



TERMS OF REFERENCE

**CALL FOR PROPOSALS TO CONDUCT RESEARCH AND DEVELOPMENT ON
LEASE AND ACQUISITION OF OFFICE BUILDING ACCOMMODATION AND
DEVELOP A DETAILED GEOGRAPHICAL MODEL EXECUTION PLAN FOR LEGAL
AID SA**

BID NUMBER: 21/2021

CLOSING DATE AND TIME OF BID: 09 November 2021 AT 11H00 AM

BID VALIDITY PERIOD: 120 DAYS

CALL FOR PROPOSALS TO CONDUCT RESEARCH AND DEVELOPMENT ON LEASE AND ACQUISITION OF OFFICE BUILDING ACCOMMODATION AND DEVELOP A DETAILED GEOGRAPHICAL MODEL EXECUTION PLAN FOR LEGAL AID SA

1. INTRODUCTION

Legal Aid South Africa is an independent statutory body established in terms of Legal Aid Act, 1969 (Act 22 of 1969), replaced by the Legal Aid South Africa Act 39 of 2014. Its aim is to render legal aid to indigent persons as widely as possible within its financial means, including providing legal representation and advice at State expense as contemplated in the Constitution. Legal Aid South Africa is a high performance organisation delivering its constitutional mandate to provide legal assistance to the indigent.

Legal Aid SA has a mandate to secure office accommodation in terms of the Legal Aid South Africa Act, 2014 to house its employees for service delivery. Legal Aid SA experienced consistent growth over the past years resulting in expansion of services across all provinces. A common practice for clients to access Legal Aid SA's legal services is through visiting the organisation's local and satellite offices. The provision of office space is therefore central in enabling access to legal services. The property portfolio has shown a significant growth with one (1) National Office, six (6) Provincial Offices, sixty-four (64) Local Offices and sixty-four (64) Satellite Offices. Out of these offices, eight (8) properties are owned by Legal Aid SA, one hundred and twenty-four (124) are leased from various landlords and three (3) rent-free court office spaces are provided by the Government.

2. BID/PROPOSAL OBJECTIVE/S

Legal Aid SA invites qualified service providers to submit proposals to conduct research and development on leasing and acquisition of office building accommodation and develop a detailed geographical model execution plan for Legal Aid SA. The project is aligned with the Legal Aid SA Property Management Unit Strategic Plan 2020-2025.

Research and development is the initial project intended to identify strategic locations for Legal Aid SA service points. Currently, local and satellite offices were established based on a court coverage model which was deemed as a service accessible approach to the clients and the public. The aforementioned office model was undertaken at a provincial level which formed a region and was based on demand being available and a generally unconstrained view. Occasionally, each Provincial Office, through a distinctly separate process, prepares its own plan, which takes a more realistic and local view of planning from that specific office's perspective.

3. PROJECT OBJECTIVES

The purpose of the project is to provide a greater level of detail execution model plan to be aligned with service delivery objectives and needs. This includes the provision of research and development and a detailed geographical model execution plan that addresses demand forecasts, current capacity constraints, the condition of existing office accommodation, mandatory requirements, property market analysis, rationalisation of office space, reduction of office space, co-leasing where possible and other services. Conducting research and development with a geographical model execution plan will offer better capacity management and strategic planning for Legal Aid SA in the short-, medium- and long-term. In essence, the following is additionally and mandatory anticipated:

- Rationalisation of the Provincial Offices setup;
- Reduction of office space;
- Co-leasing;
- Acquire long-term lease (9 years 11 months);
- Acquiring properties in strategic locations where market is limited for possible acquisition, and
- Detailed planning to improve efficiency.

The outcome of the research must assist Management in identifying specific characteristics, strengths and weaknesses and provide guidance on how the strengths can be enhanced and the weaknesses be mitigated.

4. STUDY AREA

The study area will consist of the areas delineated on the map and in the table below:



Note: The Legal Aid SA Port Elizabeth Office was acquired in September 2020

Table 1: Owned and leased Properties

Properties	Total	EC	FSNW	GP	KZN	LMP	WCNC
1. Owned Office Space	8	1	2	3	0	2	0
2. Rent-Free Office Space	3	0	0	0	0	2	1
3. Leased Office Space with parking	124	21	18	13	22	23	27
TOTAL	135	22	20	16	22	27	28

5. PROJECT SCOPE

Qualified service providers are requested to submit proposals clearly defining how they would set about developing a geographical model execution plan for Legal Aid SA's leasing and acquisition of office accommodation. The scope of the model execution plan should include but is not limited to the following components:

