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## REQUEST FOR PROPOSAL

**BID NUMBER: ECIC02P-2026/27**

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### PROVISION OF LEGAL SERVICES TO ASSIST IN THE ESTABLISHMENT OF A SOUTH AFRICAN EXPORT IMPORT BANK (SA EXIMBANK)

**CLOSING DATE: 2 JUNE 2026**

**CLOSING TIME: 11H00 (SAST, OBTAINABLE BY DIALLING TELKOM ON 1026)**

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#### NOTE

The bid closing date has been extended from 26 May 2026 to 2 June 2026. The closing time remains the same as indicated in the bid document.

**Address** Byls Bridge Office Park, Building 9, Fourth Floor, 11 Byls Bridge Boulevard, Highveld Extension 73, Centurion, 0157, South Africa  
**Tel** +27 (0)12 471 3800 | **Email** info@ecic.co.za | **Website** www.ecic.co.za

**Directors:** Ms. DP Ndlovu (Chair), Mr. NG Maphula (Acting CEO), Mr. S Mayekiso, Ms. SK O' Mahony, Mr. BI Mkhize, Ms. PM Mthethwa, Ms. XE Daku; Mr. W van Der Spuy, \*Mr. L. Govender | **Company Secretary:** Ms. N Moffatt

**Company registration no:** 2001/013128/30 | ECIC is a licensed non-life insurer and authorised Financial Services Provider (FSP 30656).  
Currently exempted in terms of FAIS Notice 78 of 2019. \*alternate to Mr. W van Der Spuy

**YOUR EXPORT RISK PARTNER**

# REQUEST FOR PROPOSAL: PROVISION OF LEGAL SERVICES TO ASSIST IN THE ESTABLISHMENT OF A SOUTH AFRICAN EXPORT IMPORT BANK (SA EXIMBANK)

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### A. INTRODUCTION TO THE REQUEST FOR PROPOSAL (RFP)

#### 1. Introduction

- 1.1. The Export Credit Insurance Corporation of South Africa (SOC) Limited (ECIC or Corporation)<sup>1</sup> is a self-sustained state-owned entity listed under Schedule 3B of the Public Finance Management Act 1 of 1999 (as amended) and established in terms of the Export Credit and Foreign Investments Insurance Act 78 of 1957 (as amended).
- 1.2. The mandate of ECIC is to facilitate and encourage South African export trade, by underwriting export credit loans and investments outside the country, to enable South African contractors to win capital goods and services contracts in countries outside South Africa. ECIC is a registered Financial Service Provider and is regulated by the Financial Sector Conduct Authority and Prudential Authority (FSP No: 30656). Currently exempted in terms of FAIS Notice 78 of 2019.
- 1.3. ECIC operates at the following address:

Byls Bridge Office Park  
Building 9, Fourth Floor  
11 Byls Bridge Boulevard  
Highveld Extension 73  
Centurion  
0157

#### 2. Background

- 2.1. ECIC seeks to appoint a qualified legal firm to provide specialised legal advisory services for the establishment of a South African Export-Import (Exim) Bank. The appointed bidder will be appointed to render legal services on an ongoing basis for an initial period of 2 (two) years, or until the SA Exim Bank is established.
- 2.2. The appointed legal firm will provide comprehensive legal guidance on the formation, corporate structure, governance framework, regulatory compliance, statutory drafting, and overall legal architecture of the new institution. This partnership is essential to ensure that the establishment of the SA Exim Bank is executed in accordance with South African law, applicable financial-sector regulations, and global best practice.

#### 3. Purpose

- 3.1. The purpose of this Request for Proposal (RFP) is to appoint legal partner with the technical capability, sectoral expertise, and regulatory insight required to support ECIC and government stakeholders in designing, structuring, and establishing a compliant, sustainable, and internationally aligned Exim Bank.

#### 4. Procurement Regulations

- 4.1. This bid is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2022, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.

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<sup>1</sup> Further information on the ECIC can be found at [www.ecic.co.za](http://www.ecic.co.za)

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### **B. TERMS OF REFERENCE**

#### **5. Scope of services**

5.1. The appointed bidder will be required to provide the following services:

##### **5.1.1. Review of the Legal and Regulatory Framework**

5.1.1.1. Review and analyse the current South African legislative and regulatory environment ( including supervision by the Prudential Authority and Financial Services Conduct Authority) applicable to the establishment of an SA Exim Bank (e.g. Public Finance Management Act (Act No. 1 of 1999, as amended), Companies Act (Act No. 71 of 2008, as amended), Banks Act (Act No. 94 of 1990, as amended), Financial Sector Regulation Act (Act No. 9 of 2017, as amended), Public Service Act (Act No. 103 of 1994, as amended), Insurance Act (Act No. 18 of 2017, as amended), etc.), including conducting benchmarking exercise of other Exim Banks or ECAs with financing window to establish and recommend an appropriate legislative and regulatory framework for the SA Exim Bank.

5.1.1.2. Review the draft legislation of the SA Exim Bank and an identify any suitable gaps in term of product offering and proposed regulatory framework and identify any gaps and propose appropriate regulatory frameworks or amendments required and suitable for the establishment and operationalise the SA Exim Bank.

5.1.1.3. Assist in drafting and tabling briefing notes and memorandum to different stakeholders including the Minister of the dtic, Cabinet and relevant Parliamentary Committees and Parliament and addressing legal issues raised that need to be incorporated in the proposed SA Exim Bank legislation.

