



## LEJWELEPUTSWA DISTRICT MUNICIPALITY

**RFP NO.: 105/02/2022 - APPOINTMENT OF A PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES FOR LEJWELEPUTSWA DISTRICT MUNICIPALITY FOR A PERIOD OF 36 MONTHS.**

**CLOSING DATE:** \_\_\_\_\_

**COMPANY NAME:** \_\_\_\_\_

**CSD SUPPLIER NO MAAA** \_\_\_\_\_

## **SPECIAL CONDITIONS OF THE BID**

### **1. SUBMISSION OF TENDERS**

Tenders should be submitted on a sealed envelope and as per the instructions laid down on the bid advert. Failure to adhere to these conditions will lead to immediate disqualification. Tenders will be opened in public immediately after the advertised closing date.

### **3. ADJUDICATION OF TENDER**

Lejweleputswa District Municipality will not be bound to accept the lowest or any tender and also reserves the right to cancel the tender when deemed necessary.

The tender will be adjudicated by Lejweleputswa District Municipality in terms of the Preferential Procurement Policy Framework Act, no. 5 of 2000 and as defined in the conditions of bid in the bid document, read in conjunction with the preferential procurement regulations, 2017, where 80 points will be allocated in respect of price and 20 points in respect of B-BBEE status level of contributor.

Prospective service providers may not make any alterations or additions to the Bid document, except to comply with instructions issued by the employer, or necessary to correct errors made by the service provider. All signatories to the Bid offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited and failure to adhere to this condition will render your submission non responsive.

All certified copies required MUST be originally certified and NOT be older than three months to be regarded as valid in order to claim points and considered for further evaluation.

Certified copy of B-BBEE Certificate / Original Sworn Affidavit for B-BBEE / original certified copy of a Sworn Affidavit for B-BBEE. Failure to adhere will lead in non-claiming on preferential points.

A bid not complying with the mandatory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected. If a Bid has not been properly signed by a party having the authority to do so, according to the example of "Authority for Signatory" will be rejected.

If No authority for signatory submitted – See example, where it is stated that a duly signed and dated original or certified copy of the company's relevant resolution (for each specific bid) of their members or their board of directors. Failure to attach a resolution will render the bid non responsive.

A bid will be rejected if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.

Bids will be rejected if the bidders or any of the directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector. Bids will be rejected if the bidder has abused the LDM Supply Chain Management System or SCM Processes of any state institutions.

MBD 1 will be regarded as a FORM OF OFFER and if the forms are not completed and signed by the authorized signatory it will be regarded as non-responsive.

Lejweleputswa District Municipality will not be bound for any cost incurred by any bidder for submission of the proposal or responding to presentation. Preference will be given to Law Firms practicing within the jurisdiction of Lejweleputswa District

#### **4. COMPLETION OF TENDER DOCUMENTS**

Tenders will only be considered on receipt of this tender document correctly completed with all insertions in blank ink and signed.

The following compulsory documentation need to be attached in order for the bid to be considered:

- Valid Tax Compliance Status (**failure to attach will lead to immediate elimination**)
- Original Certified IDs of business directors
- Company Registration Certificate (failure to attach will lead to immediately disqualification)
- Formal agreement (in case of consortia/Joint Ventures)
- Usage of pencil or Erasable ink is prohibited
- Usage of Tippex is prohibited
- For any cancellations in the Tender document a signature must be appended
- Latest up to date rates and taxes certificate of **all directors of the Consortium / joint Venture / Company/CC** from the relevant authority or copy of a lease agreement or proof of residence from a recognized authority. (**Failure to attach will lead to disqualification**)
- CSD supplier's full report with a verified tax status, failure to attach will lead to immediate disqualification.
- Certified copies of the qualifications of each key personnel and the professional registration certificates together with CVs.
- Company profile
- Fidelity fund certificate (failure to attach will lead to immediate disqualification)

#### **5. COMPULSORY BRIEFING SESSION**

NONE

#### **6. TAXES AND DUTIES PAYABLE**

Bidders shall allow in their tender for the payment and recovery of all taxes and other duties. No claims for additional payment in this respect will be considered. Prices and rates quoted shall be inclusive of Value Added Tax (VAT). VAT shall be recorded as a lump sum in the tender summary and the total inclusive of VAT carried to the Form of Tender.