- 5.1.1 Analyses and integrates previously compiled documents, including the Property Management Strategic Plan 2020-2025 and property registers;
- 5.1.2 Collects and evaluates all relevant information for the study, including demand forecasts, current capacity constraints, condition of existing office accommodation, mandatory legal requirements, property market analysis;
- 5.1.3 Identifies current lease opportunities and constraints associated with provision of office accommodation and provides mitigation measures;
- 5.1.4 Evaluates the office space requirements and model for implementing such recommendations and provides market-related budgetary projections for ten years;
- 5.1.5 Assessing and evaluating the nature, extent and current asset condition and current performance of each office;
- 5.1.6 Determines demand focus based on the service delivery required and trends;
- 5.1.7 Ensures that the value of purchase price and post-acquisition refurbishment is economically acceptable, through prevention of expenditure on infrastructure that becomes either redundant or not immediately habitable;
- 5.1.8 Benefits and proposals to improve the property procurement practice as an iterative process;
- 5.1.9 The plan must provide conceptual development, spatial/development guidelines, principles, parameters and standards that will allow for sound decision making on leasing and acquisition of offices;
- 5.1.10 Formulates an execution plan for achieving the objectives for each area as determined through the research and development;
- 5.1.11 Integrates and conveys all information spatially on one (1) map (geographical model execution map) along with goals and recommendations, and
- 5.1.12 Proceeds with project in accordance with goals/objectives as set out by the Property Management Strategic Plan 2020-2025.

6. PROJECT PLAN

The project must be completed within a period of six (6) months as follows:

6.1 Project deliverables and Comprehensive Report

A well-structured report with a logical sequence describing the condition of existing office accommodation, the methodology, analysis, conclusions and recommendations, which includes the following deliverables:

- 6.1.1 Provide a geographical model execution map;
- 6.1.2 Unpack and determine demand and capacity per Provincial Office, including capacity improvements;
- 6.1.3 Unpack provincial leasing arrangements at provincial level considering strategic planning issues, rental rates, co-leasing with other entities, rationalisation of office space, long-term leases include forecasted leasing proposals and timeframes;
- 6.1.4 Unpack current capacity constraints, condition of existing office accommodation, mandatory requirements, property market analysis (short-, medium- and long-term);
- 6.1.5 Determine if rationalisation or spatial re-layout of Provincial Offices is needed, factoring the impact of the 4th Industrial Revolution and COVID-19 on office demand;
- 6.1.6 Space required to service the clients and performance;
- 6.1.7 Proposed improvements to procurement of office accommodation approach and asset management practice to minimise lifecycle costs;
- 6.1.8 Property market analysis, and
- 6.1.9 Action plans for the next 10 years.

6.2 Format

- 6.2.1 PowerPoint presentations to be prepared for Legal Aid SA Management.
- 6.2.2 MS Word A4 report with associated maps.
- 6.2.3 AutoCAD drawings.
- 6.2.4 Excel data sheets.

7. PREVIOUS EXPERIENCE

- 7.1 Service providers must submit evidence that they have successfully completed similar projects. This evidence should be in the form of reference letters which must contain the following:
 - 7.1.1 Bidders must submit written and signed reference letter/s from current or previous client/s where leasing and acquisition of office building accommodation research and development services has been successfully rendered. Reference letter/s should be on the letterheads of the client and should be signed by the person at management level. The reference letter must indicate the information below:

- contract value;
- 5 years' experience on research and development in property sector portfolio analysis;
- type of services provided and the type of industry;
- the evidence to be submitted should indicate capabilities in conducting multi-faceted work that involves socio-economic considerations, property valuation and detailed market analysis, environmental considerations, land use and planning principles, building/structural requirements, engineering planning and stakeholder participation/consultation.

7.1.2 Curriculum Vitae detailing the qualification, profession registration and experience of the project team must accompany all proposals. Failure on the part of the service provider to meet all the requirements will result in their proposal being disqualified.