5.1.1.4. Attending engagements with different stakeholders such as the Prudential Authority, Financial Services Conduct Authority, South African Reserve Bank, National Treasury, etc., in dealing with material issues in the proposed SA Exim Bank and as part of soliciting inputs and buy-in from the different stakeholders.

##### **5.1.2. Institutional Form and Corporate Structure**

5.1.2.1. The SA Exim Bank needs to operate as policy instrument of RSA Government which will focus on building export trade capacity by provide funding to both export and import transactions, supporting (Small, Medium and Micro Enterprises) ("SMMEs") by providing capacity building, institutional support and financial assistance in the form of grant funding, loans and equity and trade financing instruments in assisting exporters, SMMEs involved in export and import trade and supporting participation in an inclusive economy. As the envisaged structure in capitalising the SA Exim Bank, will include both the RSA Government and private entities as shareholders in the SA Exim Bank.

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- 5.1.2.2. The shareholding split between the RSA Government and private entities (which will include some of the (Development Finance Institutions (“DFIs”) and institutional investors) would be key and several options could be considered such as 50/50, 60/40:70/30 or 80/20. In all of these instances, the RSA Government should retain majority shareholding to ensure that the SA Exim Bank continues to operate as a policy institution that implements RSA Government policies, such as industrial policy, supporting SMMEs, building an inclusive and sustainable economy.
- 5.1.2.3. Assist in determining a suitable corporate structure that considers a combination of both RSA Government and private shareholding and recommend the most suitable corporate and ownership structure for the SA Exim Bank (e.g., SOC Ltd, statutory entity, subsidiary, hybrid model).
- 5.1.2.4. Advise on capitalisation structures, governance frameworks, and drafting of shareholder agreements and Memorandum of Incorporation and other relevant constitutional documents.
- 5.1.2.5. Advise and deal with the incorporation of the SA Exim Bank in line with its establishing legislation and in compliance with the Companies Act and PFMA.

## 6. Knowledge and expertise required

6.1. Bidders must demonstrate proven expertise in the following domains:

### 6.1.1. Financial sector and banking law

- 6.1.1.1. Extensive experience advising on the establishment, regulation, and governance of banks, DFIs, or financial institutions.
- 6.1.1.2. Deep knowledge of the Banks Act, Financial Sector Regulation Act, SARB/Prudential Authority regulatory requirements, and financial-sector compliance norms.

### 6.1.2. Public-Sector and State-Owned Entity Law

- 6.1.2.1. Strong understanding of the PFMA, Companies Act, SOC governance frameworks, and public-sector legal requirements.
- 6.1.2.2. Experience advising national government departments, public entities, or DFIs on institutional set-up or restructuring.

### 6.1.3. Legislative Drafting and Regulatory Reform

- 6.1.3.1. Demonstrated capability in drafting primary and secondary legislation.

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6.1.3.2. Experience supporting government processes involving Cabinet, Parliament, or regulatory-impact assessments.

### 6.1.4. **International Trade and Export Finance Law**

6.1.4.1. Expertise in international trade law, sovereign guarantees, export credit insurance, project finance, and cross-border financing structures.

6.1.4.2. Familiarity with OECD Arrangement on Officially Supported Export Credits, WTO rules, and Berne Union standards.

### 6.1.5. **Development Finance and DFI Structuring**

6.1.5.1. Practical experience advising on the creation or transformation of development finance institutions or similar government-backed credit entities.

### 6.1.6. **Project and Transactional Advisory**

6.1.6.1. Proven ability to manage multi-stakeholder projects and deliver complex, multi-phase legal advisory services.

6.1.6.2. Strong due-diligence, analytical, and drafting skills.

## 6.2. **Team Qualifications**

6.2.1. The bidding firm must provide:

6.2.1.1. Senior attorneys with at least 10 years in banking/financial/regulatory law.

6.2.1.2. Specialists in legislative drafting and public law.

6.2.1.3. Experts in trade law, export finance, or DFI structuring.

6.2.1.4. A multidisciplinary team able to engage with government, regulators, and financial-sector experts.

## 7. **Duration of contract**

7.1. The appointed bidder will be appointed to render legal services on an ongoing basis for an initial period of 2 (two) years, or until the SA Exim Bank is established.

## 8. **Confidentiality**

8.1. It will be expected that the service provider signs a confidentiality undertaking as part of the service level agreement.

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### 9. Mandatory documents

9.1. Bidders must submit the following mandatory documents:

9.1.1. A company profile and area of expertise;

9.1.2. Curriculum Vitae (“CV”) of the Key Personnel, including (i.e. Senior Counsel, associates and professional assistants) (together with certified copies of qualifications), containing the following:

9.1.2.1. Areas of expertise highlighted under paragraph 6 above;

9.1.2.2. Years of experience in the identified area of expertise;

9.1.2.3. The Key Personnel must be a Senior Counsel with more 10 years as an admitted Advocate and experience in the identified areas of expertise as highlighted in paragraph 6 above. in the identified area of specialisation; and

9.1.2.4. An admitted Advocate, who is in good standing with the Law Society of South Africa and Legal Practice Council.

9.1.3. Certified proof of admission certificate for each of the Key Personnel; and

9.1.4. A certified copy of the Fidelity Fund Certificate.

**NB: Bidders who fail to submit any of the mandatory documents will automatically be disqualified.**

### 10. Due diligence/site inspection

10.1. At the ECIC’s discretion, due diligence and/or site inspection may be conducted on the identified bidder. ECIC will visit the identified bidders’ premises or the bidder’s client (with permission from the bidder) to verify information as contained in their respective bid documents.

