listed in the proposal at the time of selection, the Service Provider must obtain prior written approval from POLMED. In using subcontractors, the Service Provider is responsible for all their acts and omissions to the same extent as if the subcontractor and its employees were employees of the Main Contractor. All requirements set forth as part of the bid will be applicable to all subcontractors and their employees to the same extent as if the Main Contractor and its employees had performed the services.

TERMS OF REFERENCE – PANEL OF LEGAL SERVICES

1. PURPOSE OF THE RFP

- 1.1. POLMED Legal and Compliance Department wishes to appoint a panel of service providers to provide legal services for a contract period of five (5) years.
- 1.2. The panel of Legal Practitioners will assist POLMED with legal related support on a need basis.

2. BACKGROUND ON POLMED

- 2.1. The South African Police Service Medical Scheme (POLMED) was formed to cater for the Medical Scheme needs of members of the South African Police Service (SAPS) appointed under the South African Police Act, Act No. 68 of 1995, as amended. The Scheme is a non-profit restricted medical scheme registered in terms of the Medical Schemes Act, Act No. 131 of 1998, as amended (“MSA”) and its rules are registered with the Council for Medical Schemes in terms of the MSA.
- 2.2. The duties and responsibilities of the Board of Trustees are regulated by the Rules of the Scheme and the MSA. The Board of Trustees has a number of Board Sub-Committees that are designed to allow every Trustee to play a role in governance of the Scheme. These Sub-Committees have their own Chairpersons and meet on a frequent basis to deal with issues that are relevant to them and issues that have been delegated to them by the BoT. Trustees have the responsibility of looking after the Scheme’s funds on behalf of members.

3. OBJECTIVES AND MINIMUM SERVICE LEVEL REQUIREMENTS

- 3.1. The law firms appointed to the legal panel to be established will serve as the primary panel for POLMED legal requirements.
- 3.2. The law firms appointed to the legal panel will be expected to render legal advice and provide services in relation to a range of legal matters, emanating from the activities of POLMED’s operating divisions, namely:
 - Principal Officer’s office,
 - Legal, Compliance and Scheme Secretariat,
 - Operations Division,
 - Corporate Services,
 - Finance and Procurement

3.3. Specialist expertise in the area of Corporate/Commercial law is required, but specific competencies in the following specialist areas may be required. Please indicate if where applicable

No	SERVICE CATEGORY	PLEASE SELECT CATEGORY
1	Medical Scheme's Legislative and Regulatory Framework, e.g., MSA and its Regulations as amended,	
2	Law of Contract	
3	Litigation and Alternative Dispute Resolution	
4	Corporate and Commercial Law and related Litigation	
5	Corporate Governance Law	
6	Ethics and Policy Management	
7	Motor Vehicle Accident Recovery (MVA) Services	
8	Advertising and Marketing Law	
9	Employment & Labour Law	
10	Information and Communication Technology, including Cyber and Information Security Law	
11	Intellectual Property Law	
12	Debts and Claims Management	
13	Administrative, Public Policy and Regulatory Law	
14	Health and Safety Legislation	
15	Insolvency and Business Rescue	
16	Constitutional Law	
17	Competition Law	
18	Criminal Law	
19	Environmental Law	
20	Taxation Law	
21	Banking and Finance Law	
22	Pension Law	
23	Insurance Law	

3.4. It is imperative for Bidders to provide sufficient detail in respect of their practitioners' areas of expertise (especially the Lead legal practitioner proposed per Service Category), as well as to indicate clearly which additional practitioners are proposed to be included in the respective areas above.

- 3.5. Bidders may apply for any number of service categories as indicated above, provided the resources proposed have the necessary expertise to ensure the provision of professional services within those categories applied for.
- 3.6. The Bidder is expected to have extensive knowledge, practical experience and understanding of providing the following in their area of specialisation/ expertise:
- a) Applicable Legislative and Regulatory Framework.
 - b) Research and drafting of legal opinions.
 - c) Drafting and vetting of different types of contracts and interpretation of applicable legislative and regulatory framework.
 - d) Litigation processes and procedures in various fora including but not limited to the High Court, Supreme Court of Appeal, Constitutional Court, Magistrate Court and other Dispute Resolution Fora.
 - e) Research, analysis and drafting of policies and procedures.

