



# THEMBELIHLE

LOCAL MUNICIPALITY  
PLAASLIKE MUNISIPALITEIT  
U-MASIPALA WASEKUHALENI

Incorporating the towns of Strydenburg and Hopetown

Northern Cape Province, Republic of South Africa

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[www.thembelihlemunicipality.gov.za](http://www.thembelihlemunicipality.gov.za)

## TENDER TLM1/2024/25 – PANEL OF CONSULTANTS: PROVISION FOR LEGAL SERVICES FOR A PERIOD OF THREE YEARS

### CLOSING DATE: 03 SEPTEMBER AT 12H00

Thembelihle Local Municipality, situated in the Northern Cape and covering the towns of Hopetown and Strydenburg, is committed to continuously improving the way that we do business. Proposals are hereby requested from prospective service providers for the provision for legal services for a period of three years.

Proposals must be submitted on the original documents and remain valid for ninety (90) days after the closing date of the bid request. Enquiries pertaining to the specifications can be addressed to the Manager Corporate Services, Mr. TR Oliphant at telephone (082) 689 0819. A set of tender documents is available at the municipality at Church Street, Hopetown, and can be obtained at R1500.00 per set. Bidders can also deposit the non-refundable fee of R1 500.00 in the following bank account and submit proof of payment via email to [quotations@tlm.gov.za](mailto:quotations@tlm.gov.za) using the tender Number in the subject line..

|                |  |
|----------------|--|
| Account Holder | Thembelihle Local Municipality             |
| Account Number | 041 879 171                                |
| Bank           | Standard Bank                              |
| Branch         | Kimberley                                  |
| Branch nr      | 050002                                     |
| Reference      | TLM012425_ <i>name of service provider</i> |

Fully completed documents must be placed in a sealed envelope and placed in the tender box in the Foyer at the Thembelihle Local Municipal offices or mailed to reached the tender box at corner of Mark and Church Streets, Hopetown, not later than the time and date stipulated or be mailed to reach the Tender Box, before the specified closing date and time. The envelopes must be endorsed clearly with the number, title, bidder's name and closing date and time of the tender as above.

The tenders will be evaluated on Functionality and the 80/20 Preference Points system as prescribed by the Revised Preferential Procurement Policy Framework of 2022.

The following Specific Goals will apply:

| Specific Goals  | Weight |
|---|--------|
| Contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, women, youth or disability; | 20     |

The tender box will be emptied just after 12:00 on the closing date as above, thereafter all bids will be opened in public.

Before compiling your tender, please take cognisance of the following:

- ✓ Compulsory Registration on CSD
- ✓ Company profile and TCS Pin for "Tender" or CSD Report must accompany the tender.
- ✓ Certified copies of originals of company registration documents and ID documents for all directors.
- ✓ Certified copies of relevant qualifications and identity document of the individual(s) who will be assigned to the project if tender is submitted by company..
- ✓ CV's of the individual who will be assigned to work on the project.
- ✓ Thembelihle Local Municipality does not bind itself to accept the lowest bid or any tender and reserves the right to accept the whole or part of a bid.
- ✓ Late or incomplete; unsigned; electronically and faxed bids will not be accepted.

Prospective tenderers must provide full details of the costing of the project in such a way that it will be possible to fairly and accurately determine the expected annual costs of services rendered.

The Municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The Municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points.

**Mr. R Shuping**  
**ACTING MUNICIPAL MANAGER**

## 2. OTHER IMPORTANT MATTERS

2.1. Only one proposal per Prospective Service Provider will be considered;

### 2.2. Returnable Documents:

2.2.1. Fully Completed Tender Document

2.2.2. BBBEE Certificate or Original Sworn Affidavit

2.2.3. TCS Pin or CSD Report

2.2.4. Municipal Rates and Taxes Account not older than 3 Months (90 days) from the date of closing of this bid for the **company and its directors.**

2.2.5. Certified copies of all Company Documents, ID`s of Directors and Staff for the project, Qualifications of all project team.

