TERMS OF REFERENCE



APPOINTMENT OF A PANEL OF ATTORNEYS OF LEGAL LAW FIRMS AS PER SPECIFIED CATEGORIES UNTIL THE 31ST OF MARCH 2030

WRSCM-2026/2027-000…….

1. BACKGROUND TO W&RSETA

The Wholesale and Retail Sector Education and Training Authority (W&RSETA) was established in 2000 in terms of the Skills Development Act (as amended). A public entity (A schedule 3A entity) which aims to facilitate the skills development needs of the Wholesale and Retail (W&R) sector through the implementation of learning programmes, disbursement of grants and monitoring of education and training as outlined in the National Skills Development Strategy (NSDS).

2. BACKGROUND FOR/OF THE SERVICE

The W&RSETA has a Board that is the Accounting Authority, which must play a role within the Legal prescripts and exercise its fiduciary duties; however, these legal prescripts and fiduciary duties at an operational level are exercised within the ambit of the Chief Executive Officer (CEO). The W&RSETA, as an entity delivering its mandate, must engage and conclude several agreements or contracts to give effect to its business and deliverables on Corporate Governance and oversight provided by the Board and its sub-committees.

Thus, the W&RSETA has organisational policies and procedures that guide employee conduct and labour relations within the organisation. The Legal Services are therefore requested within the context of the strategic and operational areas of the business of the W&RSETA.

3. OBJECTIVE OF THE BID

The objective of the bid is to appoint a panel of suitably qualified legal firms to render Legal Services within various legal disciplines indicated in the scope of services. The duration of the ad hoc services will be until the 31st of March 2030; however, it should be noted that the appointed legal service providers that form part of the panel will be awarded work as and when legal services are required by the W&RSETA.

4. SCOPE OF SERVICES

The prospective Law Firms must choose a category of specialisation, in line with the firm's main area of expertise, as tabulated below:

CATEGORY
General and Specific Litigations (Civil Law or Criminal Law)
Commercial/Corporate Law and Governance
Labour Law
General Legal Advice and Opinions
Contract Vetting, interpretation, and disputes

Patent and Trademark Law

DESCRIPTION OF SERVICES REQUIRED	
Description:	APPOINTMENT OF A PANEL OF LAW FIRMS OF ATTORNEYS PER SPECIFIED CATEGORIES ON AN "AS AND WHEN BASIS", UNTIL 31ST OF MARCH 2030. **The Services will consist of:** **Litigation:** Upon receiving a brief and instructions, the appointed service provider shall prepare and represent the W&RSETA in litigation cases where the W&RSETA is cited as a Plaintiff, Defendant or is an Applicant or **Respondent in the following areas of law:** • Contractual disputes, • Administrative and Constitutional law, sale and lease • agreements, • Debts, claims management and collections, and Civil litigation • of any nature. **Labour, including:** • Upon receiving the brief and instruction, the incumbent shall prepare and represent the W&RSETA in all labour forums, including the CCMA, the Labour Court, the Supreme Court or the Constitutional Court. • Investigations of misconduct matters, presiding over • disciplinary matters, and • Representation of the employer in disciplinary matters **General Legal Advice:** *Provision of legal opinions, inter alia, on the following areas of law, but not limited to the following:* • Commercial law, contractual disputes, • Administrative and Constitutional Law, Sale and Lease, • The general interpretation of Statutes, Labour Law, • Skills Development Act and regulations and any amendments; • Skills Levies Act and grant regulations and amendments; • Workplace-based Learning Programme Regulations and amendments. • SLAs with other skills development institutes, e.g., QCTO, SAQA, Other SETAs, and

	Strategic Partnerships with National and International Organisations. **Corporate Law provides advisory services relating to the following:** • Corporate Governance, • Code of Good Governance, e.g., King IV and King V, and • All legal prescriptions, especially the Public Finance Management Act, as it relates to the management of the finances of Public Entities. **Contract Drafting, Vetting, Intellectual Property, Trademark, Copyright and Patent:** • Drafting of contracts, vetting of contracts, and • Interpretation of contractual provisions where disputes arise, • Intellectual Property Rights Trademark • Copyright and Patent •

5. FIRM CLASSIFICATION

The section below aims to assist W&RSETA in classifying the firm per their geographic dispensation, the size of the firm (small, medium and large) and the firm's reach. To this end, the bidder is required to select from the appropriate categories and provide evidence to support their choice.

