
**INVITATION TO TENDER DOMESTIC COMPETITIVE BIDDING
TENDER FOR THE PROVISION OF LEGAL SERVICES AT
BROADCASTING AUTHORITY OF ZIMBABWE
TENDER NUMBER: BAZ/COMP/DOM/05/2021**

Publication Date : 29 OCTOBER 2021

Closing Date : 03 DECEMBER 2021

Closing Time : 10:00 AM



**PROCURING ENTITY: BROADCASTING AUTHORITY OF ZIMBABWE
TENDER TITLE: PROVISION OF LEGAL SERVICES
REFERENCE NO.: BAZ/COMP/DOM/05/2021**

1. The Procuring Entity is undertaking the Primary Procurement with a view to procure services. The Procuring Entity *is sole Purchaser under this tender.*
2. BROADCASTING AUTHORITY OF ZIMBABWE intends to enter into Provision of LEGAL services'. Once the Tender have been approved by the Procurement Regulatory Authority of Zimbabwe (PROCUREMENT REGULATORY AUTHORITY OF ZIMBABWE), contract shall be signed between the winning bidder. BROADCASTING AUTHORITY OF ZIMBABWE may carry out a market survey to determine fair market prices before placing signing a contract.
3. The Procuring Entity now invites sealed Bids from eligible Bidders for Provision of LEGAL services for a period of three (3) years.

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4. The *contract* to be concluded will be “single -User.” The single -User entitled to purchase under *this tender* is BROADCASTING AUTHORITY OF ZIMBABWE.
 5. Bidding will be conducted through Domestic Competitive Bidding as specified in the Public Procurement and Disposal of Public Assets Act “Regulations: Procurement of Goods” dated January 2018 and is Open to all eligible Bidders as defined in the Regulations.

The Bidding document in English may be collected by invited Bidders from the address below.

**The Chief Executive Officer
Broadcasting Authority Of Zimbabwe, 27 Boscobel west, drive, Highlands,
Harare**

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PART 1: BIDDING PROCEDURES

References

The definitions used in the Public Procurement and Disposal of Public Assets Act [*Chapter22:23*] (“the Act”), the Public Procurement and Disposal of Public Assets (General) Regulations (Statutory Instrument No. 5 of 2018) (“the Regulations”) and the General Conditions of Contract for the Procurement of Non-Consultancy Services apply to this Standard Bidding Document. The Act and the Regulations govern the submission of Bids and should be read by all Bidders.

Procurement Reference Number:

You are requested to bid for the supply of the goods specified in the Statement of Requirements below, by completing and returning the following documentation:

1. The Bid Submission Sheet in this Part (bidding procedures);
2. The Statement of Requirements in Part 2;
3. A copy of every document necessary to demonstrate eligibility in terms of section 28 (1) of the Regulations;
4. Proof of supplier registration with the Procurement Regulatory Authority of Zimbabwe,
5. Minimum of three (3) Reference letters showing bidders’ direct experience in the field of expertise. Traceable active contact details from at least 3 different entities that you successfully offered the services. The letters should indicate the contracts performed.

Lots and Packages

The requirement may be divided into lots and packages, if indicated in Part 2, Statement of Requirements.

Number of bids allowed

No Bidder may submit more than one Bid, either individually or as a joint venture partner in another Bid, except as a subcontractor. Where the requirements are divided into lots and packages, only one Bid can be submitted. A conflict of interest will be deemed to arise if Bids are received from more than one Bidder owned, directly or indirectly, by the same person.

Clarification

Clarification of the bidding document may be requested in writing by any Bidder up to **19 November 2021** and should be sent to The Chief Executive Officer, BROADCASTING AUTHORITY OF ZIMBABWE, 27 Boscobel West Drive, Highlands, Harare. Or email: procurement@baz.co.zw or matthias@baz.co.zw

Services to be performed, location(s) and other requirements

The services to be performed under the Contract, the location or locations where these services are to be performed, the times of performance and the manpower, equipment and other resources required and the supervising agent at these locations are stated in the Statement of Requirements in Part 2. Bidders must signify their acceptance of these requirements when submitting their Bid.

The Supervising Agent will have authority on behalf of the Procuring Entity to give directions on the performance of the services and to approve satisfactory completion of these services.

The Bidder, at the Bidder’s own responsibility and risk, is invited to a visit to examine the location(s) and its surroundings and obtain all information that may be necessary for preparing the Bid and entering into a contract for the Services.

