

APPOINTMENT OF A SERVICE PROVIDER TO ASSIST WITH LITIGATION AGAINST A SERVICE PROVIDER FOR BREACH OF CONTRACT.

REFERENCE NUMBER: PASA-RFQ-2027-12

ISSUE DATE: 16 OCTOBER 2026

CLOSING DATE AND TIME: 26 OCTOBER 2026 AT 12H00

VALIDITY PERIOD: 90 DAYS FROM THE CLOSING DATE

EMAIL ADDRESS FOR SUBMISSIONS: procurement@petroleumagencyssa.com

REQUEST FOR QUOTATION (RFQ)
REFERENCE NUMBER: PASA-RFQ-2027-12

1. INTRODUCTION

Petroleum Agency SA is a state-owned entity incorporated in 1999. The Agency receives its mandate from the Mineral and Petroleum Resources Development Act, 2002, (Act No. 28 of 2002) (MPRDA). The MPRDA is the principal statute that governs the regulatory function of Government on mineral and petroleum resources and is administered, through presidential proclamation by the Department of Mineral Resources and Energy (DMRE). The organisation operates at its offices based at, 01 Heron's Place, Century City in Cape Town, South Africa.

The mandate of the Agency is the promotion for and regulation of the upstream petroleum industry in South Africa both onshore and offshore and is thus responsible for administering the petroleum section of the MPRDA. The Agency's mandate includes receiving, maintaining, storing, interpreting, evaluating, adding value to, disseminating or dealing in all geological or geophysical information relating to petroleum.

2. BACKGROUND AND DELIBERATION

The Petroleum Agency SA concluded an agreement with the service provider, under which they committed to procuring and renewing PASA's Microsoft licences for a single, uninterrupted twelve (12) month subscription period, ending in October 2026. The requirement for a continuous 12-month subscription, rather than month-to-month renewals, was a key and explicit term of the Agreement, forming a fundamental basis on which PASA contracted with service provider.

In accordance with the Agreement, PASA made a payment to enable service provider to acquire the Microsoft subscription on PASA's behalf.

The service provider failed to procure PASA's Microsoft licences for a single, uninterrupted twelve (12) month subscription period, terminating in October 2026. Instead, they procured the Microsoft licences for December 2025 and January 2026 only. Despite a formal request to procure the PASA's Microsoft licences for a single, uninterrupted twelve (12) month subscription period, terminating in October 2026 they defaulted. Hence, a need exists to recover the money.

3. SCOPE OF REQUIREMENTS

Assist with Litigation Processing against a service provider.

4. COMPETENCY AND EXPERTISE REQUIRED

- At least 7 years' experience in commercial litigation and/or enforcement of contractual claims.
- At least 7 years experience in public sector litigation representing statutory entities subject to the PFMA.
- Demonstrable experience in drafting letters of demand, summons, pleadings and other litigation documents.
- Ability to advise on contractual remedies, including cancellation, damages and restitution claims.
- Track record of successfully litigating commercial and/or contractual disputes in the High Court.

- Demonstrable experience in software licensing enforcement will be advantageous.

5. DETAILED PRICING:

- The prices quoted should be (Inclusive of VAT), in South African Rand currency.
- Products / services offered should conform to Petroleum Agency SA specifications.
- Bidders must provide hourly rates for all personnel who may be assigned to the matter, including partners/directors, senior associates, associates, candidate attorneys and paralegals.
- Bidders must provide an estimated number of hours and estimated cost for each of the following phases:
 - Initial assessment and legal opinion;
 - Letter of demand and settlement negotiations;
 - Preparation and issue of summons/application proceedings;
 - Pleadings and interlocutory processes;
 - Trial/hearing preparation;
 - Trial/hearing attendance;
 - Enforcement and recovery processes.
- Bidders must clearly identify all disbursements that may be charged separately, including court filing fees, sheriff's fees, advocate's fees, correspondent attorney fees, travel and accommodation costs.
- The estimated total value of the mandate must be provided, which shall be used solely for evaluation purposes and shall not be construed as a guaranteed contract value.

6. DEADLINE FOR SUBMISSIONS

The deadline for the submission of this RFQ is **12:00 PM on 26 October 2026**. Responses received after the closing date and time will not be accepted for consideration.

7. PRE-QUALIFICATION REQUIREMENTS

7.1 PHASE 1:

Administrative Evaluation Criteria

Initial Screening Process: At this phase bidder's response are reviewed to check if bidders have responded according to PASA RFQ document.

Required Documents	Non-submission may result in disqualification	
SBD1- Invitation to Bid	Yes	Must be completed and signed
SBD6.1- Preference Claim Form and Certified copy of B-BBEE Certificate or Affidavit	No	Non-submission will lead to zero (0) score on specific goals. "In instances where there are inconsistencies in a BBBEE AFFIDAVIT received i.e. percentages not tying up, we will award zero points on specific goals"
Quotation	Yes	A detailed quotation must be submitted
Central Supplier Database (CSD) Registration Summary.	No	The service provider must be registered on the CSD. If not registered visit

		https://secure.csd.gov.za to complete the process prior to submission of proposal.
Valid Tax Compliance Status (TCS) Pin or Printed TCS report	No	PASA will not award any bid to a bidder who is not tax compliant.
Company Profile and the lead Legal Practitioner Profile	Yes	Service provider to submit the company profile and Legal Practitioner profile which demonstrates that they meet the competencies and expertise required.
SBD4 - Declaration of Interest	Yes	Must be completed and signed

Note: Bidder/s failing to meet the above administrative requirements may be eliminated and not be evaluated on technical evaluation phase.

