



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

TERMS OF REFERENCE (TOR)

APPOINTMENT OF A LEGAL REPRESENTATIVE – CCMA

PROCESS AND BEYOND RFQ SAHRA 23/26



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AN AGENCY OF THE DEPARTMENT OF SPORT, ARTS AND CULTURE

Enquiries: smome@sahra.org.za

TERMS OF REFERENCE - REQUEST FOR PROPOSALS: APPOINTMENT OF A LEGAL REPRESENTATIVE AT THE CCMA AND BEYOND, UNTIL THE MATTER IS FINALISED

1. PURPOSE

- 1.1 The South African Heritage Resources Agency (SAHRA) seeks to appoint an external legal service provider from CSD to act as a legal representative in a disciplinary process that is before the CCMA in Cape Town, this involves a senior employee.

2. BACKGROUND

- 2.1 SAHRA recently conducted a disciplinary enquiry and subsequently dismissed a Manager and as a result the employee referred the matter to the CCMA. SAHRA requires a legal representative to represent it at the CCMA and beyond, until the matter is finalised.
- 2.2 This process was initiated in accordance with the Organisation's disciplinary policy and applicable labour laws. Given the complexity of the matter and the fact that the parties allowed legal representation internally, SAHRA requires a legal representative at the CCMA and the legal representative shall remain until the matter is concluded, should the matter be referred to the Labour Court the legal representative shall continue to represent SAHRA.

3. SCOPE OF THE SERVICE REQUIRED

The selected service provider will be required to:

- 3.1 Consult with internal stakeholders to understand the case background and context;
- 3.2 Review relevant documentation and prepare appropriate charges;
- 3.3 Develop a case strategy, including identification of witnesses and evidence;
- 3.4 Generally represent SAHRA during arbitration at the CCMA;
- 3.5

- 3.6 Where applicable, continue representing SAHRA at the Labour Court, shall have the necessary right of appearance at the Labour Court without briefing Counsel;

4. DELIVERABLES

The service provider must deliver the following:

- 4.1 Initial consultation report outlining case understanding and proposed approach;
- 4.2 A list of identified witnesses and relevant evidence;
- 4.3 Participation in all legal proceedings at the CCMA and beyond and appear without briefing Counsel, should there be a need;

5. DURATION OF ASSIGNMENT

- 5.1 The engagement is expected to commence upon conclusion of the matter at the CCMA or at the Labour Court, as the case may be, should the matter be so referred.

6. QUALIFICATIONS AND EXPERIENCE

The appointed legal practitioner must meet the following minimum criteria

- 6.1 Admission as a legal practitioner of the High Court with at least 7 years post-admission experience;
- 6.2 Demonstrable experience in labour law, particularly disciplinary proceedings;
- 6.3 Shall have a right of appearance at the Labour Court;
- 6.4 Shall have represented clients in complex and senior-level disciplinary cases;
- 6.4 No current or past conflicts of interest with any parties involved in the matter;
- 6.5 Strong communication and analytical skills.

7. PROPOSAL REQUIREMENTS

Interested panel firms are requested to submit a written proposal including:

- 7.1 A cover letter confirming availability and acceptance of scope;
- 7.2 Details of the nominated legal practitioner(s), including CVs;
- 7.3 A summary of relevant experience in similar matters;
- 7.4 Right of appearance at the labour Court or equivalent;
- 7.4 Confirmation of absence of conflict of interest;
- 7.5 A pricing proposal based on hourly or daily rates, with an estimate of total cost;

8. TERMS AND CONDITIONS

- 8.1 All costs and expenses incurred by the potential service providers relating to their project proposal will be borne by each respective service provider. SAHRA will not be liable to pay such costs and expenses or to reimburse or compensate service providers in the process under any circumstances, including the rejection of any proposal or the cancellation of this project.
- 8.2 SAHRA reserves the right to request new or additional information regarding each bidder and any individual or other people associated with its proposal.
- 8.3 SAHRA may require responsive bidders to present and discuss their proposals in person.
- 8.4 SAHRA reserves the right not to make any appointment from the proposals submitted.
- 8.5 Bidders shall not issue any press release or other public announcement pertaining to details of their project proposal without the prior written approval of SAHRA.
- 8.6 Bidders are required to declare any conflict of interest they may have in the transaction for which the bid is submitted or any potential conflict of interest. It is important that bidders declare their conflict of interest through completion of relevant attached forms.
- 8.7 SAHRA reserves the right not to consider further any bid where such a conflict of interest exists or where such potential conflict of interest may arise.