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Documents establishing conformity of services

To establish the conformity of the Services to the Bidding Document, the Bidder must furnish as part of its Bid a proposed methodology, work plan and schedule to establish that the services will be carried out in accordance with the required technical specifications and quality standards.

Standards for the provision of the Non-Consulting Services are intended to be descriptive only and not restrictive. The Bidder may offer in the Statement of Methodology, Work Plan and Schedule in this Part other standards of quality, provided that it demonstrates, to the Procuring Entity's satisfaction, that the substitutions ensure substantial equivalence or are superior to those specified.

Eligibility and qualification requirements

Bidders are required to meet the criteria in section 28 of the Act and section 28 (1) of the Regulations to be eligible to participate in public procurement and to be qualified for the proposed Contract. They must therefore

Have the LEGAL capacity to enter into a contract;

1. Not be insolvent, in receivership, bankrupt or being wound up, not have had business activities suspended and not be the subject of LEGAL proceedings for any of these circumstances;
2. Have fulfilled their obligations to pay taxes and social security contributions in Zimbabwe;
3. Not have a conflict of interest in relation to this procurement requirement;
4. Not be debarred from participation in public procurement under section 72 (6) of the Act and section 74(1) (c), (d) or (e) of the Regulations or declared ineligible under section 99 of the Act; or any other recognisable authority.
5. Have the nationality of an eligible country as specified in the Special Conditions of Contract; and
6. Have been registered with the Authority as a Supplier and have paid the applicable Supplier Registration Fee set out in Part III of the Fifth Schedule to the Regulations.

In addition to these eligibility requirements, Bidders must demonstrate that they have the qualifications, resources and experience to perform the contract to satisfactory standards, as indicated in the Statement of Requirements.

Participation in this bidding procedure is restricted to Zimbabwean bidders only.

The following requirements are mandatory and they are used as part of the evaluation criteria:

1. A copy of CR 14 (List of Directors),
 2. Copy Certificate of Incorporation
 3. A valid tax clearance
 4. A copy of your company profile
 5. NSSA registration
 6. Current **Procurement Regulatory Authority Of Zimbabwe** certificate in the category of legal services—(Service Category S/L/003) .
 7. You must attach a valid LEGAL practicing certificate from Law Society of Zimbabwe
 8. Attach proof of professional expertise from tertiary institution of which a Degree in Law is a minimum requirement of key personnel.
 9. Attach curriculum vitae of key personnel with contactable references
 10. Provide at least three (3) traceable Trade References
 11. At least three (3) years of practicing experience as an LEGAL Firm from the date of Approval.
 12. **Duly filled declaration letter not to engage in corrupt, insolvent or fraudulent practices.**
 13. State the methodology and work plan you would propose to complete the required Services, the associated resources and the schedule for commencement and completion.
 14. **Validity of Bids:** The minimum period that the **Bidder's bid must remain valid is 60** days from the deadline for the submission of bids.
 15. **Methodology on how are you going to execute the services**
- NB : YOU MUST BE COMPLIANT ON ALL THESE PARAMETRES**

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CONSULTANCY FOR LEGAL SERVICES	
STATEMENT OF REQUIREMENTS	

Terms of Reference

The Broadcasting Authority of Zimbabwe wishes to engage consulting services for the provision of Legal Services for a period of 3 years. The performance of the consulting law firms (hereinafter called ‘the Consultant’) shall be reviewed annually. The Broadcasting Authority of Zimbabwe is inviting eligible Consultants to indicate their interest in providing legal services.

Item	Description	Document required	Weighting (marks)
1	Interested Consultants must provide information demonstrating that they have the required qualifications and relevant experience to perform the services. The selection criteria of the Consultants shall be as follows; Experience in the following specialized areas; i. Broadcasting and communication technology law; ii. Administrative law; iii. Corporate law; iv. Labour Law; v. Civil Law; and vi. Criminal Law.	Attach Profile of the Consultant and any relevant documentation to substantiate requirements i.e successful cases on broadcasting law/administration law/corporate law/labour law/civil and criminal law	0-20
2	The Consultant must have been registered with the Law Society of Zimbabwe for at least 10 years at the time of submission of the bid and be of good standing as demonstrated by a letter from the Law Society of Zimbabwe.	Attach relevant information as required	0-15
3	The Consultant must have a complement of at least 5 registered legal practitioners with current practising certificates attached.	Attach relevant certificates and cv of key personnel of firm	0-15
4	The Consultant should have legal practitioners with the following experience: i. Minimum of 10 years’ experience for the Senior Partner; ii. Minimum of 6 years’ experience for at least 1 other Partner.	Attach relevant certificates and cv of key personnel which substantiate this	0-15
5	Minimum qualification of a Bachelor of Laws (Honours) Degree for practitioners employed by the Consultant.	Attach a copies of key personnel certificates	0-10
6	Bidders must show experience in the provision of legal services to State Owned Entities especially regulatory authorities particularly in the last 4 years. Bidders to disclose if they have previously provided legal services to the Broadcasting Authority of Zimbabwe.	Provide a write up summary of work done as required	0-10
7	Company documents CR14, Constitutive documents or incorporation documents, current tax clearance, NSSA registration and legal firm profile	Attach each document one mark, each	0-6
8	PRAZ registration certificate in the category of legal services—(Service Category S/L/003)	Attach certificate	0-3
9	References from other Entities that the firm has provided legal services	One mark for each reference	0-3
101	Bid declaration letter stating you are insolvent, not engaged in fraudulent activities and not conflicted	3 marks	0-3
	Total marks		100%
	Pass mark 70% with all mandatory documents submitted		

