



P O Box 99, KLERKSDORP, 2570
Tel No. 018 487 8247

CITY OF
MATLOSANA

SM PELESANE

**SUPPLY CHAIN MANAGEMENT
ADDENDUM**

BACKGROUND	TENDER COM/28/2023 PANEL OF ATTORNEYS FOR CITY OF MATLOSANA LOCAL MUNICIPALITY TO RENDER LEGAL SERVICES FOR A PERIOD OF THIRTY SIX (36) MONTHS WITH TENDER SUBMISSION
SUBMISSION DEADLINE DATE	23 MAY 2024

Please acknowledge receipt of addendum by email to pmkhasi@klerksdorp.org and cc itsimane@klerksdorp.org

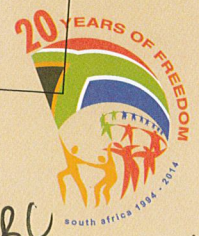
ADDENDUM

PROCEDURE FOR ADDENDAM

This Addendum forms an integral part of the Tender Document and should be returned with the original Tender Document. The variations and amendments to the Tender Document as described hereafter, shall take precedence. Only additional information or variations and amendment contained in this addendum and subsequent addenda, if any, will be legally binding.

CURRENT ON THE ADERT

1.	Tender advert	<p>Scope Of work.</p> <p>The bidder must indicate the areas expertise in column below but not limited.</p> <p>Speciality:</p> <ul style="list-style-type: none"> Civil litigation Commercial law Media law Law of contract Local Government law Labour law Envirometal law Property law
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The above - mentioned specialities must be supported by a company profile

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3. FUNCTIONALITY CRITERIA

Each criterion has a minimum requirement to which tenders shall adhere. Tenders will be declared as non – responsive if the minimum score for each criterion is not met. The minimum requirements and weighting of each criterion will be as shown in the following table:

CURRENT ON THE ADERT

NO	CRITERION	MINIMUM SCORE REQUIRED PER CRITERION	WEIGHTIN PER CRITERION (MAXIMUM SCORE)
1	PREVIOUS RELEVANT EXPIRIENCE	10	20
2	KEY STAFF COMPETENCE: QUALIFICATIONS	15	15
3	SKEY STAFF COMPETENCE: EXPERIENCE	15	15
4	LOCALITY	10	20
TOTAL		50	70

NB: the minimum score per criterion above must be met to be regarded as response

CORRECTIONS

1. INTRODUCTION

The City of Matlosana Local Municipality is calling upon all registered Attorneys to submit proposals for the provision of Legal Support and Services to the City of Matlosana for a period of 3 (three) years. The successful bidders will be appointed to form part of the Panel of Attorneys that will provide legal support and services as and when required.

2. DURATION OF SERVICE

The successful bidder will be required to enter into a service level agreement with the City of Matlosana as part of the panel of Attorneys for a period of 3 (three) years. The Service Level Agreement must be signed within 30 days from the date of appointment. No services shall be rendered until a Service Level Agreement has been duly signed by both parties

2.1 General Conditions

No Attorneys shall be allowed to litigate or Act against the city of Matlosana after the Service Level Agreement between the City of Matlosana and the bidder has either lapsed or duly terminated.

2.2 Tariffs and Fees

- 2.2.1 The appointed bidder shall only claim for legal fees in line with the Rules Board for Courts of Law Act 107 of 1985 as amended read together with all regulations applicable thereto.
- 2.2.2 No Day Fees shall be allowed in respect of Attorneys. Attorneys shall only be remunerated for actual work done and actual time spent in line with the Rules Board for Courts of Law Act.
- 2.2.3 All Attorneys must adhere to Section 35(1) of the Legal Practice ACT 28 of 2014.
- 2.2.4 For all conveyancing and notary services the Attorney fees must be in line with

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- 2.2.5 No additional fees shall be applicable for monthly reports to council and or any other presentations to Council.

2.3 Special Conditions

2.3.1 Bidders who fail to submit the following documents shall be regarded as non – responsive

- I. Certified Copy of Company Registration
- II. certified copy of BBBEE verification certificate
- III. Certified copy of a valid Fidelity Fund Certificate(s) for Directors / Partners / Sole Proprietors.
- IV. Original Letter of good standing from the Law Society
- V. Municipal Account of the registered business address and of all the Directors / Partners /Sole Proprietors or the Municipal account of the owner (Lessor) of the property if the business being operated from a leased premise
- VI. Comprehensive CV's of Employees with certified copies of qualifications

3. SCOPE OF WORK

3.1 The Successful bidder shall be expected to render efficient legal support and service in line with their expertise for the following, but not limited to list below.