10.2. Where applicable, the ECIC will issue criteria for the due diligence review or site inspection beforehand to the applicable bidder(s). Should it be discovered during a due diligence visit or site inspection that the information submitted by the identified bidder is inconsistent with what is on their current premises of business, ECIC reserves the right to disqualify such bidder.

10.3. ECIC may identify another bidder using the next highest points obtained in the evaluation phase, as stipulated in paragraph 11.1.3, taking into consideration the process followed under paragraphs 10.1 and 10.2.

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### **11. Bid evaluation**

11.1. The proposals will be evaluated in phases as highlighted below and detailed in paragraphs 11.1.1 to 16 of this document:

#### **11.1.1. Phase One: Compliance**

In this evaluation stage, bidders are expected to submit proposals that are in line with the requirements of this bid in all material respects. If the proposal submitted is not in line with the requirements of this bid, the proposal will be considered an unacceptable bid and will be disqualified from further evaluation.

#### **11.1.2. Phase Two: Functional evaluation (Desktop evaluation)**

In this evaluation phase, refer to paragraph 12 for detailed information, bidders are expected to obtain a minimum of 80 out of 100 points to proceed to the next evaluation stage. Failure to obtain the prescribed minimum points will result in the proposal being considered an unacceptable bid and disqualified from further evaluation.

#### **11.1.3. Phase Three: Preference point system**

The 80/20 preference point system shall apply to this phase, where 80 points represent the maximum obtainable points for the lowest acceptable price, and 20 points represent the maximum obtainable points for Specific Goals. Points will be awarded to a bidder for attaining the Specific Goals under the table as listed in the bid documentation (refer to paragraph 13, read together with the table on page 32 (paragraph 4.1).

#### **11.1.4. Phase Four: Objective criteria**

ECIC will apply objective criteria as detailed in paragraph 15.

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### 12. Evaluation Phase Two: Functional

12.1. The proposal submitted by the bidder will be evaluated by the ECIC based on the following criteria and will be rated as the factor score over 5 multiplied by the applicable points:

Factor scores: 0=Poor, 1=Below average, 2=Average, 3=Good, 4=Very Good, 5=Excellent

**Table 1**

EVALUATION CRITERIA	EVALUATION CRITERIA DESCRIPTION	POINTS
1. Organisational capacity, experience in legal services	1.1. The service providers must demonstrate their experience in similar assignments/legal services and must illustrate their understanding of the services required in-line with paragraph 6.1 as per section 6. Knowledge and expertise (30 Points). 1.2. Five reference letters provided with contactable references (10 Points) NB- Each letter will count (2) points. 1.3. The service provider must demonstrate capacity to execute the project as outlined in the proposal submitted and available resources (10 Points). 1.4. The service provider must demonstrate understanding of the South African insurance law (10).	60
2. Experience and knowledge of key personnel	2.1. Key personnel must have minimum 10 years' post admission experience in identified areas of specialization as stated in paragraph 6.2 (20 Points). Detailed CV and qualifications attached (20 Points).	40
<b>Total</b>		<b>100</b>

12.2. Total points achieved under this evaluation criterion will be rounded to the nearest two decimal places.

12.3. Bidders are expected to obtain a minimum of 80 out of 100 points to proceed to the next evaluation stage of the evaluation. Failure to obtain the prescribed minimum points will automatically disqualify the bid offer from proceeding to the next evaluation phase.

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**13. Evaluation Phase Three: Preference point system**

13.1. The formula below will be used to calculate the lowest acceptable bid price:

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

Where

*P<sub>s</sub>* = Points scored for price of tender under consideration;  
*P<sub>t</sub>* = Comparative price of bid or offer under consideration; and  
*P<sub>min</sub>* = Price of the lowest acceptable tender.

13.2. Depending on the bidder’s level of Specific Goals, a maximum of 20 Specific Goals points may be awarded to a bidder. The points scored by a bidder for Specific Goals will be added to the points allocated for price.

13.3. The table below reflects the number of points to be allocated to a bidder for Specific Goals:

**Table 2**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)
B-BBEE Procurement Recognition Level of 135% and at least 50.1% ownership by (or combination thereof): a. Black people, or b. Black female, or c. Black Designated Group, or d. Black Voting Rights.	20
B-BBEE Procurement Recognition Level of at least 110% and at least 30% ownership by (or combination thereof): a. Black people, or b. Black female, or c. Black Designated Group, or d. Black Voting Rights.	10
B-BBEE Procurement Recognition Level of at least 110% and up to 30% ownership by (or combination thereof): a. Black people, or b. Black female, or c. Black Designated Group, or d. Black Voting Rights.	5
Any other B-BBEE Procurement Recognition Level up to 110%.	0

**[BIDDERS ARE REQUIRED TO INDICATE, IN ONE BLOCK, THE NUMBER OF POINTS THEY ARE CLAIMING FOR SPECIFIC GOALS IN THE TABLE IN PAGE 32 (PARAGRAPH 4.1). IN THE EVENT WHERE A BIDDER MAKES A**

