



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

Issued and prepared by:
Alfred Nzo Development Agency
Umzimvubu Goats Complex
Hospital Road
eMaxesibeni
4735

Chief Executive Officer: Mr LUMKO. Mtimde
Contact Person: Mr N. Gentse
Tel: 039 492 0011

Contents

1. BACKGROUND	3
2. SCOPE OF WORK	3
3. INVITATION	4
4. REPORTING RELATIONSHIP	4
5. CONDITIONS OF TENDER.....	4
6. PROFESSIONAL FEES	6
7. MINIMUM COMPLIANCE SUBMISSIONS	6
8. MINIMUM COMPLIANCE REQUIREMENTS.....	6
9. EVALUATION Criteria for Selection.....	7

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 join a panel of Law Firms which shall work with the Chief Executive Officer (CEO) and Company Secretary 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) Labour Law.
- (e) Contract Drafting and Contract Management.
- (f) Magistrates' Court, High Court, Supreme Court of Appeal and Constitutional Court Litigation.
- (g) Institute and/or defend ANDA.
- (h) Any other specialist field that the firm of attorneys has expertise in and that is relevant to the working environment of the ANDA.
- (i) 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.
- (j) Initiate and/or Chair disciplinary hearings on behalf of 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/or 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) and in compliance with Legal Practice Act 28 of 2014 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.

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 for every assignment issued and person(s) available to provide such service(s) must be identified and their CV's provided.

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
- Certified copy of B-BBEE Level Certificate or sworn affidavit (optional)
- Joint Venture agreement (where applicable)
- Company profile with traceable references
- 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 MATTERS 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 08/09/2025 Bidders are requested to ensure that their proposals include; Company Registration, a Tax Clearance Certificate/pin BBBEE 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
In this stage all proposals received will be verified for compliance and completeness of the submitted proposal as per the set of the minimum requirements as listed under paragraph 8 & 9. Service Providers who comply with the listed requirements progresses to the next stage of bidder(s) price and preference evaluation requirements.	100
STAGE 2 OF EVALUATION – PRICE & SPECIFIC GOALS	
Specific Goals - Goal	20
Price	80
TOTAL	100

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	Weighting
Traceable record for successful completion of minimum of 05 or more handling of legal matters projects	50
Traceable record for successful completion of minimum of 04 or more handling of legal matters projects	40
Traceable record for successful completion of minimum of 03 or more handling of legal matters projects	30
Traceable record for successful completion of minimum of 02 or	20

more handling of legal matters projects	
Traceable record for successful completion of minimum of 01 or more handling of legal matters projects	10
Maximum Weighting	50
Note Compulsory attachment 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 full established Law Firm (Attached CV and qualification of Team Leader and Team members) NB: Attach certificate copies not older than 3 months for all certificates, qualification and Curriculum Vitae (CV) and Admission.	20
2x Team members with post admission as an Attorney of the High Court of SA (Attach CV qualification) NB: Attach certified copies not older than 3 months for all certificates/ qualifications and Curriculum Vitae (CV) and Admission	10
Fidelity Found 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 point.	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 women	CIPC certificate, Certified ID, detailed CSD.	05
Business owned more than 50% by youth	CIPC certificate, Certified ID, detailed CSD	05
TOTAL WEIGHT		20

Upon request by ANDA, 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 Ntuthuzelo Gentse (Company Secretary) at telephone number 039 492 0011/071 865 2823 or gentsen@anda.or.za

and For SCM queries: Ms O. Sompa (039 492 0011/ 066 440 7301) sompao@anda.org.za during normal office hours.

Alfred Development Agency
Erf 1400 Ntsizwa Street
eMaxesibeni
4735

Approved / Not approved



MR LUMKO. MTIMDE
CHIEF EXECUTIVE OFFICER (CEO)