	Criteria	Small-sized firm ☐	Medium-sized firm ☐	Large-sized firm ☐
1	**Number Of Admitted Attorneys**	1 - 10 Admitted Attorneys ☐	11 - 50 Admitted Attorneys ☐	More than 50 Admitted Attorneys ☐
2	**Total Number of Employees**	1- 20 Employees who also work in the firm ☐	21- 100 employees who also work in the firm ☐	More than 100 employees who work in the firm ☐
3	**Number Of Firms' Offices nationally**	☐	☐	☐
4	**Geographical Reach** **(Indicate municipality where the firms are located)**	Complete form below that indicates the follow: 1. Firms address 2. Municipality 3. Province		

5	**Preferred Practice Areas** **(Ranking from 1-5)** **(With one being the most preferred area of practice)**	Litigation (Civil, Criminal and Public Law) ……	Litigation (Civil, Criminal and Public Law) ……	Litigation (Civil, Criminal and Public Law) ……
		Labour matters. ……	Labour matters. ……	Labour matters. ……
		General Legal Advice and Opinion ……	General Legal Advice and Opinion ……	General Legal Advice and Opinion ……
		Commercial/Corporate Law and Governance ……	Commercial/Corporate Law and Governance ……	Commercial/Corporate Law and Governance ……
		Contract Drafting, Vetting, Intellectual Property ……	Contract Drafting, Vetting, Intellectual Property ……	Contract Drafting, Vetting, Intellectual Property ……
		Patent and Trademark Law ……	Patent and Trademark Law ……	Patent and Trademark Law ……

****WRSETA reserves the right to select only three of the highest-rated expertise indicated by the firm bidding.***

Table to be completed in line with requirement from criteria 4 from the above

	Office address	*Municipality where address is based*	*Province where the office is based*	*Evidence Submitted (must be the Municipal account of the office address or valid lease agreement)*

6. EXPECTED OUTCOMES AND DELIVERABLES.

- The Service Providers will be required to deliver as per the scope and brief on each matter that will be given as and when required.
- Service Providers to demonstrate the ability to deliver the service within the required services within the set parameters and scope;
- Demonstrate a proven track record concerning the services required; and
- Demonstrate compliance with the W&RSETA requirements and briefs submitted.

7. MONITORING THE PROGRESS OF THE SERVICE

The W&RSETA shall monitor and evaluate the progress of the service delivery as per the deliverables outlined in the brief. The appointed service providers are advised that their performance will be managed at various intervals as dictated by the concluded service level agreement.

8. QUALITY ASSURANCE REVIEWS OF THE SERVICE

The quality of the services will be managed via the approved brief.

9. INDEPENDENCE AND OBJECTIVITY OF STAFF

In carrying out the services, the approved Service Providers must ensure that their staff members maintain objectivity by remaining independent of the activities they execute.

10. PROCESS OF AWARDING WORK AFTER FINALISATION OF THE PANEL

After the panel has been constituted, whenever the ad hoc services are required from the appointed panel members who have been categorised per their expertise, geographic location and size, W&RSETA will engage the following process:

a. Bidders will be invited from the Panel to submit quotations as per the services and expertise required, the geographic location of the matter and the nature of the matter, as required by the internal end-user.

b. The second-stage evaluation criteria aligned to the matter will be prescribed in the second bidding stage (request for quotations), which will include a pricing schedule and specific goal evaluations and/or technical evaluation criteria.

c. It must be noted that the W&RSETA reserves the right to conduct due diligence for the shortlisted bidders, for which the W&RSETA may include the submission of the latest reviewed and audited Annual Financial Statements for three years and any other relevant documentation.

11. Mandatory Requirements

Mandatory Requirements			
	The bidder must provide proof of a valid letter of good standing with the Legal Practice Council.		
	The bidder must provide proof of a valid Fidelity Fund Certificate.		
	The bidder must provide proof of a valid admission certificate to the relevant Legal Practice Council and a valid current membership.		
Failure to adhere to the Mandatory requirements will result in the disqualification of the bidder.			

Technical Evaluation:

The Technical threshold for this bid for **Small firms is 60 points**. Bidders who do not meet the 60-point technical threshold will not be admitted to the panel.

The Technical threshold for this bid for **Medium firms is 70 points**. Bidders who do not meet the 70-point technical threshold will not be admitted to the panel.

The Technical threshold for this bid for **Large firms is 80 points**. Bidders who do not meet the 80-point technical threshold will not be admitted to the panel.

