



## LEKWA-TEEMANE LOCAL MUNICIPALITY

### THE TERMS OF REFERENCE ON THE APPOINTMENT OF LEKWA-TEEMANE LOCAL MUNICIPALITY PANEL OF ATTORNEYS

#### 1. Objectives

the purpose of appointing the panel of attorneys is to establish a data base of legal skills available to the municipality and they can be contracted by the municipality to provide specialized legal advice and services

#### INVITATION

Firms of attorneys are invited to send proposals to Lekwa-Teemane local municipality for consideration. in preparing a proposal, it is emphasized that a profile of firm of attorneys together with the demonstrated expertise in the particular fields of law be submitted:

Conveyance	3 Attorneys
Labor	3 Attorneys
Administrative / Municipal Law	3 Attorneys
Town Planning and Building Control	3 Attorneys
General litigation	3 Attorneys
Commercial Law	3 Attorneys

#### 2. SCOPE OF WORK

firms of attorneys will be required to render services to the municipality on a wide legal range of issues pertaining to, inter alia the following fields of law:

- 2.1 Public private partnership
- 2.2 Multinational agreements
- 2.3 Financing agreement; and
- 2.4 Performance and other guarantees
- 2.5 Constitutional law
- 2.6 Information technology law
- 2.7 legislative drafting
- 2.8 Commercial leases, service level agreements, general contracts, employment contracts, ISO contracts, procurement contracts, multilateral agreements, confidentiality agreements, agreements with independent contractors, building contracts etc

- 2.9 Corporate law
- 2.10 Corporate governance
- 2.11 Legal opinion on complex legal matters
- 2.12 Collection matters
- 2.13 Any other specialist field that the firm of attorneys has expertise in and that is relevant to the working environment of the municipality

### **3. SKILLS TRANSFER**

The firms of attorneys will also be required to ensure transfer of skills to in house legal advisors of the municipality

### **4. REPORTING RELATIONSHIP**

The representative firms of attorneys will report to the municipal manager

### **5. CONDITIONS OF TENDER**

#### **5.1 Appointment of panel**

- 5.1.1 Only legal practices established in accordance with the provisions of the Attorneys Act, 1979 (Act No.53 of 1979 as amended) will be considered for this tender.
- 5.1.2 The requirements of the preferential procurement policy framework Act, 2000 (Act No. 5 2000) will be applicable to the selection process in respect of this tender proposal.
- 5.1.3 Firms of attorneys who do not score 60% or more on the technical evaluation will not be appointed to the panel.
- 5.1.4 A contract will be signed with each member appointed to the panel.
- 5.1.5 The firms of attorneys will be required to sign confidentiality and indemnity agreements with the municipality
- 5.1.6 The cost of every assignment will be negotiated with the relevant tendering panel member s and a letter of appointment will be issued for each assignment awarded.

## PROFESSIONAL FEES

THE PREFERRED FEE STRUCTURE IS SET OUT BELOW AND WILL ALSO BE SUBJECT TO NEGOTIATIONS

SERVICES	TARRIFS
Hourly rates	
1.1 Magistrate court (per hour)	R1 200.00
1.2 High Court	R1 500.00
1.3 Arbitration	R1 500.00
1.4 Opinions (per hour)	R1 200.00
2. Correspondence/letters	R650.00

## DISBURSEMENTS

3.1 TRAVELLING (PER KM) INDICATE DISTANCE TO LEKWA-TEEMANE LOCAL MUNICIPALITY OFFICES	
TOTAL KM FROM YOUR OFFICE TO LEKWA-TEEMANE LOCAL MUNICIPALITY OFFICE	
3.2 Copies (per page)	
3.3 faxes (per page)	
3.4 Telephone calls	

5.1.7 Panel members are not guaranteed any work under this tender proposal

5.1.8 The basis of engaging firms of attorneys will be on an assignment basis

5.1.9 The municipality reserves the right to interview panel members that are shortlisted for specific assignments.

5.1.10 The municipality may, at its sole discretion award and assignment or any part thereof to more than one panel member.

5.1.11 The municipality may at its own discretion vary an instruction to include more work.

5.1.12 The firms of attorneys may not cede or assign any part of its agreement with the municipality nor subcontract any part of the work assigned to them without the prior written authorization of the municipality.

5.1.13 Failure to comply with any condition of this request for a proposal will invalidate respective tender proposals.

5.1.14 The contract period for this tender is 3 years

5.1.15 Assignment awarded in the last three months of the contract period will be allowed to continue after expiry of this contract period.

