



**TERMS OF REFERENCE FOR THE HANDLING OF LEGAL SERVICES
FOR ALFRED NZO DEVELOPMENT AGENCY FOR A PERIOD OF 36
MONTHS**

**Issued and Prepared by:
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1. BACKGROUND

The Alfred Nzo Development Agency (ANDA) solicits proposals from experienced, qualified and reputable Law Firms to form a panel that will provide legal services to ANDA for a period of thirty-six (36) months.

2. SCOPE OF WORK

2.1 ANDA seeks to constitute a panel of Law Firms which shall work with the Chief Executive Officer (CEO), Company Secretary and various Heads of Departments under the general supervision, in relation to *inter alia*, the following aspects of law:

- (a) Administrative, Public Policy and Regulatory Law.
- (b) Debt collection.
- (c) Conveyancing and Property Law
- (d) Mercantile Law.
- (e) Public Law
- (f) Private Law
- (g) Contract Drafting and Contract Management.
- (h) Magistrates' Court, High Court, Supreme Court Litigation and Constitutional Court.
- (i) Institute and/or defend ANDA in all the legal matters.
- (j) Any other specialist field that the firm of attorneys has expertise in and that is relevant to the working environment of the ANDA.
- (k) Legal expert or specialist on corporate governance including the Companies Act and all legislation and policy dealing with the regulation and oversight of municipal entities.
- (l) Initiate and/or chair disciplinary hearings on behalf of the Entity.
- (m) Provide a legal opinion on the South African statute or legislation as and when required by the Entity.

2.2 The above functions should be performed at a level of complexity commensurate with the Law Firm's level of experience.

2.3 Consistent with business needs, each Law Firm shall work with, as broad as possible, a range of internal and external counterparts as well as colleagues across the Local Government sphere and adhere to all relevant and applicable laws and regulations governing ANDA.

3. INVITATION

3.1 Law Firms are invited to send proposals to ANDA for consideration, in preparation of such proposals, a profile of the Law Firm demonstrating expertise in the particular fields of law should be submitted.

4. REPORTING RELATIONSHIP

The respective Law Firms shall report to the CEO and work with the Company Secretary of ANDA.

5. CONDITIONS OF TENDER

5.1 Appointment of panel

5.1.1 Only Law Firms established in accordance with the provisions of the Attorneys Act, 1979 (Act No. 53 of 1979 as amended) shall be considered for this tender.

5.1.2 The requirements of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) together with the PPR 2022 shall be applicable to the selection process in respect of this tender proposal.

5.1.3 Law Firms who do not comply with the mandatory requirements shall not be appointed to the Panel.

5.1.4 A Service Level Agreement / contract shall be signed with each Member appointed to the Panel.

5.1.5 The Law Firms shall be required to sign Confidentiality and Indemnity agreements with ANDA

5.1.6 The cost of every assignment shall be negotiated with the relevant tendering Panel Member(s) and a letter of appointment shall be issued for each assignment awarded.

5.1.7 Panel Member(s) are not guaranteed any work under this tender proposal.

5.1.8 The basis of engaging Law Firms shall be on an assignment basis.

5.1.9 The ANDA reserves the right to interview Panel Members that are short-listed for specific assignments.

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- 5.1.10 The ANDA may, at its sole discretion award an assignment or any part thereof to more than one Panel Member.
- 5.1.11 The ANDA 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 ANDA nor subcontract any part of the work assigned to them without the prior written authorization of the ANDA.
- 5.1.13 Failure to comply with any condition of this request for a proposal shall invalidate respective tender proposal.
- 5.1.14 The contract period for this tender is three (3) years.
- 5.1.15 Assignments awarded in the last three months of the contract period shall be allowed to continue after expiry of this contract period only with the written communication from ANDA.
- 5.1.16 The Law Firms must declare any interest it has in an assignment as well as declare any possible conflict of interest with the National Regulator for Compulsory Specifications (NRCS) in the pursuance of the proposed assignment.
- 5.1.17 In the event that any conflict of interest is discovered during the assignment, ANDA reserves the right to summarily cancel the agreement and demand that all information, documents and property of the Municipal Entity be returned forthwith.
- 5.1.18 Price quoted for assignments should include VAT and disbursement.
- 5.1.19 Once appointed, a Law Firm shall be required to register on ANDA Database within five (5) days from receipt of the Appointment Letter.

5.2 Proposal Requirements

- 5.2.1 A Specialised Field of Law shall be clearly indicated together with demonstrated experience in the specified areas of law.
- 5.2.2 The hourly rate of each Attorney must be included in the proposal.

5.3 Intellectual Property Rights

- 5.3.1 All copyright and intellectual property rights that may result as consequences of the work to be performed shall *ipso facto* become the property of ANDA.

5.3.2 Law Firms must hand over all documents and information in any format, including copies thereof, that it received from the Municipal Entity or that it had access to during the assignment immediately after completion of the assignments to the ANDA, unless such is legally permissible.

5.4 Procurement Policies and Procedures

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

6. PROFESSIONAL FEES

Fees for services rendered shall be bench-marked with Law Society of South Africa (LSSA) Tariffs, as amended from time to time, however, fees in excess of such shall be negotiated with ANDA for every assignment issued.