#### **7. WITHDRAWAL OF TENDER**

In the event of the successful bidder failing to execute the service in terms of this tender, the Municipality shall be entitled to cancel the contract summarily, in which event the Bidder shall be liable for any additional expense incurred by reason of the Municipality having to call for fresh tenders or having to accept any less favorable tender.

## **8. PERIOD OF VALIDITY OF TENDERS**

The period of validity of tenders shall be **90** days as stated in the tender form and be calculated from the closing date for submission of tenders.

## **9. NOTICE OF BIDDERS**

Should any additions or alterations to the document as issued to Bidders be deemed necessary prior to the date for submission of tenders, these will be issued to Bidders in the form of Notices to Bidders and will form part of the tender document.

The Notices to Bidders shall be completed where applicable by Bidders, signed, dated and returned with the tender documents.

Where practical, Preferences will be given to attorneys practicing within the jurisdiction of the Lejweleputswa District

Only a certain number of practicing attorneys in specific areas will be enlisted in the panel of attorneys. The number of practicing will be determined by the interest shown in this bid. The municipality reserves the right to give priority to attorneys / law firms within the jurisdiction of the Lejweleputswa District

## **10. PRICES**

Bid prices will be regarded fixed and no additional cost will be added for a period of twelve months after signing of the SLA.

Bid prices must include Vat. (if applicable).

Escalation of not more than CIPX will be added in the second anniversary of the project.

All prices must be stated in S.A currency. Rates above the predetermined rates by the regulatory body will render the bidder's submission non-responsive.

**NB: The Lejweleputswa District Municipality will not allow successful law firms to add a percentage for drawing an invoice as is allowed when drawing a bill of cost.**

**The appointment of Senior and Junior Council will have to be negotiated and approved with Lejweleputswa District Municipality**

## **11. CESSION OF ASSIGNMENT**

The bidder shall not cede or assign a contract for the required rendering of services or any benefit or interest therein or there under to third parties without having obtained written permission from the Council.

## **12. DELIVERABLES AND PENALTIES**

The successful bidder will be expected to enter into a contract (SLA) where, amongst others, terms and conditions, delivery targets and penalties will apply.

## TERMS OF REFERENCES

### 1. SCOPE OF WORK

1.1 Lejweleputswa District Municipality's Legal Department is responsible for providing objective, value adding and innovative legal advisory services to LDM. The department ensures that the organization's legal risks are managed adequately and reduces LDM's exposure to litigation. To this end, LDM seeks to establish a panel of Legal Advisors from whom assistance shall be sought on a need basis. Therefore, LDM requests proposals from capable legal firms or practitioners of good standing within the legal fraternity.

1.2 The required legal advisory services have been categorized into different categories as reflected below.

NO	SERVICE CATEGORIES
1	PUBLIC LAW
2	LABOUR LAW
3	LAW OF CONTRACT
4	MUNICIPAL PLANNING
5	PROPERTY RATES LAW
6	COLLECTION
7	SPATIAL PLANNING AND LAND USE MANANAGEMENT
8	NATIONAL BUILDING REGULATIONS
9	PROPERTY LAW
10	LITIGATION COULD BE EITHER CIVIL OR CRIMINAL

1.3 The successful firms of attorneys:

1.3.1 Must be able to conduct detailed and credible research in identifying and applying the applicable laws to the given set of facts in appropriate cases and providing solutions thereto; and

1.3.2 Provide legal opinions in all areas as and when required.

### 2. REQUIREMENTS AND CONDITIONS

2.1 The successful firms of attorneys are required to:

2.1.1. Submit a certified copy of the Fidelity Fund Certificate issued in terms of the Attorneys Act, 1979;

2.1.2. Submit a letter of good standing with the relevant Law Society of South Africa relating to the firm and the individual attorneys that will be involved; and

2.1.3. Provide the details of the firm's locality, infrastructure and resources, and confirmation of the premises from which it conducts its business.

2.2 The successful firms of attorneys shall communicate directly to the Senior Manager responsible for Legal Services depending on the services (instructions) required.

2.3 The successful firms of attorneys will be expected to disclose to the Municipality any conflict of interest that may have an impact on them providing any of the legal services referred to above, irrespective of when it may arise.