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**MARK (ONE MARK), ECIC WILL CONSIDER THE CORRESPONDING POINTS TO BE THE ONE WHICH THE BIDDER IS CLAIMING FOR. WHERE A BIDDER MAKES MULTIPLE MARKS OR DOES NOT MAKE ANY MARK OR INDICATION AT ALL IN THE TABLE, THE BIDDER WILL BE ALLOCATED ZERO (0) POINTS FOR SPECIFIC GOALS, NOTWITHSTANDING EVIDENCE PROVIDED.]**

13.4. The total points achieved under this evaluation criterion will be rounded to the nearest two decimal places.

**14. Document(s) required to substantiate claims for Specific Goals**

14.1. For this bid, bidders are requested to provide the following documents in substantiation for their claim of Specific Goals in line with the 2022 Preferential Procurement Regulations:

**Table 3**

<b>Specific Goals</b>	<b>Document required to substantiate the Specific Goals claim</b>
B-BBEE Procurement Recognition Level	Copy of a valid B-BBEE Certificate or Copy of a valid Sworn Affidavit

14.2. Any bid received from a bidder who did not provide the document requested in this paragraph 14 and do not indicate the number of Specific Goals they are claiming for in the SBD6.1 Form, **in the table on page 32 (paragraph 4.1)** shall be awarded zero points for Specific Goals (i.e. both the document required to substantiate the Specific Goals Claimed and the SBD6.1 must be submitted with the response to this bid).

14.3. Points for Specific Goals will be allocated as indicated in paragraph 13 of this RFP and in the SBD 6.1 Form. Bidders are required to indicate how they claim points for each preference point on the SBD6.1 Form, **in the table on page 32 (paragraph 4.1)**. In the event that a bidder does not indicate the preference points they are claiming, the bidder will be awarded zero (0) points for Specific Goals.

**15. Phase Four: Objective criteria**

15.1. In this evaluation stage, ECIC will check if the bidder has a person who meets the following criteria in awarding the bid:

15.1.1. The bidder has a significant shareholder or owner (or equivalent) (directly or indirectly) who is classified or can be classified as a Prominent Influential Person (PIP) in accordance with the Financial Intelligence Centre Act, 38 of 2001 (FICA).

15.1.2. The bidder has a shareholder or member or owner or director (or equivalent) who has questionable integrity status.

15.1.3. The bidder has a director or equivalent who is classified or can be classified as a PIP in accordance with FICA.

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10.1 Should it be found during this evaluation stage that the bidder who has attained the highest points under Evaluation Stage Four (Preference Point System) has persons listed in paragraphs 15.1.1 to 15.1.3, ECIC reserves the right to conduct further due diligence on the person(s). Should the outcome of further due diligence not be satisfactory to ECIC, or if such a person(s) poses an unacceptable high risk reputation and/or integrity of the person(s) be questionable, ECIC reserves the right not to award the bid to that bidder. This process may be repeated for the next bidder if so required.

**16. Standard bidding documents**

16.1. Bidders are required to complete and attach the following Standard Bidding Documents:

**Table 4**

DETAILS	REFERENCE NUMBER
Invitation to bid	SBD 1
Declaration of Interest	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2022  <b>Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for Specific Goals.</b>	SBD 6.1

16.2. ECIC will not award a bid to a bidder who has not submitted complete and signed Standard Bidding Documents, and the Standard Bidding Documents forms part of the condition of award.

**17. Instructions to respondents**

**17.1. Correspondence**

17.1.1. No telephonic or any other form of communication with any other ECIC member of staff other than the named individual below, relating to this RFP, will be permitted. All enquiries must be in writing only.

17.1.2. All questions relating to the contents of the tender (conditions, rules, terms of reference, etc.) must be forwarded in writing via email to [procurement@ecic.co.za](mailto:procurement@ecic.co.za) by not later than 12 May 2026. Questions received after this date will not be entertained.

17.1.3. All questions must reference specific paragraph numbers, where applicable.

17.1.4. All enquiries (received on or before the closing date for enquiries) will be consolidated, and ECIC will publish one response document on the ECIC

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website ([www.ecic.co.za](http://www.ecic.co.za)) within three working days after the date indicated in paragraph 17.1.2, on or before 15 May 2026.

- 17.1.5. No requests for information shall be made to any other person or place, and in particular not to the existing provider of this service.

## 17.2. Submission of the proposals

- 17.2.1. Bid documents must be clearly marked for ease of reference and be submitted in PDF format on/or before the closing date and time to the following email address:

[procurement@ecic.co.za](mailto:procurement@ecic.co.za)

- 17.2.2. The following email submission procedures or protocols must be adhered to ensure safe and secure submission of the tender documents and supporting documents:

17.2.2.1. The tender document, including the supporting or returnable documents, should be submitted via email in PDF format.

17.2.2.2. If the PDF tender document, including the supporting or returnable documents, is less than 20 Megabytes (MB), it should be submitted as one document. If the electronic bid document is more than 20MB, the electronic tender document should be split in order to adhere to the 20MB email capacity.

17.2.2.3. Bidders are also encouraged to submit a USB detailing their tender proposals.

- 17.2.3. In the event that bidders are experiencing challenges with emailing documents, tenders can be hand-delivered at the ECIC Offices on/or before the closing date and time at:

Byls Bridge Office Park  
Building 9, Fourth Floor  
11 Byls Bridge Boulevard  
Highveld Extension 73  
Centurion  
0157

- 17.2.4. **Any proposal received after the closing date and time will not be accepted.**

- 17.2.5. All proposals and all subsequent information received from respondents will not be returned. The proposals should be addressed to the Head of Procurement of ECIC.