3.7. REQUIRED ATTRIBUTES

The following attributes, among others, will be considered by POLMED:

- a) Knowledge and application of the Medical Scheme and Health regulatory framework.
- b) Conformance to exceptional quality and standard of work, and meticulous attention to detail.
- c) A quick turnaround time.
- d) Ability to adapt quickly; and
- e) Capacity to handle big volumes of work.

3.8. THE FOLLOWING MUST ALSO BE INCLUDED IN THE TECHNICAL PROPOSAL:

- a) Proven track record in the provision of required services (Five(5) reference letters to be submitted).
- b) Relevant experience in one's area of expertise.
- c) Necessary acumen and logistics to provide services.
- d) Black Economic Empowerment initiatives.
- e) Names, ranks and experience of personnel – detailed CV's to be provided.
- f) Hourly rates per hour in providing the services and administration charges (if applicable)
- g) Company profile.

3.9. REQUIREMENTS AND CONDITIONS

The successful Bidder(s) to the POLMED's Panel of Attorneys will be required to:

- a) Provide the details of the firm's locality, infrastructure and resources, and confirmation of the premises from which it conducts its business.
- b) The successful firms of attorneys will be expected to declare to POLMED any conflict of interest that may have an impact on them providing any of the legal services referred to above, irrespective of when it may arise.
- c) It is at the sole discretion of POLMED to review any contract of appointment on an annual basis or at any point, if deemed necessary. POLMED reserves the right on a specific case basis to use alternate legal counsel. The appointment in terms of this Bid will therefore not be exclusive and will not be a guarantee that POLMED will provide work to any law firm.
- d) Notwithstanding anything else in this Bid, and without limiting its rights at law or otherwise, POLMED reserves the right of appointment to its panel of attorneys.

GATE 2: TECHNICAL EVALUATION

4. EVALUATION PROCESS

Bids will be evaluated on functionally as per the evaluation criteria and weights in the table shown below.

CRITERIA		WEIGHT/ POINTS	CROSS- REFERENCE TO RESPONSE SUPPORTING
PART A - Organizational Capacity, Capabilities and Experience		60	
1.1	The bidder should submit at least 5 contactable reference letters for entities who have acquired the same type of services from the bidder.	20	
1.2	The Bidder must demonstrate an extensive understanding of the legislative and regulatory framework applicable to related areas of specialization as indicated.	20	
1.3	The Bidder must demonstrate and provide comparative projects undertaken within the area of expertise and a brief summary of a minimum five	20	

CRITERIA		WEIGHT/ POINTS	CROSS- REFERENCE TO RESPONSE SUPPORTING
	complex matters under the identified areas of specialization within the last five years.		
PART B - Team's experience and expertise of the resources to be deployed		40	
2.1	The proposed team must demonstrate experience, qualifications and capabilities including those of team leader/s or Lead Attorney/s with at least 8 years' experience as the Lead Attorney.	20	
2.2	The Bidder must demonstrate general experience, qualifications and training of the Associate, Professional Assistant, Candidate Attorney and Administrative Personnel <i>(Attach CV's, Qualifications, Profile and Past & Current Projects)</i>	20	
3.	TOTAL	100	

Service Providers will be required to meet a minimum threshold of 80% on technical evaluation to proceed to Gate 3, i.e., Price and B-BBEE Evaluation.

GATE 3: PRICING AND B-BBEE EVALUATION

4.1. POINTS FOR PRICE

4.1.2. Bidders are required to include in their responses, fee proposals in respect of the amount and nature of their expected remuneration for the services to be provided by them. In this regard, Bidders are to indicate specific billing arrangements, hourly rates per professional level, details of any proposed discounts and whether the rates are negotiable.