2.3. No faxed or e-mailed proposals will be accepted and the municipality is not bound to accept the lowest proposal and reserves the right to accept the proposal wholly or partially;

2.4. Prospective Service Providers who are not registered on the Central Supplier Database must promptly register at [www.csd.gov.za](http://www.csd.gov.za) and submit the register report together with their proposal;

2.5. Failure to comply with the above mentioned conditions may invalidate your proposal.

| <b>THEMBELIHLE MUNICIPALITY</b>                                |  |
|--|--|
| <b>TENDER SPECIFICATIONS</b>                                   |  |
| <b>TENDER NUMBER:</b>  | <b>TLM01/2024/25</b>   |
| <b>TENDER DESCRIPTION:</b>                                     | <b>Provision of Legal Services for a period of three years</b>   |
| <b>1. BACKGROUND</b>   |  |
| 1.1.   | Duly qualified legal practitioners are hereby invited to submit tenders for the Provision of Legal Services.   |
| <b>2. CURRENT STATE</b>  |  |
| 2.1.   | The Thembelihle Municipality does not have any current contracts with legal service providers.   |
| <b>3. SCOPE OF WORK</b>  |  |
| 3.1.   | Thembelihle Municipality intends to compile a Panel of Legal Practitioners to perform comprehensive legal advisory and litigation services to the Municipality for a contract period of three years. |
| <b>4. APPLICABLE STANDARDS, SPECIFICATIONS AND REGULATIONS</b> |  |
| 4.1.   | Municipal Finance Management Act, 56, 2003   |
| 4.2.   | Supply Chain Management (SCM) Regulations  |
| 4.3.   | Thembelihle SCM Policy   |
| 4.4.   | Preferential Procurement Regulations, 2022   |
| 4.5.   | Attorneys Act,   |
| 4.6.   | Magistrates Court Act  |
| 4.7.   | Supreme Court Act  |
| 4.8.   | Legal Practitioners Act  |
| <b>5. SPECIFICATIONS</b>                                       |  |
| 5.1.   | The Thembelihle Municipality requires the legal service in diverse field of law, with particular emphasis on the following, including but not limited to:  |
| <b>5.2. CORPORATE:</b>   |  |
| 5.2.1.   | Services would be expected to include:   |
| 5.2.1.1.   | Advising the Municipality with respect to its rights and obligations under its various operating and other agreements;   |
| 5.2.1.2.   | Advising the Municipality in connection with potential disputes arising out of its various operating and other agreements;   |
| 5.2.1.3.   | Advising the Municipality with regard to possible acquisitions, sales, joint ventures and incidental matters;  |
| 5.2.1.4.   | Advising the Municipality with respect to compliance and corporate governance issues.  |
| <b>5.3. LAND TRANSACTIONS:</b>                                 |  |
| 5.3.1.   | Advice on and handling of land transactions, including but not limited to:   |
| 5.3.1.1.   | Acquisitions and dispositions involving, e.g. rights-of-way, leases, licenses, and transfers with respect to land, buildings;  |
| 5.3.1.2.   | Resolution of issues or disputes over property rights and related responsibilities.  |
| 5.3.1.3.   | Land Restitution; and  |
| 5.3.1.4.   | Evictions  |
| 5.3.1.5.   | Expropriation  |

**5.4. LITIGATION**

- 5.4.1. Conduct litigation on behalf of Thembelihle Municipality.
- 5.4.2. Advice on and handling of various issues, including but not limited to:
  - 5.4.2.1. General Liability – such as personal injury, property damage, professional liability, labour issues, workmen’s compensation;
  - 5.4.2.2. Thembelihle Municipality – customer relations;
  - 5.4.2.3. Conduct of litigation and watching briefs;
  - 5.4.2.4. Settlement negotiations;
  - 5.4.2.5. Town Planning Litigation;
  - 5.4.2.6. Labour & Employment Matters
  - 5.4.2.7. Environmental matters; and
  - 5.4.2.8. Infrastructure project management

**5.5. CONVEYANCING**

- 5.5.1. Advice on and handling of various issues, including but not limited to:
  - 5.5.1.1. Preparation and completion of security documentation e.g. Notarial leases;
  - 5.5.1.2. Perfecting securities including registration of documents and other interests;
  - 5.5.1.3. Advising on and effecting realization of securities including foreclosures, sales, receivership, etc.
  - 5.5.1.4. Transfer of low costs housing, please note, costs related to the transfer of low cost housing shall be limited to a fixed rate of the grant funding provided by the Northern Cape Provincial Department.
  - 5.5.1.5. Bidders interested in submitting proposals for the provision of conveyancing services to the municipality, must provide details of the admitted conveyancer within their firm, who will be responsible for conveyancing matters.
  - 5.5.1.6. The service provider will be expected to respond to any issue raised by telephone, fax or mail within 24 hours and to any issue raised in any letter or similar manner within 48 hours;
  - 5.5.1.7. Where no time limits are agreed to, the services will be rendered within a reasonable period and where necessary, in accordance with Prevailing legislation.