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**18. Timeline of the bid process**

- 18.1. The period of validity of the tender and the withdrawal of offers, after the closing date and time, is 185 days, expiring on 4 December 2026. If there is a need to extend the bid validity period, ECIC will request, in writing, permission to extend the validity period from all bidders before the expiry of the current validity period.
- 18.2. After the due date for response from bidders on the request to extend the validity period, ECIC will assume that all bidders have agreed to the request to extend and continue evaluating all bids received at the closing date and time as received on the closing date and time. Any award will be on the quoted bid amount as indicated in the proposal as at the closing date and time of the bid. If a bidder does not agree to extend the validity period on the original terms (as at the closing date of the bid), ECIC will stop evaluating the proposal received from such bidder.
- 18.3. The project timeframes of this bid are set out below:

**Table 5**

<b>STAGE</b>	<b>DESCRIPTION OF STAGE</b>	<b>ESTIMATED COMPLETION DATE (OR WORK WEEK ENDING)</b>
1.	Advertisement of bid on the Government e-tender portal /ECIC Website	28 April 2026
2.	Questions relating to the bid from the bidder(s)	12 May 2026
3.	Response to the questions from the bidders	15 May 2026
4.	Bid closing	2 June 2026
5.	Functional Evaluation	31 July 2026
6.	Preference Points	21 August 2026
7.	Bid Adjudication	4 September 2026

- 18.4. All dates and times in this bid are in South African Standard Time.
- 18.5. Any time or date in this bid is subject to change at the discretion of ECIC. The establishment of a time or date in this bid does not create an obligation on the part of ECIC to take any action or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if ECIC extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.
- 18.6. ECIC will notify all bidders of the outcome of the bid within 10 days from the date of acceptance of bid by the identified bidder.

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### 19. Bid rules

#### 19.1. Awarding a bid

19.1.1. ECIC will not award a bid to a bidder:

19.1.1.1. Who is or the bidder's director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder are restricted to conduct business with the State.

19.1.1.2. Who is in the employ of the State or has a director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder who is in the employ of the State as contemplated in the Public Administration Management Act, 11 of 2014 and is prohibited from conducting business with the State in terms of section of PAMA.

19.1.1.3. Who is in the service of the State or has a director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder and has not declared their business interest as required in the applicable SBD4 form.

19.1.1.4. Has been found to have transgressed Prevention and Combating of Corrupt Activities Act, 12 of 2004 (as amended).

19.1.1.5. Has been found to have transgressed or is transgressing the Competition Act, 89 of 1998 (as amended).

19.1.2. ECIC shall not award a bid or contract or order to a bidder whose tax affairs are not compliant, except to foreign bidders with no tax obligations in South Africa.

19.1.3. For a bidder or the bidder's director(s), trustee(s), shareholder(s), member(s), partners(s) or any person(s) having controlling interest in the bidder who have declared their business interest as required in the applicable SBD4 form, ECIC will not award a bid to a bidder who has declared their interest and:

19.1.3.1. Is prohibited from conducting business with the State; or

19.1.3.2. Does not have permission to conduct remunerative work outside their employment.

19.1.4. ECIC will verify with the relevant Organ of State to determine if paragraphs 19.1.3.1 and 19.1.3.2 are not applicable.

19.1.5. ECIC will assume that, the person contemplated in paragraph 19.1.3 is prohibited from conducting business with the State or the person does not

# REQUEST FOR PROPOSAL: PROVISION OF LEGAL SERVICES TO ASSIST IN THE ESTABLISHMENT OF A SOUTH AFRICAN EXPORT IMPORT BANK (SA EXIMBANK)

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have permission to conduct remunerative work outside their employment if it does not receive any response within 21 days from such verification request to an Organ of State.

- 19.1.6. ECIC will then recommend to award the bid to the bidder who achieved the second highest preference points, and should it be established that the bidder who achieved the second highest preference points has a person contemplated in paragraph 19.1.3, ECIC will conduct verification as contemplated in paragraphs 19.1.4 and 19.1.5. This step can be performed up to the bidder who achieved the third highest preference points.

### 19.2. Documents/information required as a condition of award

- 19.2.1. Proof of registration: Valid registration on the National Treasury Central Supplier Database (CSD).
- 19.2.2. Completed and signed Standard Bidding Forms as follows:

**Table 6**

Invitation to bid (all bidders must ensure that this Form is duly completed and signed)	SBD 1
Declaration of Interest	SBD 4
Preference Points Claim Form	SBD 6.1

### 19.3. Sub-contracting

- 19.3.1. ECIC fully endorses the South African Government's transformation and empowerment objectives and in awarding the tender or contract, preference may be given to bidders (Generics) who are willing to subcontract not less than 30% of the contract to a company which is Black Owned, Black Women Owned, Black Youth Owned, owned by Black People with Disabilities, an EMEs and QSE. EME's and QSE's are allowed to bid without subcontracting.
- 19.3.2. If contemplating subcontracting, please note that a bidder will not be awarded points for Specific Goals if it is indicated in its Proposal that such bidder intends subcontracting more than 30% (thirty percent) of the value of the contract to an entity/entity that do not qualify for at least the same points that the bidder qualifies for, unless the intended subcontractor is a company which is Black Owned, Black Women Owned, Black Youth Owned, owned by Black People with Disabilities, an EME and QSE , with the capability to execute the subcontract.
- 19.3.3. A person awarded a contract may not subcontract more than 25% (twenty five) of the value of the contract to any other enterprise that does not have an equal or higher Specific Goals than the person concerned, unless the

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contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

### 19.4. ECIC's rights

#### 19.4.1. ECIC reserves the right to:

19.4.1.1. Amend any bid conditions, bid validity period, bid specifications, or extend the bid closing date, all before the bid closing date. Such amendments will be posted on the ECIC's website under the relevant tender information. All prospective bidders must therefore ensure that they visit the website of ECIC ([www.ecic.co.za](http://www.ecic.co.za)) regularly before they submit their bid response to ensure that they are kept updated on any amendments in this regard.