- Civil Litigation
- Commercial law
- Media Law
- Law of Contracts
- Local Government law
- Conveyancing and Notary
- Labour Law
- Environmental Law
- Property law

3.2. The Successful bidder shall render the services listed below as and when required

- I. Assist in drafting legal opinions
- II. Draft and interpret contracts
- III. Assist in the drafting by-laws and policies
- IV. Assist in reviewing existing policies
- V. Institute legal proceedings on behalf of the City of Matlosana
- VI. Defend matters on behalf of the City of Matlosana
- VII. Render legal support during negotiation processes
- VIII. Appear on behalf of the city of Matlosana in tribunals, forums and during Court proceedings
- IX. Tax bills of costs on behalf of the city of Matlosana
- X. Consultations on pending matters and determination of prospects of success.
- XI. Provide advice for alternative dispute resolution methods as opposed to institution of legal proceedings at a competent tribunal, forum or Court.
- XII. Assist in transferring property
- XIII. Register and de-register property on behalf on the City of Matlosana
- XIV. Institute eviction proceedings and assist in resolving matters related to Human Settlements
- XV. Provide legal advice to resolve Town Planning issues
- XVI. Assist in enforcing compliance with all statutory requirements
- XVII. Any other instruction that requires legal expertise

4. EVALUATION CRITERIA

- 4.1 The proposals submitted for this tender shall be evaluated based on functionality and in line with the preferential point system as referred to in Preferential Procurement Policy Framework Act and its Regulations of 2017.
- 4.2 Should the bidder not meet the Standard Mandatory requirements then the bidder shall be disqualified.
- 4.3 Only the bidders that score more than 70 points on functionality shall move on to be evaluated further.
- 4.4 Points will only be allocated if the required annexures are attached to the proposal.

4.5 Mandatory requirements

- 4.5.1 Bidders must submit the following mandatory documents with their proposals, failing which the bidders will be disqualified.

- Proof of registration with law society/ Practice number
- Proof of fidelity fund insurance in respect of the law firm and individual directors / parties / after ways to be assigned to attend to the City of Matlosana matters.

4.6 FUNCTIONALITY CRITERIA

Functional Area Requirements Weights

1. General Legal Experience

Max 15points

- 1.1. Average number of years in practice of partners and / or directors. (10 points)
- 1.2. Tribunal and / or Forums (5 points)

2. Local Government Experience

Max 40 points

- 2.1. Litigation Experience (10 points)
- 2.2. Policy and By-laws (5 points)
- 2.3. Conveyancing or Labour Law (10 points)
- 2.4. Written legal opinions experience (15 points)

3. Capacity

Max 30 points

- 3.1. Capacity to render legal Support (7 points)
- 3.2. Areas of practice and special areas of practice (15 points)
- 3.3. Track Record (more than three reference letters) (8 points)

4. Location of Office

Max 10 points

- 4.1 Main office within the jurisdiction of the COM- (6 points)
- Office within 15km Radium from the Mafikeng High Court (4 points)

5. Qualifications

Max 5 points

- 5.1 team leader with right of Appearance in the High Court – 5 points

TOTAL 100

4.7 EXPLANATION OF EVALUATION CRITERIA – FUNCTIONALITY

4.7.1.1 Average Number of years in practice

(10 points)

Bidder is required to submit the number of years each member of its legal professional staff (including Directors / Partners / Professional Assistants excluding candidate attorneys) has been in practice.- Proof of Admission must be attached to **Schedule 1 as “Annexure A” along with comprehensive CV’s of each member listed.**

Less than one year = 0 points

1 – 4 years = 6points

5 – 9 years = 8 points

10 years and more = 10 points

Schedule 1

Name Surname	Position in the Bidder	Date of Admission as an attorney	Years in practice

4.7.1.2 Tribunal and / or Forums

(5points)

The bidder must list a minimum of 3 forums / tribunals that it has attended to on behalf of its client and further submit a brief summary of the facts and outcome (Summary must be attached to **Schedule 2 as “Annexure B”**. –full particulars of the Client must be included for verification purposes

Schedule 2

Tribunal or forum	Year	Details of Client

Less than 3 matters = 2 point

3 matters = 3 point

4 – 6 matters = 5 points

The bidder is required to illustrate extensive knowledge in dealing with local government related matters.

4.7.2.1 Litigation Experience (15 points)

Bidder is required to list up to a minimum of 3 (three) matters of which he has acted on behalf of / or against any local government institution or any other state entity . The bidder must provide a brief summary of the facts of the matter, findings and outcome as well as the Court in which the matter was heard. (The synopsis must not be longer than one page for each matter)

The summaries to be attached to **Schedule 3** as “Annexure C”

Schedule 4

Parties	Year	Details of Client	Court

Less than 3 matters = 6 point

3 matters = 10 points

4 – 7 matters = 12 points

8 or more matters = 15 points

4.7.2.2 Policy and By-laws- (5 points)

Bidder is required to list policies and by laws that have been drafted by the bidder for a municipality.