**5.6. LEGISLATION:**

- 5.6.1. Advice on and handling of various issues, including but not limited to:
  - 5.6.1.1. Legislative drafting and review
  - 5.6.1.2. Policy formulation;
  - 5.6.1.3. Drawing of Agreements
  - 5.6.1.4. Drafting of by-law
  - 5.6.1.5. Defended collection matters.
- 5.6.2. The service provider shall exercise all reasonable skill, care and diligence in discharging these obligations in terms of the agreement and shall comply with all Prevailing Legislation relating the rendering of the Services.
- 5.6.3. The Services will be rendered in a timely manner as each request for services requires, and the service provider will use reasonable endeavors to adhere to the time limits agreed to the time limits agreed upon instructions are furnished.

|   |
|---|
| <b>5.7. GENERAL</b>   |
| <p>5.7.1. Provide legal advice and expertise in matter of general nature.</p> <p>5.7.1.1. Conduct investigations on behalf of the municipality.</p> <p>5.7.2. Constitutional and Administrative Law</p> <p>5.7.2.1. Provide legal opinions in respect of constitutional and administrative law.</p> <p>5.7.2.2. Ensure technical quality adherence to best practice and consistency with the Constitution and other Acts of Parliament.</p> <p>5.7.3. Advise on the legal interpretation and legal implications of existing or proposed public or private agreement to be entered into by the FFC.</p>  |
| <b>6. ESTIMATED QUANTITIES REQUIRED</b>   |
| 6.1. As-and-when required.  |
| <b>7. RETENTION</b>   |
| 7.1. N/A  |
| <b>8. DELIVERY</b>  |
| 8.1. As-and-when required for a contract period of three years.   |
| <b>9. PRICING REQUIREMENTS</b>  |
| <p>9.1. Tender rates must be in ZAR Currency (Rand) at the applicable board/council rates.</p> <p>9.2. All administration costs must be included in the rate.</p> <p>9.3. Tender prices must be inclusive of VAT</p> <p>9.4. All tenders must be valid for up to 90 Days.</p> <p>9.5. Statement of any special considerations with respect to billing or payment of fees and expenses that your firm offers and that you believe would differentiate it from other propositions and make your firm's services more cost effective for the Thembelihle Municipality.</p> <p>9.6. Legal Practitioners must agree to a uniform charge for consultations, reading / receiving / drafting electronic and/ or other forms of mail and / or correspondence, the drafting of contracts, opinions, pleadings and / or any other document/s and also with regard to any expenses incurred in respect of items marked as sundries, postage and petties, telephone calls, copies (etc.), on their account.</p> <p>9.7. This tender is subject to the conditions of the Municipal Cost Containment Regulation of 2019. An accounting officer must adopt a fair and reasonable remuneration framework for consultants taking into account the rates -</p> <p>9.7.1. set out in the "Guide on Hourly Fee Rates for Consultants ", issued by the Department of Public Service and Administration; or</p> <p>9.7.2. as prescribed by the body regulating the profession of the consultant.</p> <p>9.8. The tender documentation for the appointment of consultants must include a clause that the remuneration rates will be subject to negotiation, not exceeding the applicable rates mentioned above.</p> <p>9.9. Travel, subsistence and disbursements costs for appointed consultants must be reimbursed in accordance with the National Travel Policy of National Department of Transport as updated from time to time. In unique circumstances dependent on the nature of a particular Service, billing rates and disbursements rates shall be negotiated and agreed upon at the outset of a specific Service Request</p> <p><b>9.10. Time Based Fees</b></p> <p>9.10.1. Bids in terms of this tender will be adjudicated in accordance with the tendered time-based fees (tariff per hour VAT included) of the lead attorney. For this purpose, the pricing schedule must be completed by bidders. An escalation of no more than CPI upon the anniversary of the contract. Time based fees will also apply to after hour work in cases of emergency.</p> <p><b>9.11. Lump Sum Fees</b></p> <p>9.11.1. The Municipality and the service provider may enter into arrangement for the charging of lump sum fees relating to matters in respect of which a time-based fee is not appropriate. Lump sum fees may only be agreed</p> |

upon if it constitute a real saving in respect of legal fees as compared to time based fees and must be outcome based.