19.4.1.2. Cancel or withdraw this bid at any time, as a whole or in part without reasons and without attracting any liability.

19.4.1.3. Award this bid to more than one bidder.

19.4.1.4. Award this bid in total or part.

19.4.1.5. Negotiate with all or some of the shortlisted bidders.

19.4.1.6. Not accept the lowest priced bid or award the bid to a bidder other than the highest scoring bidder.

19.4.1.7. Conduct site visits at bidder's offices and / or at client sites if so required.

19.4.1.8. Request any relevant information and/ or documents to verify or clarify information supplied in the bid response in relation, but not limited to the structure of the bidding entity, bidder's capacity, proposed solution, proposed timelines etc.

### 19.5. Contract fees

19.5.1. Where a bidder indicates that its prices are subject to confirmation, or are in any way conditional, such pricing will not be considered.

### 19.6. Confidentiality

19.6.1. Any information relating to the submissions, through the process or otherwise, shall be treated in strict confidence. In submitting a response, a Service provider agrees that it shall not be entitled to any information disclosed by another respondent to ECIC, which ECIC has determined to be of a confidential nature. The content and details of the evaluation of submissions will remain confidential to ECIC.

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### 19.7. Other matters

- 19.7.1. If the ECIC does not accept any proposal, it will declare this bid process closed and may then elect to:
  - 19.7.1.1. Proceed on a completely different basis; and/or
  - 19.7.1.2. Not to appoint any respondent (in the event it deems all or any of the proposals not appropriate).
- 19.7.2. The ECIC reserves the right to engage in any processes required to validate all claims made in the proposal.
- 19.7.3. The ECIC has the right to enter into negotiation with a prospective Service provider regarding any terms and conditions, including fees, of a proposed contract.

### 19.8. Disclaimer

- 19.8.1. The ECIC has produced this bid in good faith. However, the ECIC, its agents and its employees and associates, do not warrant its accuracy or completeness. The ECIC will not be liable for any claim whatsoever and howsoever arising (including, without limitation, any claim in contract, negligence or otherwise) for any incorrect or misleading information contained in this bid due to any misinterpretation of this bid.
- 19.8.2. This bid is a request for proposals only and not an offer document; answers to it must not be construed as acceptance of an offer or imply the existence of a contract between the ECIC and the bidder.

### 19.9. Terms of engagement

- 19.9.1. The ECIC's engagement of the service provider will be documented in a contract between the ECIC and the appointed bidder.

# REQUEST FOR PROPOSAL: PROVISION OF LEGAL SERVICES TO ASSIST IN THE ESTABLISHMENT OF A SOUTH AFRICAN EXPORT IMPORT BANK (SA EXIMBANK)

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### ANNEXES

#### Annexure A: Protection of personal information

1. ECIC recognises that when the Bidder submit its proposal in response to this Request for Quotations, it will provide personal information, which ECIC will process for the sole purpose of evaluating the Bidder's proposal. By submitting its proposal in responding to this Request for Quotations, the Bidder hereby provide its consent to the processing of its Personal Information by ECIC.
2. The following terms shall have the meaning ascribed to them:
  - 2.1. **"Personal Information"** shall bear the same meaning as ascribed to it under POPI;
  - 2.2. **"POPI"** means Protection of Personal Information Act, No. 4 of 2013;
  - 2.3. **"Responsible Party"** shall bear the same meaning as ascribed to it under POPI; and
  - 2.4. **"bid"** means this Request for Quotations.
3. ECIC as the Responsible Party undertakes to:
  - 3.1. comply with the provisions of POPI as well as all applicable legislation as amended or substituted from time to time;
  - 3.2. treat all Personal Information strictly as defined within the parameters of POPI;
  - 3.3. process Personal Information only in accordance with the consent it was obtained for, for the purpose agreed, as permitted by law;
  - 3.4. secure the integrity and confidentiality of any Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised destruction, access, use, disclosure or any other unlawful processing of Personal Information;
  - 3.5. not transfer any Personal Information to any third party in a foreign country unless such transfer complies with the relevant provisions of POPI regarding transborder information flows; and
  - 3.6. not retain any Personal Information for longer than is necessary for achieving the purpose in terms of bid or in fulfilment of any other lawful requirement.
4. ECIC will ensure that all reasonable measures are taken to:
  - 4.1. identify reasonably foreseeable internal and external risks to the Personal Information in its possession or under its control;
  - 4.2. establish and maintain appropriate security safeguards against the identified