8. FUNCTIONALITY

The bid will be evaluated in three (3) phases as outlined below:

8.1 Phase 1: Responsiveness

Bidders must ensure that they complete and sign documents as indicated below, and the documents must be submitted as part of the bid document by the closing date and time:

8.1.1 Signed SBD 1: Invitation to Bid.

8.1.2 Signed SBD 3.1: Pricing schedule – firm prices (Purchases).

8.1.3 Signed SBD 4: Declaration of interest.

8.1.4 Signed SBD 8: Declaration of bidder's past supply chain management practices.

8.1.5 Signed SBD 9: Certificate of independent bid determination.

8.1.6 Signed SBD 6.1: Preference Points claim form in terms of the Preferential Procurement Regulations 2017.

8.1.7 Original or certified valid B-BBEE certificate. The bidder must be registered on Central Supplier Database (CSD): The bidder must ensure that their company is registered on CSD (attach the CSD report with the bid document or provide bidder CSD registration number).

8.2. Phase 2: Functionality

The functionality evaluation will be assessed as follows:

Rating	Definition	Score
Excellent	Exceeds the requirement. Exceptional demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the services. Response identifies factors that will offer potential added value, with supporting evidence.	5 (100%)
Good	Satisfies the requirement with minor additional benefits . Above average demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the services. Response identifies factors that will offer potential added value, with supporting evidence.	4 (80%)
Acceptable	Satisfies the requirement. Demonstration by the bidder of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the services, with supporting evidence.	3 (60%)
Minor Reservations	Satisfies the requirement with minor reservations . Some minor reservations of the bidder's relevant ability, understanding, experience, skills, resource and quality measures required to provide the services, with little or no supporting evidence.	2 (40%)

Rating	Definition	Score
Serious Reservations	Satisfies the requirement with major reservations . Considerable reservations of the bidder's relevant ability, understanding, experience, skills, resource and quality measures required to provide the services, with little or no supporting evidence.	1 (20%)
Unacceptable	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the bidder has the ability, understanding, experience, skills, resource & quality measures required to provide the services, with little or no supporting evidence.	0

The following criteria will be used to evaluate and score functionality. The table below outline the requirements which must be submitted with the bid document and only bidders that have submitted all the documents will be evaluated for pricing and B-BBEE. Evaluation criteria number 1 in the table below is the pre-qualification requirement. Non-submission of proof of experience, qualifications and professional registration documents will see the bidder disqualified and not evaluated for criteria 2, 3, pricing and B-BBEE.

Evaluation criteria	Scoring (for whole or each sub-element where applicable)	Maximum number of points
1. Experience and Qualifications of the key personnel	<p>1. Project Manager and Team Leader: Property Valuation qualification with professional registration and experience:</p> <p>15 years' experience upwards, post-registration as a Professional Valuer = 5 points.</p> <p>10 years' experience, Professional Valuer but less than 15 years = 4 points.</p> <p>8 years' experience, Professional Valuer but less than 10 years = 3 points.</p>	

Evaluation criteria	Scoring (for whole or each sub-element where applicable)	Maximum number of points
	<p>6 years' experience, Professional Valuer but less than 8 years = 2 points. 5 years and less experience, Professional Valuer = 1 point.</p> <p>2. Development Planner (Municipal Spatial Planning): Town and Regional Planning qualification with professional registration and experience: 10 years' experience upwards, post-registration as a Professional Planner = 5 points. 8 years' experience, Professional Planner but less than 10 years = 4 points. 6 years' experience, Professional Planner but less than 8 years = 3 points. 4 years' experience, Professional Planner but less than 6 years = 2 points. 2 years and less experience, Professional Planner = 1 point.</p> <p>4. Geo-Information Science (GISc) Expert: Professional registration with experience: 10 years' experience upwards, post-registration as a Professional GISc. = 5 points. 8 years' experience, Professional GISc. but less than 10 years = 4 points. 6 years' experience, Professional GISc. but less than 8 years = 3 points. 4 years' experience, Professional GISc. but less than 6 years = 2 points 2 years and less experience, Professional GISc. = 1 point.</p> <p>4. Financial Analyst / Infrastructure Investment Analyst: 5 years' upwards post-registration experience = 5 points. 4 years' post-registration experience but less than 5 years = 4 points. 3 years' post-registration experience less than 4 years = 3 points. 2 years' post-registration experience less than 3 years = 2 points. 1 year and less post-registration experience = 1 point.</p>	20
<p>NB: EVALUATION CRITERIA 1 WHICH IS OUTLINED ABOVE IS THE PRE-QUALIFICATION REQUIREMENT. NON-SUBMISSION OF PROOF OF EXPERIENCE, QUALIFICATIONS AND PROFESSIONAL REGISTRATION DOCUMENTS WILL SEE THE BIDDER DISQUALIFIED AND NOT EVALUATED FOR CRITERIA 2, 3, PRICING AND B-BBEE.</p>		