**10. CERTIFICATION OF COMPLETED WORKS – MUST BE ATTACHED**

10.1. N/A

**11. EVALUATION**

11.1. Tenders will be evaluated on a comparative basis, which is the reason for the design of the tender specification and additional schedules (if applicable).

11.2. All tenders received shall be evaluated in accordance with the Municipal Finance Management Act, Act 56 of 2003 (read with its accompanying supply chain management regulations), the Preferential Procurement Policy Framework Act, Act 5 of 2000 (read with its accompanying regulations) as well as the Thembelihle SCM Policy.

11.3. Points will be awarded to tenderers who are eligible for preferences in terms of MBD 6.1: Preference Point Claim Schedule (where preferences are granted in respect of B-BBEE contribution).

11.4. The terms and conditions of MBD 6.1 shall apply in all respects to the tender evaluation process and any subsequent contract.

11.5. A maximum of 3 highest scoring bidders will be considered per category of law.

11.6. The Municipality have the right to limit the appointment of bidders to a certain number of categories.

**12. TECHNICAL EVALUATION CRITERIA**

12.1. The below mentioned criteria regarding Functionality is required for responsiveness and therefore eligibility for the next stage of evaluation. This is done to determine the ability of each bidder to successfully execute the contract according to specifications.

12.2. Failure to score the minimum of 30 points out of 50 points will lead to non-compliance and bidders will be rejected after this phase and not continue for price scoring

12.3. For purposes of comparison and in order to ensure meaningful evaluation, bidders are requested to furnish detailed information in substantiation of compliance to functionality criteria mentioned.

12.4. These criteria shall only determine whether a tender will further be evaluated and will not influence the points scored on Price.

| Evaluation Criteria   | Score     | Points Claimed |
|---|-----------|----------------|
| 12.4.1. Capacity and experience of the Lead Attorney  |           |                |
| 12.4.1.1. Demonstrate ability in identified scope of specialty.<br>Experience as reflected in similar projects (5 key projects in the last 5 years) already undertaken (indicate the following in the form of a table which should cover area of speciality, description of the project, name of client and client contact person), period of the contract, start and end date. 5 reference letters for the 5 key projects must be submitted with the tender. Proof of Project should relate to Specifications as provided in Section 5 | <b>30</b> |                |
| 12.4.1.2. Provide detailed CVs (Max 5 pages) and certified copies of qualifications of the team members who will be directly involved in providing the required services specifying areas of specialty as referred to in the Scope of Works. The team members must have at least three (3) years post admission working experience in identified areas of specialty.  | <b>10</b> |                |
| 12.4.2. Establishment of the Service Provider.<br>The Service Provider must submit proof of a minimum period of establishment of 5 years.   | <b>10</b> |                |
| <b>Total</b>  | <b>50</b> |                |
| <b>Threshold Score</b>  | <b>30</b> |                |

**13. PRE-QUALIFICATION**

13.1. Tenders will only be accepted from duly admitted Legal practitioners in possession of a valid Fidelity Fund Certificate.

13.2. Service providers must:

13.1.1. Describe their anticipated commitments to other clients during the next 12 months.

13.3. Firm must identify the nature of any potential conflict of interest your firm might have in providing services to the Thembelihle Municipality.

13.4. Each firm must certify in writing that its representation of the Thembelihle Municipality will not create any conflict of interest involving that firm.

13.5. Letter of good standing from the law society.

13.6. A company profile must be submitted with the tender.

**14. DEFINITION OF TERMS**

14.1. None

**15. ABBREVIATIONS**

|                  |   |
|------------------|---|
| 15.1. <b>SCM</b> | Supply Chain Management                   |
| 15.2. <b>MBD</b> | Thembelihle Municipality Bidding Document |
| 15.3. <b>VAT</b> | Value-Added-Tax                           |