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- risks;
  - 4.3. regularly verify that the security safeguards are effectively implemented;
  - 4.4. ensure that the security safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards;
  - 4.5. provide immediate notification to the Bidder if a breach in information security or any other applicable security safeguard occurs; provide immediate notification to the Bidder where there are reasonable grounds to believe that the Personal Information has been accessed or acquired by any unauthorised person;
  - 4.6. remedy any breach of a security safeguard in the shortest reasonable time and provide the Bidder with the details of the breach and, if applicable, the reasonable measures implemented to address the security safeguard breach;
  - 4.7. provide immediate notification to the Bidder where the Bidder has, or reasonably suspects that, Personal Information has been processed outside of the purpose agreed to or consented to;
  - 4.8. provide the Bidder, upon request, with all information of any nature whatsoever relating to the processing of the Personal Information for the purpose of the bid and any applicable law; and
  - 4.9. notify the Bidder, if lawful, of receipt of any request for access to Personal Information, in its possession and relating to the Bidder.
5. The Bidder has the right to inspect the Personal Information processing operations, as well as the technical and organisational information security measures employed by the ECIC to ensure compliance with the provisions of this Annexure.

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## **Annexure B: Format for fee proposal (Pricing Example)**

This page has been left blank intentionally. Refer to the attached document titled Annexure B (Format for fee proposal (Pricing Example)).

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**Annexure C: Applicable Standard Bidding Documents**

**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR THE REQUIREMENTS OF THE EXPORT CREDIT INSURANCE CORPORATION OF SOUTH AFRICA</b>					
<b>BID NUMBER:</b>	ECIC02P-2026/27	<b>CLOSING DATE:</b>	2 JUNE 2026	<b>CLOSING TIME:</b>	11:00
<b>DESCRIPTION</b>	PROVISION OF LEGAL SERVICES TO ASSIST IN THE ESTABLISHMENT OF A SOUTH AFRICAN EXPORT IMPORT BANK (SA EXIMBANK)				
<b>BID RESPONSE DOCUMENTS MUST BE SENT TO THE FOLLOWING EMAIL ADDRESS:</b>					
Preferably via email: <a href="mailto:procurement@ecic.co.za">procurement@ecic.co.za</a>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
<b>CONTACT PERSON</b>	Lulama Makwela	<b>CONTACT PERSON</b>	Lulama Makwela		
<b>E-MAIL ADDRESS</b>	<a href="mailto:procurement@ecic.co.za">procurement@ecic.co.za</a>	<b>E-MAIL ADDRESS</b>	<a href="mailto:procurement@ecic.co.za">procurement@ecic.co.za</a>		
<b>SUPPLIER INFORMATION</b>					
<b>NAME OF BIDDER</b>					
<b>POSTAL ADDRESS</b>					
<b>STREET ADDRESS</b>					
<b>TELEPHONE NUMBER</b>	<b>CODE</b>		<b>NUMBER</b>		
<b>CELL PHONE NUMBER</b>					
<b>FACSIMILE NUMBER</b>	<b>CODE</b>		<b>NUMBER</b>		
<b>E-MAIL ADDRESS</b>					
<b>VAT REGISTRATION NUMBER</b>					
<b>SUPPLIER COMPLIANCE STATUS</b>	<b>TAX COMPLIANCE SYSTEM PIN:</b>		<b>OR</b>	<b>CENTRAL SUPPLIER DATABASE No:</b>	<b>MAAA</b>
<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES	<input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES	<input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES	<input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES	<input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES	<input type="checkbox"/> NO	
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>					

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**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. 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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. ~~THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).~~

**2. 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 VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE: [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g., company resolution)

DATE: .....

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**SBD 4**

**BIDDER’S DISCLOSURE**

**1. PURPOSE OF THE FORM**

- 1.1. 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.
- 1.2. 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>2</sup> in the enterprise, employed by the state?	<b>YES/NO</b>
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- 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.

<b>Full Name</b>	<b>Identity Number</b>	<b>Name of State institution</b>

<sup>2</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.



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### 3. DECLARATION

I, the undersigned, 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>3</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.
- 3.5. 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.
- 3.6. 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.
- 3.7. 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>3</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.

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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.

Name of declarer			
Position/Title of declarer			
Name of bidder			
Signature of declarer		Date of signature	

## 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**

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### 1 GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- 1.1.1 the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - 1.1.2 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**  
*(delete whichever is not applicable for this tender).*
- ~~1.2.1 The applicable preference point system for this tender is the 90/10 preference point system.~~
  - 1.2.2 The applicable preference point system for this tender is the 80/20 preference point system.
  - ~~1.2.3 Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.~~
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- 1.3.1 Price; and
  - 1.3.2 Specific Goals.

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### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80.00
SPECIFIC GOALS	20.00
<b>TOTAL POINTS FOR PRICE AND SPECIFIC GOALS</b>	<b>100.00</b>

- 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

- 2.1 **“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;
- 2.2 **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- 2.3 **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- 2.4 **“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
- 2.5 **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

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### 3 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1 POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\mathbf{80/20} \qquad \mathbf{or} \qquad \mathbf{90/10}$$
$$P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) \text{ or } P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = 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 or 90 points is allocated for price on the following basis:~~

~~$$\mathbf{80/20} \qquad \mathbf{or} \qquad \mathbf{90/10}$$
$$P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right) \text{ or } P_s = 90 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right)$$~~

~~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~~

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**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:

