

# EMAKHAZENI LOCAL MUNICIPALITY



**APPOINTMENT OF A PANEL OF FIRMS OF LEGAL PRACTITIONERS TO  
PROVIDE LEGAL SERVICES FOR EMAKHAZENI LOCAL MUNICIPALITY FOR A  
PERIOD OF 36 MONTHS AS AND WHEN REQUIRED**

**ELM 24-25/07/01**

**TENDER**

**EMPLOYER:**

EMAKHAZENI LOCAL MUNICIPALITY

25 Scheepers Street

Belfast

1100

Tel: (013) 253 7600

Fax: (013) 253 1696



**APPOINTMENT OF A PANEL OF FIRMS OF LEGAL PRACTITIONERS TO PROVIDE  
LEGAL SERVICES FOR EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 36  
MONTHS AS AND WHEN REQUIRED  
ELM 23-24/04/01**

## **T1.1 TENDER NOTICE AND INVITATION TO TENDER**

Bid documents will be obtainable on payment of cash non-refundable document fee of R 1 500.00 per document from the offices of the Emakhazeni Local Municipality, 25 Scheepers Street, Belfast during office hours from 07H45 to 12h30 and 13h00 to 15h00 weekdays, or EFT payment made into the following bank account: **FNB Current Account Number 62028195510 Branch Code 270351**, Tender Reference number (Project Number and Company Name), the document can be obtained from our municipal office at 25 Scheepers Street, Belfast or alternative arrangements can be made via email.

Tenders are to be completed in black ink and completed in accordance with the conditions and rules contained in the tender documents. The tenders and relevant documents must be sealed in a envelope and externally endorsed with **Project No; and Description**; and be deposited in the Tender Box, Ground Floor, Emakhazeni Local Municipality, 25 Scheepers Street, Belfast, Mpumalanga. **The Tenders shall remain valid for a period of 90 days from the closing date.** Telegraphic, telephonic, fax, telex e-mail or late tenders will not be accepted.

<b>Project number</b>	<b>Description</b>	<b>Availability of Tender document</b>	<b>Closing Date</b>	<b>Functionality %</b>	<b>Price</b>	<b>Contact person</b>
ELM 24-25/07/01	<b>APPOINTMENT OF A PANEL OF FIRMS OF LEGAL PRACTITIONERS TO PROVIDE LEGAL SERVICES FOR EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 36 MONTHS AS AND WHEN REQUIRED</b>	Wednesday, the 19 <sup>th</sup> of June 2024	Friday the 19 <sup>th</sup> of July 2024 at 12h00	70%	R 1 500	Procurement enquiries: Joas Madioppe at 013 253 7601 <a href="mailto:joas.madioppe@emakhazeni.gov.za">joas.madioppe@emakhazeni.gov.za</a>  Technical enquiries: Mkhonto N at 013 253 7600 <a href="mailto:ncedo.mkhonto@emakhazeni.gov.za">ncedo.mkhonto@emakhazeni.gov.za</a>

Tenders will be evaluated in terms of the Supply Chain Management policy of the Emakhazeni Local Municipality aligned to Municipal Supply Chain Management Regulations and Preferential Procurement Policy Framework (PPPFA) (Act 5 of 2000). The method for evaluation of service providers is based on functionality, price and preferential points (80/20 preference). Company Registration Number and tax compliance status PIN to enable the municipality to verify the bidder's tax compliance status must be attached. Service providers must be registered at central supplier database (CSD).

### **NOTE TO BIDDERS ON BID CONDITIONS:**

- The Supply Chain Management Policy of Emakhazeni Local Municipality will apply. The Council reserves the right not to accept the lowest bid or any bid and reserves the right to accept the whole or part of the bid, or to reject all bids and cancel the notice to bid;
- Bids that are submitted late, incomplete, unsigned or by facsimile, electronically or not completed in black ink will be rejected and not accepted for further evaluation;
- Members or Directors of Companies or Service Providers who are state employees are not allowed to bid or quote;
- Bids submitted are to be valid for a period of 90 days;

**MR. J.W SHABANGU  
MUNICIPAL MANAGER**



**APPOINTMENT OF A PANEL OF FIRMS OF LEGAL PRACTITIONERS TO PROVIDE  
LEGAL SERVICES FOR EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 36  
MONTHS AS AND WHEN REQUIRED  
ELM 23-24/04/01**

**Evaluation of Tenders**

The Tenderers notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be in terms of ELM Supply Chain Management Policy which entails the balance between Financial Offer, Quality and preferences on 80-20 points system will be adopted. Bidders must obtain a **minimum functionality score of 87.5 out of 125 points (70%)** in order for the bid to be responsive.