Evaluation criteria	Scoring (for whole or each sub-element where applicable)	Maximum number of points
<p>2. Proposed Methodology and Approach:</p> <p>Details of the six months' proposed plan and methodology that the bidder intends to follow with regard to the effective provision of the professional services required by conducting research and development on leasing and acquisition of office building accommodation and develop a detailed geographical model execution plan for Legal Aid SA. The plan and methodology should outline the 9 project deliverables but is not limited to the following:</p> <p>2.1 Provide a geographical model execution map;</p> <p>2.2 Unpack and determine demand and capacity per Provincial Office, including capacity improvements;</p> <p>2.3 Unpack provincial leasing arrangements at provincial level considering strategic planning issues, rental rates, co-leasing with other entities,</p>	<p>40 points</p> <p>The important issues are approached in an innovative and efficient way, indicating that the bidder has outstanding knowledge including the approach and the detailed ways to improve the project outcomes and the quality of the outputs.</p> <p>If a bidder's proposal clearly demonstrates expertise, comprehension and competence in all 9 project deliverables, outlined through a synopsis, they will score 40 points.</p>	<p>40</p>
	<p>32 points</p> <p>The approach is specifically addressing the specific project objectives and methodology and can accommodate changes that may occur during execution. The quality plan and approach to manage risk, et cetera, are critical characteristics of the project.</p> <p>If a bidder's proposal clearly demonstrates expertise, comprehension and competence only in 6 project deliverables, outlined through a synopsis, they will score 32 points.</p>	
	<p>24 points</p> <p>The approach is generic and not necessarily addressing the specific project objectives. The approach does not meaningfully deal with the critical characteristics of the project. The quality plan and approach to manage risk, et cetera, are too generic.</p> <p>If a bidder's proposal clearly demonstrates expertise, comprehension and competence only in 4 project deliverables, outlined through a synopsis, they will score 24 points.</p>	

Evaluation criteria	Scoring (for whole or each sub-element where applicable)	Maximum number of points
<p>rationalisation of office space, long-term leases include forecasted leasing proposals and timeframes;</p> <p>2.4 Unpack current capacity constraints, condition of existing office accommodation, mandatory requirements, property market analysis, (short-, medium- and long-term);</p> <p>2.5 Determine if rationalisation or spatial re-layout of Provincial Offices is needed factoring in the impact of the 4th Industrial Revolution and COVID-19 on office demand;</p> <p>2.6 Space required to service the clients and performance;</p> <p>2.7 Proposed improvements to procurement of office accommodation approach and asset management practice to minimise lifecycle costs;</p> <p>2.8 Property market analysis, and</p> <p>2.9 Action plans for the next 10 years.</p>	<p>16 points The technical approach and/or methodology is poor/unlikely to satisfy project objectives or requirements. The Tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project. If a bidder's proposal clearly demonstrates expertise, comprehension and competence only in 2 project deliverables, outlined through a synopsis, they will score 16 points.</p> <p>8 points A bidder has not provided the methodology and approach. If a bidder's proposal clearly demonstrates expertise, comprehension and competence only in 1 project deliverable, outlined through a synopsis, they will score 8 points.</p>	

Evaluation criteria	Scoring (for whole or each sub-element where applicable)	Maximum number of points
<p>3. Experience/Track Record of the Bidder (Lead Bidder and Entities in JV, Consortium, Association, etc.): Bidder’s experience and track record in executing work of similar nature.</p> <p>A bidder must have a proven track record substantiated by reference to entities where similar projects relevant to the scope of the work were successfully executed. This shall include the following information for each project undertaken:</p> <p>The reference letter in a company letterhead must have the following details:</p> <p>Contact Person; Designation, Organisation/Company name, and Cell number/Office number</p>	<p>40 points</p> <p>A bidder has demonstrated experience and track record in completing six (6) or more leasing and acquisition of office building accommodation research and development and developing a detailed geographical model execution plan in South Africa.</p> <p>If a bidder submitted at least six (6) and more reference letters where work-study services/job evaluation were successfully conducted, they will score 40 points on evaluation.</p>	<p>40</p>
	<p>32 points</p> <p>A bidder has demonstrated experience and track record in completing at least five (5) leasing and acquisition of office building accommodation research and development and developing a detailed geographical model execution plan in South Africa.</p> <p>If a bidder submitted at least five (5) and more reference letters where work-study services/job evaluation were successfully conducted, they will score 32 points on evaluation.</p>	
	<p>24 points</p> <p>A bidder has demonstrated experience and track record in completing at least four (4) leasing and acquisition of office building accommodation research and development and developing a detailed geographical model execution plan in South Africa.</p> <p>If a bidder submitted at least four (4) and more reference letters where work-study services/job evaluation were successfully conducted, they will score 24 points on evaluation.</p>	