7. MINIMUM COMPLIANCE SUBMISSIONS

- All bidders have to be registered on Central Supplier Database (CSD summary to be submitted)
- All bids submitted should remain valid for a period of 90 days after the bid closing date
- Valid Tax Clearance Certificate and/or Pin should be attached
- Joint Venture agreement (where applicable)
- Company profile with traceable references
- Company Registration document
- Copies of ID Documents for all directors of the company (IDs and all submitted certificates must be certified with a certification that is not older than 3 months). Copies of all documents must be certified originals (not copy of a copy)
- Municipal clearance certificate certifying that no municipal rates and service charges are owed by the bidder and any of its directors to Alfred Nzo District Municipality or to any other municipality where the bidder's business operations are located. Bidders whose accounts are in arrears for more than three months will be disqualified.
- If the company or its directors do not pay rates nor services, submit both an affidavit confirming this and proof of residence from ward councillor. If you submit one, you will be disqualified.

- A signed lease agreement will be accepted for bidders that do not own property and not liable for rates and services
- Ethics commitment form should be attached
- All bidders are required to submit MBD forms 1, 4, 6.1, 8 and 9 forms which are available at reception area at ANDA Offices in Mount Ayliff or which can be downloaded from www.anda.org.za. Failure to do so will result to disqualification.
- Bids received after the published closing date will not be considered and will not be opened
- Fidelity Fund Certificate

8. MINIMUM COMPLIANCE REQUIREMENTS

8.1 Law Firm's previous traceable experience in projects of similar nature

- A law firm with a minimum experience in "handling of legal matters" from at least Five (5) institutions or organisations. (5 reference letters on a company letterhead, signed by the accounting officer of the referring organisation must be attached)

8.2 Project team leader with post admission as an Attorney having a fully established Law Firm. (Attach CV and qualifications of Team Leader and Team members)

8.3 Proposals must be placed in a sealed envelope and clearly marked: "Proposal – **HANDLING OF LEGAL SERVICES FOR ALFRED NZO DEVELOPMENT AGENCY FOR A PERIOD OF 36 MONTHS**" and placed in the tender box at the Alfred Nzo Development not later than 12H00 on the 07 APRIL 2025.....
Bidders are requested to ensure that their proposals include; Company Registration, a Tax Clearance Certificate/pin BBEE Certificate/affidavit

9. EVALUATION Criteria for Selection

In terms of ANDA SCM Policy, the project will follow a full tender process of 80/20. In addition, the following criteria will be considered:

The proposals will be evaluated in two stages, namely:

Stage 1- Minimum compliance and mandatory responsiveness criteria

Stage 2- Price and Specific Goals

ITEM	Weight
STAGE 1 OF EVALUATION – CAPACITY TO EXECUTE WORK	100
• Previous Experience	50
• Capacity and Expertise	50
STAGE 2 OF EVALUATION – PRICE & PREFERENTIAL POINTS	100
Goal 3	20
Price	80

Proposals will be evaluated based on the following criteria (100)

Only service provider(s) that can demonstrate the required experience and skills relating to the execution of this project will be considered. The following criteria will be taken into account for the appointment of a successful Service provider(s).

Previous Company Experience	Weightin
Traceable record for successful completion of a minimum of 05 or more handling of legal matters projects	50
Traceable record for successful completion of a minimum of 04 or more handling of legal matters projects	40
Traceable record for successful completion of a minimum of 03 or more handling of legal matters projects	30
Traceable record for successful completion of a minimum of 02 or more handling of legal matters projects	20
Traceable record for successful completion of a minimum of 01 or more handling of legal matters projects	10

Maximum Weighting	50
Note COMPULSORY attachments for verifying work done:	
2. A traceable record will be evaluated on the basis of a completion certificate or reference letter, which must be on the letterhead of the referring institution, for each project completed.	

Capacity and Expertise to Undertake the Project	Weighting [50]
A Project Team with the following areas of expertise:	
Project team leader with post admission as an Attorney of High Court of SA, having a fully established Law Firm. (Attach CV and qualifications of Team Leader and Team members) NB: Attach certified copies not older than 3 months for all certificates, qualifications and Curriculum Vitae – CV and Admission	20
2x Team members with post admission as an Attorney of the High Court of SA (Attach CV and qualifications) NB: Attach certified copies not older than 3 months for all certificates, qualifications and Curriculum Vitae – CV and admission	10
Fidelity Fund Certificate	20
Total Maximum Weighting	50

The submitted proposals are to be evaluated using the 80/20 preference points system in accordance with the PPPFA guidelines. Based on this system the points will be allocated as follows:

SPECIFIC GOAL 3: COMBINATION OF ANY GOALS	Attachment to claim maximum points	Criteria Points
Business owned more than 50% by Priority population groups (Black/Indian etc)	CIPC certificate, Certified ID, detailed CSD	10
Business owned more than 50% by	CIPC certificate, Certified	5

Women	ID, detailed CSD	
Business owned more than 50% by Youth	CIPC certificate, Certified ID, detailed CSD	5
TOTAL WEIGHT		20

Upon request by ANDA, the Bidder undertakes to provide adequate documentation to fully justify its points claim. Failure to provide any justification shall result in the tender being rejected. ANDA may evaluate the justification documentation independently and shall in such cases, in his evaluation of the tender, determine, at his sole discretion, the quality points applicable.

For any queries regarding these terms of reference, feel free to contact Mr N. Gentse Company Secretary (CS) at telephone number 039 492 0011/071 865 2823 and for SCM related queries Ms O. Somba (039 492 0011/ 066 440 7301) during normal office hours.

Alfred Development Agency

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APPROVED/NOT APPROVED



**MS F. NKETSHISA
BSC CHAIRPERSON**

Comments by Chairperson:

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