5.1.16 The firms of attorneys must declare any interest it has in an assignment as well as declare any possible conflict of interest with the municipality in the pursuance of the proposed assignment.

- 5.1.17 In the event that any conflict of interest is discovered during the assignment, the municipality reserves the right to summarily cancel the agreement and demand that all information, documents and property of the municipality be returned forthwith
- 5.1.18 Prices quoted for assignments should include VAT and disbursements.

## **5.2 PROPOSAL REQUIREMENTS**

- 5.2.1 Each proposal must include the specialist fields of law of the firm, if a firm of attorneys has expertise in more than one field of law, all relevant fields must be indicated in the proposal together with the demonstrated experience in the specified areas of law.
- 5.2.2 The hourly rate of each attorney must be included in the proposal, this rate is subject to the preferred professional service rates of 5.1.6.

## **5.3 INTELLECTUAL PROPERTY RIGHTS**

- 5.3.1 All copyrights and intellectual property that may result as consequences of the work to be performed will become the property of the municipality.
- 5.3.2 Firms of attorneys must hand over all documents and information in any format, including copies thereof, that it received from the municipality or that it had access to during the assignment immediately after completion of the assignment to the municipality.
- 5.3.3 Firms of attorneys shall deliver to the municipality, on completion of an assignment, any security devices, password or protective mechanisms to the soft versions of document that were written and the municipality will have the right to amend and change these without obligation whatsoever to the firms of attorneys upon completion of the assignment.

## **5.4 PROCUREMENT POLICIES AND PROCEDURE.**

- 5.4.1 The general conditions of tender, contract and order will be applicable to this tender.

## 6. PROFESSIONAL SERVICES

The person available to provide the service must be identified and their CV's provided. An assignment fee will be negotiated for every assignment issued and in line with 51.6 above

### EXPERIENCE IN SPECIALIZED FIELD

Quantity Criteria	Sub-Criteria	Scoring					Weight
		Poor (1)	Satisfactory (2)	Good (3)	Very good (4)	Sub-weight	
Relevant person: (name five on space provided below the table)	Knowledge and expertise in the field	key staff limited knowledge and expertise in this field  (5 points)	Key staff has reasonable knowledge and expertise in this field  (10 points)	Key staff has extensive knowledge and expertise in this field  (15 points)	Key staff has outstanding knowledge and expertise in this field  (20 points)	20	
Proven track record with reference letters from relevant clients where similar services have been provided on (excluding Corporate debt collection)		List of contactable references provided but no letter of reference  (5 points)	Less than 2 references letters from clients and government entities whom services was rendered in the last 3-5 years  (10 points)	Between 3 and 4 reference letters from clients and government entities that services was rendered in the last 3-5 years  (15 points)	5 reference letters from clients and government whom services where rendered in the last 3 to 5 years  (20 points)	20	
Capacity of the firm	Existence of the firm	Firm has been in existence for less than 3 years  (2 points)	Firm has been in existence for 3-6 years  (4 points)	Firm has been in existence for between 6-10 years  (6 points)	Firm has been in existence for above 10 years  (8 points)	8	

Attach high court of appearance and 2 pages CVs			5	
Years of experience of admitted attorneys within the firm. Attach proof of admission as an attorneys or conveyance where applicable. Combined experience of admitted attorneys:			15	
10-15 years (5 points)	16-20 years (10 points)	21 and above (15 points)		

**SUPPORT STAFF**

Candidate attorneys	1-2 (3 points)	3-5 (6 points)	5 and more (9 points)	32 points
Secretaries	1-2 (3 points)	3-5 (6 points)	5 and more (9 points)	
Conveyancing secretaries (if applicable)	1-2 (3 points)	3-5 (6 points)		
Drivers/messengers			5 points	

TOTAL POINTS: 100 points

**Minimum acceptable points (threshold):60**

**Relevant personnel:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

## **7. Minimum requirements to be considered for appointment**

- Attached company profile and staff structure
- The firm must be registered with the law society
- Valid fidelity fund certificates
- Original and valid tax clearance certificate
- Municipal account not older than three months and not in arrears for more than three months or valid lease agreement
- BEE rating

## **8. CONTACT NUMBERS**

For any further technical enquiries, the following persons can be contacted at Lekwa-Teemane Local Municipality for compulsory specifications:

Ms M.T Morotoba

For technical queries : Mr. Tebogo Lesie