Schedule 4

Name of Policy / By law	Year drafted	Name of Municipality

0 municipal policies / municipal by-laws = 1 point

1 – 2 municipal policies / municipal by laws = 3 points

3 – 4 municipal policies / municipal by laws = 5 points

4.7.2.3 Conveyancing / Labour Law (10 points)

The bidder must have an established Conveyancing until that has the necessary experience

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The bidder must list key staff members within the Conveyancing unit and the years of experience.

Schedule 5

Key Staff Members	Year admitted	Years of experience

Key Staff

Max (4points)

No Conveyance or conveyancing secretary/ Assistant –(0 Points)

Conveyancer (2 Point)

Years of experience in conveyancing

(6 Points)

Less than 2 years = 1 points

2-4 years =2 point

5-6 years =3 points

Or

4.7.2.3 Labour Law experience

(10 points)

Bidder is required to list a minimum 3 matters and a maximum of 6 labour law matters. The bidder must provide a brief summary of the facts of the matter, findings and outcome- The summaries to be attached to **Schedule 5 as "Annexure D"**.

Schedule 5

Parties	Year	Details of Client

Less than 3 matters relating to labour law = 2 point

3 matters relating to labour law = 6 points

4 – 5 matters relating to labour law = 8 points

5- or more matters relating to labour law = 10 points

Take note that points will only be allocated for conveyancing or labour law and that bidder cannot be awarded points for both

4.7.4 Written legal opinions experience- (10 points)

Bidder is required to list a minimum of 3 written legal advices and /or opinions and a maximum of 5 written legal opinions on any aspect of the law they have provided to a Municipality in the past 5 (five) years. - Proof of the Legal opinions must be attached to **Schedule 6 as "Annexure E"**

Schedule 6

Legal Opinion	Year	Details of client

Less than 3 opinions = 4 point
3-4 opinions = 6-8 points
5 or more opinions = 10 points

4.7.3. Capacity Max(30 points)

4.7.3.1 Capacity to render legal support – (7 points)

The bidder must have the capacity to render legal services hence the bidder must have the following key staff members within its employment. - Comprehensive CV's of employees to must be attached.

1. Legal Secretary / Paralegal - (2 points)
2. Researcher – (2 points)
3. Candidate Attorney – (1point)
4. One supporting staff per admitted attorney/ professional (2)

Schedule 7

Name of employee	Designation	Date of appointment

4.7.3.2 Areas of practice and special areas of practice (15 points)

Bidder is required to submit its areas of practice and the dedicated resources to each area of

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8 points for three or more reference letters

5 points for two reference letters

3 points for one reference letter

0 points for no reference letters

4.7.4 Location of Office

Max 10 points

4.7.4.1 Main Office -

6 points

The bidder must have its main office within the jurisdiction of the city of Matlosana to get a maximum of 5 points – attach proof of address as “**Annexure G**”.

Main office in Klerksdorp- 6 points

Satellite office within the jurisdiction of the COM-4 points

Main office in northwest – 2 point

4.7.4.2 Office within the 15 km radius from the Mafikeng High Court

(4 points)

The bidder must have a registered office within the vicinity of the Mafikeng High Court. - Proof of address to be attached as “**Annexure H**”

Office less than 10km from Mafikeng High Court -4 points

Office less than 15 km from the Mafikeng High court -2points

Office more than 15 Km from the Mafikeng High Court -1 point

4.7.5 Qualification

Max (5 points)

The bidder will be assessed based on the qualification of the team leader for the project of provision of legal support and services – Certified copies of qualifications must be attached to Schedule 10 as “**Annexure I**”

Project/ Team Leader	Post Graduate Qualification

Team leader with a Masters degree and right of appearance in the High Court = 5 points

Team Leader with Right of Appearance in the High Court = 3 points

Team leader with a post graduate diploma = 2 points

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Should you have any enquiries with this regard, please contact Mr Steward Moeletsi pelesane, spelesane spelesane@klerksdorp.org (Supply Chain Management)

Yours sincerely

NAME AND SURNAME	DESIGNATION	SIGNATURE
MR SM PELESANE	ACTING ASSISTANT DIRECTOR: SCM 77	
MS. MM MPHETLA	CHIEF FINANCIAL OFFICER	
MS. L SEAMETSO	MUNICIPAL MANAGER	

Acknowledged receipt of addendum no.1 for: TENDER COM/SCM/T/28/2023/2024: APPONTMENT OF PANEL OF ATTORNEYS FOR CITY OF MATLOSANA LOCAL MUNICIPALITY TO RENDER LEGAL SERVICES FOR A PERIOD OF THIRTY SIX (36) MONTHS