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Submission of Bids

Bids must be submitted in writing in a sealed envelope to the address below, no later than the date and time of the deadline below. It is the Bidder's responsibility to ensure that they receive a receipt confirming submission of their Bid with correct details of the Bidder and the number of the Bid.

The Bidder must mark the envelope with the Bidder's name and address and the Procurement Reference Number.

Bids should be submitted in triplicate. *The Bidder must prepare one original of the documents comprising the Bid and clearly mark it "ORIGINAL." In addition, the Bidder must state the number of copies of the Bid and must mark each of them clearly "COPY." In the event of any discrepancy between the original and the copies, the original shall prevail.*

Late bids will be rejected. The Procuring Entity reserves the right to extend the bid submission deadline but will notify all potential bidders who have collected the bidding document of the amended bid submission deadline.

Date of deadline	Deadline Time	Submission address
03 DECEMBER 2021	10:00 AM	The Chief Executive Officer BROADCASTING AUTHORITY OF ZIMBABWE 27 Boscobel West Drive, Highland, Harare

NB: NO EMAIL BIDS WILL BE ACCEPTED

Means of acceptance:

Bids in the sealed envelopes shall be deposited in a tender box situated at the above address. All the bidders should ensure that their bids are recorded in the tender submission register on submission, and should be issued with a receipt. **NB: NO EMAIL BIDS WILL BE ACCEPTED**

Bid opening

Bidders and their representatives may witness the opening of bids which will take place at the submission address immediately following the deadline.

Withdrawal, amendment or modification of Bids

A Bidder may withdraw, substitute, or modify its Bid after it has been submitted by sending a written notice, duly signed by an authorized representative. However, no Bid may be withdrawn, substituted, or modified in the interval between the deadline for submission of Bids and the expiration of the period of Bid validity specified by the Bidder or any extension of that period.

Bid Prices and Discounts

The prices and discounts quoted by the Bidder in the Bid Submission Form and in the Price Schedules must conform to the requirements specified in the Price Schedule included in Part 2: Statement of Requirements.

Evaluation of Bids

Bids will be evaluated using the following methodology, work plan and availability of required resources:

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1. Preliminary examination to confirm that all documents required have been provided, to confirm the eligibility of Bidders in terms of section 28(1) of the Regulation and to confirm that the Bid is administratively compliant in terms of section 28(2) of the Regulation.
2. Technical evaluation to determine their substantial responsiveness to the specifications in the Statement of Requirements;
3. Financial evaluation and comparison to determine the evaluated price of Bids and to determine the lowest evaluated Bid.
4. Compliance to mandatory commercial requirements

Bids failing any stage will be eliminated and not considered in subsequent stages.

Review by the Special Procurement Oversight Committee

This tender is subject to SPOC. You are required to pay ZWL\$ 16,000.00 to Procurement Regulatory Authority of Zimbabwe as Special Procurement Oversight Committee administration fees in terms of Section 54 of Public Procurement and Disposal of Public Assets Act.

Currency

Tenders should be priced in United States Dollars and payment will be made in Zimbabwean Dollars on a prevailing Reserve Bank Of Zimbabwe exchange rate of the day.

Award of Contract

The lowest evaluated bid, after the application of any additional evaluation criteria, including any margin of preference, which is substantially responsive to the requirements of this Bidding Document will be recommended for award of the contract. The proposed award of contract will be by issue of a Notification of Contract Award in terms of section 55 of the Act which will be effective until signature of the contract documents in accordance with Part 3: Contract. Unsuccessful Bidders will receive the Notification of Contract Award and, if they consider they have suffered prejudice from the process, they may, within 14 days of receiving this Notification, submit to the Procuring Entity a Challenge in terms of section 73 of the Act, subject to payment of the applicable fee set out in section 44 of and the Third Schedule to the Regulations.