12. Technical Evaluation

<table>
<tr><th>Criteria</th><th>Evidence Required</th><th>Max score</th><th>Points Allocation</th></tr>
<tr><td colspan="4">Experience and Expertise</td></tr>
<tr><td colspan="4">Understanding of the regulatory framework applicable to the related area(s) of specialisation and experience in providing legal services to an organ of state (the firm)</td></tr>
<tr><td>Experience and understanding of Legislative and Regulatory requirements</td><td>▪ Bidder must demonstrate extensive experience and understanding of the legislative and regulatory framework applicable to the related areas of expertise indicated in the scope of services. The bidder must submit a full company profile and certificates to indicate the firm's incorporation date.</td><td>15</td><td>• Less than 5 years of experience to be outlined including full company profile and certificates to indicate the firm's incorporation date - 5 points.
<table>
<tr><th>Company profile</th><th>Less than 3 years

Points = 3</th><th>More than 3 years to 5 years

Points = 5</th></tr>
</table>
• 5 to 14 years of experience to be outlined full company profile and certificates to indicate the firm's incorporation date and various affiliates' profiles (e.g., Senior or junior advocates that the firm may use in executing the firm's expertise- 10 points.
<table>
<tr><th>Company profile</th><th>6 years to 10 years</th><th>11-14 years</th></tr>
</table></td></tr>
</table>

<table>
<tr><th>Criteria</th><th>Evidence Required</th><th>Max score</th><th>Points Allocation</th></tr>
<tr><td></td><td></td><td></td><td>
<table>
<tr><td></td><td>Points = 5</td><td>Points = 10</td></tr>
</table>
15 years and more of experience to be outlined full company profile and certificates to indicate the firm's incorporation date and various affiliates' profiles (e.g., Senior or junior advocates and other resources that the firm may use in executing the expertise- 15 points.
<table>
<tr><td>Company profile</td><td>Less than 15 years

Points = 15</td><td>More than 20 years

Points = 15</td></tr>
</table>
</td></tr>
</table>

<table>
<tr><th>Criteria</th><th>Evidence Required</th><th>Max score</th><th>Points Allocation</th></tr>
<tr><td></td><td>Bidders must demonstrate that they have various affiliates' profiles (e.g., Senior or junior advocates that the firm may use in executing the firm's expertise as indicated above per the chosen category above).</td><td>15</td><td>Submission of various affiliates' profiles (e.g., Senior or junior advocates that the firm may use in executing the firm'sexpertise.

<table>
<tr><td rowspan="4">Advocate(s) as associates to the firm specialising in the category selected</td><td>Junior advocate

Points= 3</td><td>Senior Advocate

Points= 5</td></tr>
<tr><td>2 x Junior advocate

Points= 5</td><td>2 x Senior Advocate

Points= 10</td></tr>
<tr><td>3 x Junior advocate

Points= 15</td><td>3 x Senior Advocate

Points= 15</td></tr>
<tr><td colspan="2">*If senior advocate's and junior advocates profile are submitted, only the senior advocates profile will be considered for scoring.</td></tr>
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</td></tr>
</table>

Criteria	Evidence Required	Max score	Points Allocation
Experience of Key Staff Lead Attorney (Team Leader) in the related area(s) of specialisation selected in one of the category(s) above. (CV/profiles are to be attached).	▪ Bidders must supply detailed CVs, indicating valid qualifications of the lead attorney to be allocated to SETA, and specific relevant assignments undertaken within organs of state, preferably within a public service environment, along with their contact details.	30	• Less than 5 years' experience i.e., total duration of professional activity – **10 points** • More than 5 years but less than 15 years' experience i.e., total duration of professional activity – **20 points** • More than 15 years' experience, i.e., total duration of professional activity – **30 points**
Experience in comparative projects	▪ Bidders must supply details of specific relevant assignments undertaken within organs of state and, preferably, within the Public Service environment, with contact details. • The said reference letter(s) indicating the firms preferred legal expertise/discipline as indicated above, should not be older than five years.	30	• One reference letter- **5 Points** • Two-Three reference letters- **10 points,** • Four-Five reference letters- **20 points,** • Six and more reference letters- **30 points.**
Capacity and Existence of the Firm			
Understanding of the regulatory framework applicable to the related area(s) of specialisation and experience in providing legal services to organs of state			
The Law firm's reach or ability to practice Nationally	Bidder must indicate the footprint of its presence nationally or through its preferred correspondent attorneys in various areas of the country, *provinces/nationally.*	**10**	• No Footprint in provinces on evidence submitted – 0 points • Footprint in 1 provinces – 3 points • Footprint in 2-4 provinces – 5 points • Footprint in 4-6 provinces – 8 points • Footprint in 6-9 provinces – 10 points (Evidence of the bidders Municipality

Criteria	Evidence Required	Max score	Points Allocation
			account indicating the address for the firm(s) which is not more than Three (3) Months from the closing date of the bid or a valid and active lease agreement. Where a correspondent(s) is/are submitted as evidence, a letter on the correspondences firms letterhead confirming relation is sufficient.
Total Points		**100**	