	<p>16 points A bidder has demonstrated experience and track record in completing at least three (3) leasing and acquisition of office building accommodation research and development and developing a detailed geographical model execution plan in South Africa. If a bidder submitted at least three (3) and more reference letters where work-study services/job evaluation were successfully conducted, they will score 16 points on evaluation.</p>	
	<p>8 point A bidder has not provided any evidence of experience and track record or completed less than three (3) leasing and acquisition of office building accommodation research and development and developing a detailed geographical model execution plan in South Africa. If the bidder submitted less than three (3) reference letters where work-study services/job evaluation were successfully conducted, they will score 8 points on evaluation.</p>	
Maximum possible score (Points)	100	
Minimum threshold score for Tenderer's Financial Proposal to be considered	80	

Please note: Bidder/s must achieve a minimum overall score of 80 as well as the minimum score per criteria in order to be considered further.

8.3 Phase 3: Financial Offer and Preference Evaluation

With reference to the Preferential Procurement Policy Framework Act 2017, the evaluation shall be based on the 80/20 Principle and the points for evaluation criteria are as follows:

8.3.1 PPPFA Points Scoring

Qualifying bidders will be evaluated in terms of the Preferential Procurement Policy Framework Act (PPPFA), Procurement Regulations 2017. The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included), therefore the 80/20 points system will apply, where:

Evaluation Criteria		Points
1.	Price	80
2.	Broad-Based Black Economic Empowerment	20
Total		100

9. WORK SCHEDULE

The project duration is for the period of six (6) months. The service providers must submit their proposed methodology with detailed project plans of the work to be undertaken, including the estimated time required for each task as this will form part of the evaluation criteria.

10. COMPULSORY BRIEFING SESSION

No compulsory briefing session which will be scheduled.

11. TERMS AND CONDITIONS

Tender offers will only be accepted for evaluation if:

- 11.1 the tenderer submits an active Tax Compliance Status (TCS) PIN issued by the South African Revenue Services or submits an original written confirmation from SARS that the Tenderer has made arrangements to meet outstanding tax obligations;
- 11.2 the tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and
- 11.3 quotations are submitted on the official Company Letterhead reflecting the following:

- **Date of quote issued**
- **Validity Period is 120 days**

- **Project tenure (number of months)**
- **CSD Report**
 - Quotation should be VAT inclusive where applicable.
 - Quotations must be valid for a period of 120 days from the date of issuing.
 - The full costs must be disclosed and no variances will be entertained.
 - Evaluation: 80/20: Price = 80 and B-BBEE status level of contribution = 20.
 - **The SBD 1, 3.1, 4, 6.1, 8 and 9 (attached) should be completed and submitted.**
 - Bidders are required to provide a valid B-BBEE status level verification certificate or a sworn affidavit where preference points are claimed.
 - The bidder must provide proof of registration on National Treasury's Central Supplier Database (CSD) which should reflect that the bidder is an active supplier, is tax compliant and is not a restricted supplier.
 - Technical and enquiries should be directed by email to BuyisiweM@legal-aid.co.za
Supply chain enquiries to be emailed to FelicityZ@legal-aid.co.za or Tel: 011 877 2000
 - Closing date of submission: **09 November 2021 at 11H00 AM**
 - Bids must be deposited in the tender box at the address mentioned below:

Delivery Address: Legal Aid House
 Legal Aid South Africa
 29 De Beer Street
BRAAMFONTEIN
 Johannesburg
 2017

CHECKLIST:

Documents	SUBMITTED	
	<i>please tick applicable</i>	
	Yes	No
Quotation (proposal)		
CSD Report		
Valid Tax Clearance Certificate with tax pin		
B-BBEE Certificate/sworn Affidavit		
SBD 1		
SBD 4		
SBD 6.1		
SBD 8		
SBD 9		

LEGAL AID SOUTH AFRICA RESERVES THE RIGHT NOT TO MAKE ANY APPOINTMENT AND SHALL NOT ENTERTAIN ANY CLAIM FOR COSTS THAT MAY HAVE BEEN INCURRED IN THE PREPARATION AND THE SUBMISSION OF THE PROPOSALS.