**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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer) <b>(Select or tick or indicate or place a mark in one block only)</b>
B-BBEE Procurement Recognition Level of 135% and at least 50.1% ownership by (or combination thereof): a. Black people, or b. Black female, or c. Black Designated Group, or d. Black Voting Rights.	20	
B-BBEE Procurement Recognition Level of at least 110% and at least 30% ownership by (or combination thereof): a. Black people, or b. Black female, or c. Black Designated Group, or d. Black Voting Rights.	10	
B-BBEE Procurement Recognition Level of at least 110% and up to 30% ownership by (or combination thereof): a. Black people, or b. Black female, or c. Black Designated Group, or d. Black Voting Rights.	5	
Any other B-BBEE Procurement Recognition Level up to 110%.	0	

**[BIDDERS ARE REQUIRED TO INDICATE, IN ONE BLOCK, THE NUMBER OF POINTS THEY ARE CLAIMING FOR SPECIFIC GOALS IN THE TABLE IN PAGE 32 (PARAGRAPH**

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**4.1). IN THE EVENT WHERE A BIDDER MAKES A MARK (ONE MARK), ECIC WILL CONSIDER THE CORRESPONDING POINTS TO BE THE ONE WHICH THE BIDDER IS CLAIMING FOR. WHERE A BIDDER MAKES MULTIPLE MARKS OR DOES NOT MAKE ANY MARK OR INDICATION AT ALL IN THE TABLE, THE BIDDER WILL BE ALLOCATED ZERO (0) POINTS FOR SPECIFIC GOALS, NOTWITHSTANDING EVIDENCE PROVIDED.]**

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—

4.2.1 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

4.2.2 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.

**DECLARATION WITH REGARD TO COMPANY/FIRM**

<b>NAME OF COMPANY/FIRM</b>			
<b>COMPANY REGISTRATION NUMBER (ID NUMBER)</b>			
<b>TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX]</b>			
Partnership/Joint Venture / Consortium	<input type="checkbox"/>	Personal Liability Company	<input type="checkbox"/>
One-person business/sole proprietor	<input type="checkbox"/>	(Pty) Limited	<input type="checkbox"/>
Close corporation	<input type="checkbox"/>	Non-Profit Company	<input type="checkbox"/>
Public Company	<input type="checkbox"/>	State Owned Company	<input type="checkbox"/>

4.3 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:

4.4 The information furnished is true and correct;

4.4.1 The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

4.4.2 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

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proof to the satisfaction of the organ of state that the claims are correct;

4.4.3 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 –

4.4.3.1 disqualify the person from the tendering process;

4.4.3.2 recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;

4.4.3.3 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;

4.4.3.4 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

4.4.3.5 forward the matter for criminal prosecution, if deemed necessary.

<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>NAME AND SURNAME (AUTHORISED SIGNATORY)</b>	
<b>SIGNATURE</b>	
<b>SIGNATURE</b>	
<b>SIGNATURE</b>	
<b>ADDRESS</b>	
<b>ADDRESS</b>	
<b>DATE OF SIGNATURE</b>	

# REQUEST FOR PROPOSAL: PROVISION OF LEGAL SERVICES TO ASSIST IN THE ESTABLISHMENT OF A SOUTH AFRICAN EXPORT IMPORT BANK (SA EXIMBANK)

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### Checklist

Hereunder is a checklist to ensure that the bid document is complete in terms of administrative compliance. Please ensure that the following forms have been completed and signed and that all documents, as requested, are attached to the tender document.

ITEM	DOCUMENT REFERENCE	ACTION TO BE TAKEN	YES/NO
1.	SBD 1	Invitation to Bid	Is the form duly completed and signed?
2.	SBD 4	Declaration of Interest	Is the form duly completed and signed?
3.	SBD 6.1	Preference Points Claim Form for Preferential Procurement Regulations 2022	Is the form duly completed, Specific Goals points claimed, and the form signed?  Refer to <b>the table on page 32, paragraph 4.1.</b>
4.	B-BBEE status level verification certificate or Sworn Affidavit	Is proof of the B-BBEE Status level of contributor attached? Bidder must attach a copy of B-BBEE Certificate or a copy of a Sworn Affidavit, whichever is applicable.	
5.	Company profile and area of expertise	Has the bidder attached a copy of the company profile and area of expertise?	
6.	<p>Has the bidder attached Curriculum Vitae (“CV”) of the Key Personnel, including (i.e. Senior Counsel, associates and professional assistants) (together with certified copies of qualifications), containing the following:</p> <ul style="list-style-type: none"> <li>• Areas of expertise highlighted under paragraph 4 of the terms of reference.</li> <li>• Years of experience in the identified area of expertise.</li> <li>• The Key Personnel must be a Senior Counsel with more 10 years as an admitted Advocate and experience in the identified areas of expertise as highlighted in paragraph 4 of the terms of reference in the identified area of specialisation.</li> <li>• An admitted Advocate, who is in good standing with the Law Society of South Africa and/or Legal Practice Council.</li> </ul>		
7.	Partnership agreements and practice numbers?		
8.	Has the bidder attached certified proof of admission certificate for each of the Key Personnel?		
9.	CSD Report or MAAA Number		
10.	Tender submission (if the bidder is submitting physical information/documents)	Two (2) printed copies (one original and one copy) submitted? (if submitting physical copies)	
		One (1) electronic copy submitted?	

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I, the undersigned (name) ..... certify that the information furnished on this checklist is true and correct.

Position/Title of declarer			
Name of bidder			
Signature of declarer		Date of signature	