The contract will only be valid subject to payment of annual contract administration fees of USD100.00 or equivalent if it exceeds statutory thresholds.

Right to Reject

The Procuring Entity reserves the right to accept or reject any Bid or to cancel the procurement process and reject all Bids at any time prior to contract award.

Corrupt Practices

The Government of Zimbabwe requires that Procuring Entities, as well as Bidders and Contractors, observe the highest standard of ethics during the procurement and execution of contracts. In pursuit of this policy:

1. the Procuring Entity will reject a recommendation for award if it determines that the Bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive or coercive practices in competing for the Contract or has been declared ineligible to be awarded a procurement contract under section 99 of the Act;
2. the Authority may under section 72 (6) of the Act impose debarment and other sanctions under section 74 (1) of the Regulations; and
3. Any conflict of interest on the part of the Bidder must be declared.

Bid Submission Sheet

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{Note to Bidders: Complete this form with all the requested details and submit it as the first page of your Bid. Attach the Price Schedule and Statement of Methodology, Work Plan and Schedule together with any other documents requested in Part 1. Any variation from the Statement of Requirements should be indicated in the Statement of Methodology, Work Plan and Schedule, otherwise you commit to complying fully with these Requirements.

Ensure that your Bid is authorised in the signature block below. A signature and authorisation on this form will confirm that the terms and conditions of this Bid prevail over any attachments. If your Bid is not authorised, it may be rejected. If the Bidder is a Joint Venture (JV), the Bid must be signed by an authorized representative of the JV on behalf of the JV, and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized representatives.

Bidders should mark as “CONFIDENTIAL” information in their Bids which is confidential to their business. This may include proprietary information, trade secrets, or commercial or financially sensitive information}.

Procurement Reference Number:	
Subject of Procurement:	
Name of Bidder:	
Bidder’s Reference Number:	
Date of Bid:	

We offer to perform the services listed in the Statement of Requirements to the indicated specifications and standards, at the prices indicated on the attached Price Schedule and in accordance with the terms and conditions stated in your Bidding Document referenced above.

We confirm that we meet the eligibility criteria specified in Part 1: Procedures of Bidding.

We declare that we are not debarred from bidding and that the documents we submit are true and correct.

The validity period of our bid is:{days } from the date of submission.

We confirm that the prices quoted in the attached Price Schedule are fixed and firm for the duration of the validity period and will not be subject to revision, variation or adjustment.

Bid Authorised By:

Signature	Name:
Position:	Date:(DD/MM/YY)
Authorised for and on behalf of:	
Company	
Address:	

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List of Services and Price Schedule

Procurement Reference Number: _____

Bidder's Name: _____

Bidder's Reference Number: _____

Note to Bidders: Complete the currency of your quotation and the unit and total rates for each item listed below.

CURRENCY OF QUOTATION/CONTRACT: UNITED STATES DOLLARS PAYABLE IN ZIMBABWEAN DOLLAR AT A PREVAILING RBZ EXCHANGE RATE OF THE DAY.

Currency of the bid: USD

Item	Description of Services	Input Quantity	Charge per case(USD)
1	Provision of legal services per case VAT inclusive	01	
2	Other administrative costs per case	01	

NB: YOU BID SHOULD BE IN UNITED STATES DOLLARS AND PAYMENT WILL BE AGAINST THE PREVAILING RBZ AVERAGE RATE OF THE DAY IN LOCAL ZIMBABWEAN DOLLAR CURRENCY.

Note 1: Lots and packages should be shown as separate items.

Note 2: Include any additional costs, such as hire or purchase of equipment to perform the services.

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Proposed Methodology, Work Plan and Schedule

{State the methodology and work plan you would propose to complete the required Services, the associated resources and the schedule for commencement and completion.}

Part 2: Statement of Requirements

The following specific requirements for the Non-Consulting Services to be procured complement, supplement, or amend the provisions in the Bidding Procedures. Whenever there is a conflict, the provisions set out below prevail over those in the Bidding Procedures.

Subject	Requirement
Services to be performed	<i>LEGAL services for a period of three years</i>
Location(s)	<i>27 Boscobel West drive, Highlands, Harare</i>
Time of performance	<i>As required</i>
Duration of contract	<i>36 months</i>
Manpower	<i>Tertiary qualification, and Trade References.</i>