- 8.8 Any and all project proposals shall become the property of SAHRA and shall not be returned.
- 8.9 The bid offers and proposals should be valid and open for acceptance by SAHRA for a period of 60 days from the date of submission.
- 8.10 Bidders are advised that submission of a proposal gives rise to no contractual obligations on the part of SAHRA.
- 8.11 SAHRA reserves the right not to award the bid to the bidder that scores the highest points.
- 8.12 Disputes that may arise between SAHRA and a bidder must be settled by means of mutual consultation, mediation (with or without legal representation) or, when unsuccessful, in a South African court of law.
- 8.13 In addition to adherence to the specific terms and conditions of proposals provided in this document, the bidder shall be bound by the provisions of the General Conditions of Contract attached hereto, an original signed copy of which must be submitted together with all other bid documentation.
- 8.14 All returnable bid documents must be completed in full and submitted together with the bidder's proposal. Should the returnable documents not be completed, the bid will not be considered any further.
- 8.15 The successful bidder will be subject to supplier clearance process as prescribed by the National Treasury. This process includes verification of supplier and its shareholders/directors/members' status on the list of defaulters and restricted suppliers.
- 8.16 The proposal must include a company profile/ organization profile, comprising a description of the organization of the bidder, its primary business activity, clients experience, management etc.
- 8.17 After the successful service provider has received the purchase order, they must be able to deliver in full compliance with South African approved standards and in compliance to the specifications provided.

9. RETURNABLE DOCUMENTS

SBD 1 Invitation to BID

2) Tax Compliance Status Pin

3) SBD 3 Pricing Schedule

4) SBD 4 Bidders Disclosure

5) SBD 6.1 Preference points claim form (valid BBBEE certificate must be submitted together with this completed document).

6) SBD 7.2 Contract Form (Rendering Services).

7) General Conditions of Contract. On the General Conditions of Contract

(PLEASE INITIAL EACH PAGE, AS PROOF THAT THE BIDDER FAMILIARIZED THEMSELVES WITH THE CONTENT OF THE DOCUMENT).

NB: Failure to submit completed returnable forms as mentioned above may disqualify your quotation.

SAHRA reserves the right to revise any aspect of these timeframes at any stage, and to amend the process at any stage.

11. EVALUATION CRITERIA

11.1 All proposal offers received shall be evaluated based on the following phase out approach:

Phase one: Compliance to the terms of reference and conditions of the proposal. Failure to meet any of the conditions of the proposal will automatically disqualify your proposal on this phase.

Phase two: Preference points on specific goals as follows.

Preference Point System	Points
Price	80

Special Goals	20
Black owned company	8
Women	4
Youth	5
Disability	3
TOTAL	100

12. PRICE (Vat included)

80 Points for price will be awarded with reference to the total fixed proposal amount inclusive of VAT. The service provider with the lowest price shall score a maximum of 80 points.

13. SUBMISSION OF PROPOSALS

Proposals must be submitted via e-mail to: tenderinfo@sahra.org.za , for the attention of **Acting Supply Chain Management - Proposal No: _RFQ SAHRA 23/26**

It remains the onus of the service provider to ensure that their Tender Offer reaches the SAHRA mailbox no later than the closing date and time.

14. CLOSING DATE AND TIME

Closing Date: 28 AUGUST 2026 at 11h00 – No late PROPOSALS will be accepted.

15. ENQUIRIES

For technical information, please contact:

Mr. S. Mome
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8000
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Email: smome@sahra.org.za

For Supply Chain related enquiries, please contact:

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