2.4 The successful firms of attorneys will be appointed for a period of **36 months** and will be requested to provide legal services to the Municipality as and when the need arises.

### 3. SUBMISSION REQUIREMENT

3.1 The following must be included in the proposal:

#### 3.1.1 MANDATORY REQUIREMENTS

**Failure to meet the below requirement (s), the bidder will be disqualified**

Item	Description	Yes/ No
1	Registration with Legal Practice Council (LPC) or Law Society. The firm/ directors must be registered with the Legal Practice Council. Note: <b>Bidders may be required to submit a valid letter of good standing issued by the LPC prior to work being allocated.</b>	
2	<b>Original Certified</b> Proof of registration with the relevant Law Society	
3	Original Certified copy of a letter of good standing with the relevant Law Society of South Africa.	
4	<b>Fidelity Fund Certificate</b> The firm of Attorney must provide proof of the Fidelity Fund Insurance Cover and in addition the individual director/partner/Attorney/s to attend to LDM's matter must provide a certified copy of a valid Fidelity Fund Certificate.	
5	Completion of all MBD forms and all mandatory documents e.g. Original Valid Tax Compliance Status.	
6	Copies of the firms CIPC company registration documents. In cases of a joint venture, the Joint/partnership agreement must be attached.	
7.	Proof of registration on Central Supply Database(CSD) (full report. Summary report will not be accepted)	

**2.2.** Bidders that do not meet these minimum requirements at this above will be regarded as submitted a non-responsive document and will not be considered for further evaluation.

### 3. PRICING SCHEDULE BREAKDOWN-DISBURSEMENTS AND OTHER LEGAL EXPENSES

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>ESTIMATED QTYs</u>	<u>UNIT PRICE</u>	<u>TOTAL EXCL. VAT</u>
1.	Hourly Rate	100		
2.	Consultation and Attendances	100		
3..	Taking instructions, opening a file which does not include consultation and perusing documents	100		
4.	Telephone consultation per quarter of an hour	100		
5.	Telephone call per quarter of an hour or part thereof	100		
6.	Correspondence (Letters, faxes & email) per page 250 Words	100		
7.	Attending to send fax per page	100		
8.	Drawing of documents per page (particulars of claim, affidavits, indices, brief to Counsel) per page	100		
9.	Drawing of documents per page (particulars of claim, affidavits, indices, brief to Counsel) per page	100		
10.	Perusal of documents or folio	100		
11.	Copies per page	100		
12.	Attendance to file and service of pleadings	100		
13.	Research per quarter of an hour	100		
14.	Email consultation	100		
15.	<b>TRAVELLING:</b> By car (p/km)	100		
16.	Accommodation cost per night (@4 Star Hotel Rates or less)	100		
17.	Counsel's account (As per account)	100		
<b>TOTAL BID PRICE EXCL VAT</b>				
<b>15 % OF VAT</b>				
<b>TOTAL BID PRICE INCL VAT</b>				

NOTE: Tariff and fees shall be in accordance with the **RULES BOARD FOR COURTS OF LAW ACT, (ACT NO .107 OF 1985)**. The quantities above are **estimated for evaluation purposes only**.

**Note:** ALL Magistrate's Court instructions or Opinion shall be capped to a specific amount determined by the Senior Manager Legal Services.

I, \_\_\_\_\_ IN MY CAPACITY  
AS \_\_\_\_\_ ACCEPT THE RATES AS  
PRESICED IN THE PRICING SCHEDULE AS BIDDING BETWEEN THE PARTIES

#### 4. PRICE AND B-BBEE

Price	<b>80</b>
B-BBEE Original certified copy of the B-BBEE rating certificate issued by an accredited verification agency must be attached. <u>It is assumed that all practicing attorneys will score the same points in relation to prices, due to the fact that the price is fixed.</u> <u>The B-BBEE rating will be used to select the preferred service providers in respective to the specialisation area.</u>	<b>20</b>

**NB: APPOINTMENT AS A MEMBER OF THE PANEL OF ATTORNEYS MAY CREATE BUSINESS CHALLENGES IN THAT THE FIRMS APPOINTED AS SUCH MAY NOT BE ABLE TO TAKE INSTRUCTIONS TO ACT AGAINST THE LEJWELEPUTSWA DISTRICT MUNICIPALITY.**