



NATIONAL LIBRARY OF SOUTH AFRICA

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TERMS OF REFERENCE/SPECIFICATIONS FOR THE PROCUREMENT A SERVICE PROVIDER TO PROVIDE LEGAL REPRESENTATION IN A LABOUR-RELATED HIGH COURT APPLICATION

CLOSING DATE: 11 MARCH 2026

TIME: 11H00

NB. Note all proposal/quotation must be submitted Quotations@nlsa.ac.za. Kindly note that failure to submit via this email address will result in your proposal/quotation being rejected and disqualified.

1. BACKGROUND

- 1.1 The National Library of South Africa, hereafter referred to as NLSA, is a world class African National Library and Information Hub. The NLSA is responsible for collecting, recording, preserving, and making available the national documentary heritage of South Africa. The NLSA promotes awareness, appreciation, and access to published documents, nationally and internationally and in doing so contributes to the development and prosperity of South Africa. The NLSA has Campuses in Pretoria and Cape Town.
- 1.2 The purpose of this Terms of Reference (ToR) is to outline the scope of work, responsibilities and expectations for the appointment of a legal representation for NLSA in a High Court matter involving a labour-related dispute.

2. SCOPE OF WORK

- 2.1 The appointed service provider is expected to:
 - 2.1.1 Assess the case and provide legal opinion on the merits, risks and recommended approach.
 - 2.1.2 Draft, file and oppose all necessary pleadings, affidavits and court documents.
 - 2.1.3 Represent the NLSA in all court appearances, including pre-trial conferences, motion hearings and the main trial.
 - 2.1.4 Engage with opposing counsel, court officials and any other parties as required.
 - 2.1.5 Timeously advise the NLSA on legal strategy, risk and compliance issues arising from this matter.
 - 2.1.6 No settlement may be concluded without written approval from the Accounting Authority or delegated official.
- 2.2 The successful service provider deliverables:
 - 2.2.1 Legal opinion and strategy document within one week of appointment.
 - 2.2.2 Draft all pleadings and correspondence shared with the NLSA before submission.
 - 2.2.3 Court-ready documentation to be approved by NLSA before being submitted within prescribed court timelines.
 - 2.2.4 Weekly status reports to designated NLSA representatives.
 - 2.2.5 Final legal report immediately upon conclusion of the matter.

3. NLSA'S RIGHTS

The NLSA is entitled to amend any RFQ conditions, RFQ validity period, RFQ terms of reference, or extend the RFQ's closing date, all before the RFQ closing date. All Bidders, to whom the quotation documents have been issued and where the NLSA have record of such Bidders, may be advised in writing of such amendments in reasonable time and any such changes will also be posted on the NLSA's website under the relevant Bid information. All prospective Bidders must, therefore, ensure that they visit the website regularly and before they submit their quotations response to ensure that they are kept updated on any amendments in this regard.

4. DURATION OF THE PROJECT

- 4.1 The legal service provider will be appointed for the duration of the litigation process, including any appeals or settlement negotiations, unless otherwise terminated by mutual agreement or due to breach of obligations. The appointed service provider to commence as soon as the purchase order is issued.

5. CONDITIONS OF RFQ

- a. The NLSA reserves the right not to accept the lowest proposal.
- b. The NLSA reserves the right to appoint one or more Bidder.
- c. The NLSA reserves the right not to award the contract.
- d. The NLSA reserves the right to accept part of the offer.
- e. The NLSA reserves the right to have any documentation, submitted by the successful Bidder checked or inspected by any other person or organisation.
- f. The NLSA will not be held responsible for any costs incurred by the Bidder in the preparation and submission of the RFQ.
- g. No upfront Payment will be done by NLSA.
- h. The quotation is valid for a period of 30 days and may be extended at the discretion of the NLSA.

6. EVALUATION CRITERIA

6.1. Mandatory - Pre evaluation (standard bid documents)

- 6.1.1. Fully completed SBD 4, SBD 6.1.
- 6.1.2. Prospective bidders must be registered on Central Supplier Database.

6.2. Evaluation stage 2:

Bidders are expected to obtain a minimum of seventy (70) points out of the one hundred (100) points available to proceed to the next evaluation stage. Failure to obtain the minimum prescribed points will automatically disqualify the bidder from proceeding to the next evaluation stage. Only those service providers / contractors who responded exactly as per below scope of work and to the satisfaction of the NLSA shall be considered.

No	Evaluation Criteria	Scoring Guide	Weight
1	Experience in High Court Litigation The service provider must, as part of their submission, provide evidence of previous experience in Labour and Employment law matters before the High Court.	Service provider has 10 years or more experience = 30	

	(Please provide detailed CV with work experience and three (3) contactable references)	Service provider has 5 years or more experience = 15 Service provider has less than 5 years experience = 0	
2	Relevant Qualifications The service provider must demonstrate that they possess the relevant legal qualifications (Please provide certified copies of legal qualifications)	Service provider holds a Masters degree or higher = 30 Service provider holds a law degree = 15	
3	Demonstrated experience in Labour and Employment Law The service provider must provide contactable reference letters from clients. The letter should include the following: 1. Client's letterhead 2. Scope of work 3. Timeframe 4. Contact details of the referee 5. Signature of the referee	Service provider provided five (5) compliant reference letters = 30 Service provider provided three (3) or more compliant reference letters = 20 Service provider provided one (1) or more compliant letters = 10	
4	Professional Standing The service provider must submit a valid certificate or letter from Legal Practice Council confirming that the legal practitioner (s) assigned to the matter are in good standing.	Service provider submitted valid certificate = 10 Service provider failed to submit a valid certificate = 0	

7. PRICING

7.1 Provide detailed quotation covering the service to be provided as per scope of work.

- Pricing Requirements

- Bidders must submit:
- Hourly rates per practitioner (Senior Counsel, Attorney, Candidate Attorney, etc.);
- Estimated total cost based on anticipated litigation stages;
- Disbursement structure;
- VAT status clearly indicated;
- Confirmation that no additional fees will be charged without prior written approval.
- All prices must be firm for 30 days from closing date.

8. Pricing Evaluation (80/20 Preferential Procurement point)

In terms of Regulation 5 of the Preferential Procurement Regulations of 2022/23, Gazette Number 47452 dated 4 November 2022 pertaining to Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the State on the 80/20 – preference point in terms of which points are awarded to bidders based on:-

8.1 The bid price (maximum 80 points)

The following formula will be used to calculate the points out of 80 for price in respect of an invitation for a tender, inclusive of all applicable taxes.

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

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

$P_{\min}$ = Price of lowest acceptable tender.

8.2 Specific Goals (maximum of 20 points):

Specific Goals	Points
100% Black owned	100% Black owned companies - 20 points, Less than 100% Black owned companies -10 points.

9. ENQUIRIES

All enquiries regarding this RFQ must be directed to the SCM Office:

For any RFQ related enquiries please sent to the following email address quoting the Bid Number, Bid Description as a Reference; lorraine.mongwe@nlsa.ac.za and quotations@nlsa.ac.za OR (012) 401 9766/9700/81