7.2 PHASE 2

Technical/Functionality Evaluation Criteria

Bidders will be evaluated according to the technical evaluation criteria listed below. The minimum threshold to qualify for final evaluation is 80%. Bidders who met or exceeded the said threshold will be evaluated according to the Preferential Procurement Regulations. It must be noted that if the Bidder does not meet the 80% minimum threshold, the bidder will be disqualified and not be evaluated further.

Technical Information	Scoring	Proof of documents	Weighting (%)
7.2.1 Experience of the proposed Legal Practitioner The experience of the proposed Legal Practitioner in public sector litigation representing statutory entities subject to the Public Finance Management (PFMA) Act, 1 of 1999,			
10 and more years experience in litigations	5	CVs of the proposed Lead Legal Practitioner	40%
> 7 but < 10 years experience in litigations	4		
7 years experience in litigations	3		
> 5 but < 7 years experience in litigations	2		
5 years experience in litigations	1		
< 5 years experience in litigations	0		

Technical Information	Scoring	Proof of documents	Weighting (%)
7.2.2 Experience of the proposed Legal Practitioner The experience of the proposed Legal Practitioner in in commercial litigation and/or enforcement of contractual claims			
10 and more years experience in litigations	5	CV of the proposed Lead Legal Practitioner	40%
> 7 but < 10 years experience in litigations	4		
7 years experience in litigations	3		
> 5 but < 7 years experience in litigations	2		
5 years experience in litigations	1		
< 5 years experience in litigations	0		

Technical Information	Scoring	Proof of documents	Weighting (%)
7.2.3 Company Experience The experience of the company in commercial and/or contractual litigations			
10 and more years experience in litigations	5	Company profile	20%
> 8 but < 10 years experience in litigations	4		
8 years experience in litigations	3		
> 5 but < 8 years experience in litigations	2		
5 years experience in litigations	1		
< 5 years experience in litigations	0		

7.3 PHASE 3

Price and Specific Goals

All bids that meet the technical evaluation will be evaluated further on preference point system

Evaluation Criteria	Final Weighted Scores
Price	80
Specific goals	20
TOTAL SCORE:	100

Specific goals and points that may be claimed for this RFQ indicated below

Evaluation Criteria	Points (20)
100% Black ownership	12
30% or more black women ownership	5
Any % ownership of designated group	3
TOTAL SCORE:	20

- Black ownership: 100% black full owned entities will score full 12 points
- Black ownership between 75%-99% will score 8 points
- Less than 75% but above 50% will score 6 points

7 BRIEFING SESSION

None

8 BID VALIDITY

Proposals shall remain valid for a period of ninety (90) days after the closing date of the RFQ.

9 PREPARATION COSTS

The bidder will bear all its costs in preparing, submitting and presenting any response or proposal to this RFQ and all the other costs incurred by it throughout the bidding process.

10 SPECIAL CONDITIONS

Petroleum Agency SA reserves the right:

- 10.1 To award this RFQ to a bidder that did not score the highest total number of points, only in accordance with section 2(1) (f) of the PPPFA (Act 5 of 2000).
- 10.2 To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s).
- 10.3 To accept part of a bid rather than the whole tender.
- 10.4 To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- 10.5 To correct any mistakes at any stage of the RFQ that may have been in the Bid documents or occurred at any stage of the process.
- 10.6 To cancel and/or terminate the RFQ process at any stage, including after the Closing Date and/or after presentations have been made, and/or after quotations have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- 10.7 Award to multiple bidders based either on size or geographic considerations.

11 ENQUIRIES

For more information or enquiries relating to this RFQ, communication must be via e-mail to: procurement@petroleumagency.co.za.

12 PETROLEUM AGENCY SA REQUIRES BIDDERS TO DECLARE

In the Bidder's Technical response, bidder(s) are required to declare the following:

Confirm that the bidder(s) is to: –

- a. Act honestly, fairly, and with due skill, care and diligence, in the interests of Petroleum Agency SA;
- b. Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;

- c. Act with circumspection and treat Petroleum Agency SA fairly in a situation of conflicting interests.
- d. Comply with all applicable statutory or common law requirements applicable to the conduct of business.
- e. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with Petroleum Agency SA;
- f. Avoidance of fraudulent and misleading advertising, canvassing and marketing.
- g. To conduct their business activities with transparency and consistently uphold the interests and needs of Petroleum Agency SA as a client before any other consideration; and
- h. To ensure that any information acquired by the bidder(s) from Petroleum Agency SA will not be used or disclosed unless the written consent of the client has been obtained to do so.

I, the undersigned have read the RFQ document number.....

I further represent and warrant that I am empowered and duly authorized to execute this bid on behalf of the bidder and this offer will remain in effect for at least ninety **(90)** business working days from the closing date of the bid.

I, the undersigned, understand that Petroleum Agency SA is not bound to accept the lowest offer, nor will any expenses incurred by the bidder in connection with preparing and submitting this bid be borne by Petroleum Agency SA.

SIGNATURE OF THE BIDDER

Signature(s) of Bidder or assignees(s)

Date

Name of Signing Person

Capacity

Name of Bidder (Company Name)