**FUNCTIONALITY POINTS:**

Evaluation criteria	Elimination Factor	Score	Maximum Points
<b>1. Law Firm's Registration</b>	<b>Yes</b>	Letter of good standing issued by the Legal Practice Council – 15 Points	<b>30</b>
		Fidelity Fund Certificate – 15 Points	
<b>2. Implementation Methodology</b>	<b>Yes</b>	Methodology covering the following; - 10 points <ul style="list-style-type: none"> <li>- Reporting strategy on allocated work and</li> <li>- Out of court settlement strategy</li> <li>- Procedure for pro-bono cases benefiting the municipality</li> <li>- Procedure to avoid own litigation against own clients</li> <li>-</li> </ul>	<b>10</b>
<b>3. Active Attorney's Trust Account</b>	<b>Yes</b>	Proof of Attorney's Trust Account - 5 Points	<b>5</b>
<b>1. Firms Past Experience in Public Sector Legal Matters</b>  Attach appointment letters and contactable reference letters	<b>Yes</b>	6 to 10 Legal Matters in Public Sector – 30 Points	<b>30</b>
		3 to 5 Legal Matters in Public Sector - 20 Points	
		1 to 2 Legal Matters in Public Sector - 10 Points	
<b>5. Experience of lead Director/ lead Manager of the Firm</b>  Attach certified copies of qualifications (Identity Document, LLB Degree, Proof of Admission as an Attorney)	<b>Yes</b>	11-15 years' experience as Admitted Attorney - <b>20</b> Points	<b>20</b>
		6-10 years' experience as Admitted Attorney - <b>15</b> Points	
		3-5 years' experience as Admitted Attorney - <b>10</b> Points	
		1-2 years' experience as Admitted Attorney - <b>5</b> Points	
<b>6. Lead Director/Lead Manager's Right of Appearance in the High court for key personnel</b>  Attach a certified copy of Right of appearance in high court	<b>Yes</b>	Right of appearance in the High Court issued with over 5 years or above - <b>10</b> Points	<b>10</b>
		Right of appearance in the High Court issued with less than 5 years - <b>5</b> Points	
<b>7. Firm's Offices</b>	<b>No</b>	Law Firm with Office/s within Mpumalanga jurisdiction - <b>10</b> Points	<b>10</b>



**APPOINTMENT OF A PANEL OF FIRMS OF LEGAL PRACTITIONERS TO PROVIDE  
LEGAL SERVICES FOR EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 36  
MONTHS AS AND WHEN REQUIRED  
ELM 23-24/04/01**

		Law firms with offices outside Mpumalanga jurisdiction - <b>5</b> Points	
<b>8. Any value-add services</b>	<b>No</b>	Bidders are required to highlight any value-add services they respectively may offer <ul style="list-style-type: none"><li>- One value add solution at no cost = 3 points</li><li>- Two value add solutions at no cost = 7 points</li><li>- More than two value add solutions at no cost = 10 points</li></ul> NOTE: A value add must be relevant to the required solution but not standard to our solution requirements as listed above.	<b>10</b>
<b>Total</b>			<b>125</b>

1. The minimum qualifying score for functionality is 70%)
2. Bidders who scored (70%) or more on functionality will qualify for further evaluation on preferential points system.



**APPOINTMENT OF A PANEL OF FIRMS OF LEGAL PRACTITIONERS TO PROVIDE  
LEGAL SERVICES FOR EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 36  
MONTHS AS AND WHEN REQUIRED  
ELM 23-24/04/01**

---

## **C2.1. SCOPE OF WORK**

The Emakhazeni Local Municipality requires the services of experienced and suitably qualified service providers for the provision of various legal services.

Tenders are therefore invited for the appointment of a panel of firms of legal practitioners as Council's attorneys.

### **TERMS OF REFERENCE**

The duties of the Service Provider (Key Performance Indicators) during the course of the assignment will be the following:

#### **2.1 *Litigation in all courts***

This involves the general litigation relating to the magistrate, regional, and high courts (including Supreme Court of Appeal and Constitutional Court in exceptional instances) (excluding debt collection), knowledge and processes which need to be followed and complied with in respect of the above mentioned courts, including acting in litigation matters on behalf of and/or defending the Council.

#### **2.2 *Conveyancing and Property Law***

This entails the transfer of fixed property / properties, the registration and cancellation of bonds and township establishments. Notarial services include the drafting and registration of prospecting contracts, servitudes, notarial bonds, mineral rights contracts, lease agreements, cessions and authentication of documents.

#### **2.3 *Municipal Legislation***

This involves acting on behalf of the Council in matters pertaining to local government legislations, ordinance and by-laws, which entails (without limitations) to providing legal opinions, legal advice as well as interpretation of legislations.

#### **2.4 *Labour Law and Labour Relations***

This entails the knowledge of all labour law legislation, litigation, processes to be followed in respect of the labour courts, including handling of collective agreements, disciplinary, bargaining council, conciliation, bargaining and appeals as well as labour relation coupling matters relating to employer and employee relations.

#### **2.5 *Contract Law***

This entails the drafting, interpretation and legal opinions on all types of contracts, contract management and legal compliance and assisting with litigation in respect of matters relating to contracts.

#### **2.6 *Criminal Law***

This entails the handling of and representation in criminal cases instituted by or laid against the Council/ Municipality.

#### **2.7 *Reporting***

This entails the reporting on a monthly basis or such other frequency and in such manner/format as determined by the Municipality on the status and/or progress of all instructions given to the service provider.

#### **2.8 *Compliance with conditions***

This entails the compliance by the successful bidder with any and all terms and conditions contained in the draft Service Level Agreement attached to this tender.