



NATIONAL LIBRARY OF SOUTH AFRICA

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0001

5 Queen Victoria Street
Cape Town
8001

TERMS OF REFERENCE/SPECIFICATIONS FOR APPOINTMENT OF ATTORNEYS FOR LEGAL REPRESENTATION IN LABOUR-RELATED HIGH COURT MATTER

CLOSING DATE: 14 AUGUST 2025

TIME: 11:00

NB: All proposal/quotation must be submitted to 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 (NLSA) is a premier African institution tasked with the collection, preservation, and dissemination of South Africa's national documentary heritage. As a custodian of this heritage, NLSA promotes awareness, appreciation, and access to published works both nationally and internationally, contributing significantly to the country's cultural development and prosperity. The NLSA operates from its campuses located in Pretoria and Cape Town.
- 1.2 The purpose of this Terms of Reference is to outline the scope of work, responsibilities, and expectations for the appointment of attorneys to represent NLSA in a High Court matter involving a labour-related dispute.

2. SCOPE OF WORK

- 2.1. The appointed legal firm be expected to:
 - 2.1.1. Assess the case and provide a legal opinion on the merits, risks, and recommended approach.
 - 2.1.2. Draft and file 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. Advise the NLSA on legal strategy, risks and compliance issues arising from the matter.
- 2.1.6. Provide regular updates and reports to the NLSA on the status and progress of the matter.
- 2.1.7. Negotiate settlement, if appropriate and approved by the NLSA.

2.2. The successful service provider deliverables:

- 2.2.1. Legal opinion and strategy document within two (2) weeks of appointment.
- 2.2.2. Draft all pleadings and correspondence shared with the NLSA before submission.
- 2.2.3. Court-ready documentation submitted within court-prescribed timelines.
- 2.2.4. Monthly status reports (or more frequently, as required).
- 2.2.5. Final legal report upon conclusion of the matter.

3. NLSA'S RIGHTS

- 3.1.** 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.

4. DURATION OF THE PROJECT

- 4.1.** The legal firm 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 this project as soon as the purchase order is issued.

5. CONDITIONS OF RFQ

- 5.1.** The NLSA reserves the right not to accept the lowest proposal.
- 5.2.** The NLSA reserves the right to appoint one or more Bidders.
- 5.3.** The NLSA reserves the right not to award the contract.
- 5.4.** The NLSA reserves the right to have any documentation submitted by the successful Bidder checked or inspected by any other person or organisation.
- 5.5.** The NLSA will not be held responsible for any costs incurred by the Bidder in the preparation and submission of the RFQ.

5.6. No upfront Payment will be done by NLSA.

5.7. 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. Stage 1: Pre-Evaluation (Standard bid documents)

6.2. Fully completed SBD 4 and SBD 6.1 forms.

6.3. All bidders must be registered on the National Treasury Central Supplier Database.

6.4. Evaluation stage 2: Technical Evaluation

Bidders are expected to obtain a minimum of seventy (70) points out of one hundred (100) points available to proceed to the next evaluation stage. Failure to obtain the prescribed points will automatically disqualify the bidder from proceeding to the next evaluation stage.

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. (Please provide a detailed CV with work experience and 3 contactable reference).	Service Provider has 10 years or more experience = 30 Service Provider has 5 years or more experience = 15 Service Provider has less than 5 years experience = 0	30
2.	Relevant Qualifications The Service Provider must demonstrate that they possess the relevant legal qualifications (Please provide certified copied of legal qualifications)	Service Provider holds a Master's Degree or higher = 30 Service Provider holds a Law Degree = 15	30
3.	Demonstrated experience in Labour & Employment Law The Service Provider provides contactable reference letters from clients. The letter should include the following:	Service Provider provided five (5) compliant reference letters = 30	30

	1. Client's Letterhead 2. Scope of work 3. Timeframe 4. Contact details of the referee 5. Signature of the referee	Service Provider provided three (3) or more compliant reference letters = 20 Service Provider provided one (1) or more compliant letters = 10	
4. Professional Standing	Service Provider must submit a valid certificate or letter from the Legal Practice Council confirming that the legal practitioner(s) assigned to the matter are in good standing	Service Provider submitted a valid certificate = 10 Service Provider failed to submit a valid certificate = 0	10
	TOTAL POINTS:		100
	Minimum points to pass this evaluation stage:		70

6.5. Preference Point System

In terms of Regulation 5 of the Preferential Procurement Regulations of 2022/23, Gazette Number 47452 dated 4 November 2022 pertaining to the 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: -

- The bid price (maximum 80 points)
- Specific Goals (maximum of 20 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.

- **Specific Goals = Locality**

Bidders located in Gauteng = 20 points

Bidders located outside of Gauteng = 10 points

Please note that CSD registration will be used to confirm locality.

7. ENQUIRIES

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

For any RFQ related enquiries please send to the following email address quoting the RFQ Reference Number, Bid. Description as a Reference; Judy.Moshige@nlsa.ac.za and quotations@nlsa.ac.za OR (012) 402 3017