4.1.3. Only Bidders that have achieved a minimum score of 80 points will be evaluated on price and B-BBEE.

4.1.4. The percentage scored for price shall be calculated by applying the undermentioned formula:

$$P_s = 80(1 - (P_t - P_{min})/P_{min})$$

Where,

- i) Ps: percentage scored for price under consideration
- ii) Pmin: lowest acceptable price
- iii) Pt: price under consideration
- iv) 80: percentage/weight allocated for price

4.1.5. The lowest acceptable bid will obtain the maximum percentage allocated for the price/ price component. The other bids with higher prices for the price component, will proportionately obtain lower percentages based on the above indicate formula.

4.1.6. POLMED shall not be obliged to accept the lowest price bid.

5. PRICING SCHEDULE

5.1. The Bidder is required to specify the rates to be charged that will be used for pricing evaluation purposes. The rates must be VAT inclusive. POLMED reserves the right to negotiate hourly and/or daily rates submitted.

5.2. The travel costs will be reimbursed based on the most economic traffic (i.e. economy class). Bidders must also provide their tariffs for disbursements. The Bidder/s must retain evidence of travel and accommodation expenses and other travel documents (i.e. boarding passes). Such documents must be presented to POLMED for verification.

YOU ARE HEREBY INVITED TO RESPOND TO A BID OF POLMED	
BID NUMBER	POLMED005/2022/LEGALSERVICES
DESCRIPTION	Request for Proposals for appointment of a panel of Legal Service Providers
VALIDITY	90 DAYS

The proposed fees must be arranged as per the table below:

Position	Hourly Rate	Daily Rate
Director/Partner		
Associate		
Professional Assistant		

Position	Hourly Rate	Daily Rate
Candidate Attorney		
Administrator / Support		
Other		

Escalation to the rate of CPI for that year will be permitted. It is the responsibility of the service provider to inform POLMED about changes to stated rates.

Item	Description	Price in RSA Currency (Inclusive of VAT)																						
7.	<p>Travel expenses (specify, for example, rate/km and total km, class of air travel, etc.) Only actual costs incurred are recoverable. Proof of the expenses incurred must accompany certified invoices.</p> <p>All travel and accommodation will be arranged in line with the POLMED travel and accommodation policy.</p>																							
	<table border="1"> <thead> <tr> <th>Description of expense</th> <th>Rate</th> <th>Quantity</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">Total Inclusive of VAT</td> <td></td> </tr> </tbody> </table>	Description of expense	Rate	Quantity	Amount													Total Inclusive of VAT						
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Total Inclusive of VAT																								

6. B-BBEE STATUS

The proof pertaining to the bidder's level contributor status in terms of the B- BBEE Act and the Codes of Good Practice, issued by **the dti** on 11 October 2013, as amended, will be evaluated. Information is available at www.dti.gov.za.

The bidder will be allowed to score up to a maximum of 20 points depending on the bidder's level contributor status as per the POLMED B-BBEE Contributor level scorecard.

The following table will be used to allocate points for B-BBEE where the 80/20 for all open tender requests.

B-BBEE Status Level Contributor	Points allocated for B-BBEE Level Contributor
1	10
2	8
3	6
4	4
5	2
6	2
7	0
8	0
Non-Compliant	0

The remaining ten (10) will be allocated for B-BBEE bonus points as follows:

An EME or QSE which is at least 51% black owned	5 Points
An EME or QSE which is at least 31% black owned by women	5 Points

7. ADJUDICATION OF THE BID

The scores received for functionality, price and B-BBEE will be added together to obtain a final score for the Bidder. The Bid Evaluation Committee will make its recommendation to the Bid Adjudication Committee on the final score received by each Bidder.

POLMED reserves the not to award the contract at all.

8. AWARD METHODOLOGY: ROTATIONAL MECHANISM

POLMED will assess a particular matter and determine, in its own discretion, in which panel the matter falls. Work will be allocated on a fair rotation system to the Bidders on the relevant Service Category.