



ADDENDUM A

CORP (L) 04/2025

APPOINTMENT OF PANEL OF SERVICE PROVIDERS FOR THE PROVISION OF LEGAL SERVICES FOR A PERIOD OF THREE (3) YEARS.

SERVICES PROVIDERS ARE HEREBY NOTIFIED THAT THE FOLLOWING AMENDMENT HAS BEEN MADE ON THE TENDER DOCUMENT

NUMBERING ON THE SCOPE OF WORK FROM PAGE 61 AS WELL AS THE TECHNICAL EVALUATION CRITERIA FOR **GENERAL LITIGATION ON PAGE 65 OF THE TENDER DOCUMENT ITEM 'B'**

1.11. AWARDING OF BIDS, ALLOCATION OF WORK AND PAYMENTS

1.11.1. The Municipality reserves the right to accept any Bid or part thereof and does not bind itself to accept any Bid. The panel will be composed by all Bidder(s) who have met the minimum requirements.

1.11.2. The allocation of instructions will be done on a fair distribution of work per legal category on an as and when required basis which is subject to the performance of the Bidder as monitored by the Manager: Legal.

1.11.3. Successful Bidders will be required to submit monthly invoices on work done, if applicable.

1.11.4. MCLM reserves the right to expand the panel by Re-advertising a particular category of legal work under the same requirements and for the same contract period.

1.12. DISBURSEMENT

Payment of disbursements whether or not provided for by the Legal Practice Council which include *inter alia* payments to the Sheriff of the Court, capturing of recordings, Transcribers, Instructions to, Advocates, Experts, and or any other professional person, payment of witnesses etc, shall be paid on submission of proof of such disbursement.

1.13. BIDDERS SHALL INCLUDE THE FOLLOWING:

- 1.13.1. Billing rates and disbursement rates shall be according to the fee structure herein.
- 1.13.2. 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.
- 1.13.3. The Practice shall not charge the Municipality for travelling within Gauteng Province and waiting time.
- 1.13.4. The invoices submitted shall be in itemized form and clearly indicate the actual work done and the fee charges for each item.
- 1.13.5. The Practice may submit interim invoices to the Municipality at appropriate intervals during the course of each matter as appropriate and generally at the time when a particular phase of the matter has been completed.
- 1.13.6. In the event that the Municipality is successful in any litigation and costs are awarded to it, those costs shall be for the Municipality and may be applied in the Municipality's outlay in covering the Practice's costs
- 1.13.7. Whether or not your firm will receive any portion of the costs awarded to the Municipality in any matter will be at the sole discretion of the Municipality.
- 1.13.8. The Practice shall promptly advise the Municipality of any award of costs against it or in its favor in any matter.
- 1.13.9. The Municipality shall exercise its best endeavors to settle any invoices sent to it by the firm within 30 days of receipt of same. The firm will not be entitled to charge interest on any unpaid bills unless specifically agreed with the Municipality.
- 1.13.10. The Practice shall advise the Municipality of the most convenient mode of payment of the fees provided that if the preferred mode of payment entails any bank charges, those charges will be for the firm's account and the Municipality will have no liability to meet those charges.
- 1.13.11. In the event that the Municipality asks your firm to cease work in relation to any matter, the Practice will be entitled to payment of the reasonable fees up to the cessation of work on the matter and shall hand over the file to the Municipality; and
- 1.13.12. The fees shall be fixed until the term of the contract.
- 1.13.13. Financial stability (Fidelity fund certificate)
- 1.13.14. Ethical, Reputation and culture (Good standing)
- 1.13.15. Technical considerations /competence

1.13.16 Confidentiality and security of Mogale City Local Municipality information and data

1.13.17. Current customers

1.13.18. Overall organization, completeness, and quality of Bid,

1.13.19. Including cohesiveness, conciseness, and clarity of response.

1.14. TECHNICAL EVALUATION CRITERIA

- **The below mentioned criteria regarding Functionality are 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.**
- **If the Bidder fails to reach the minimum points stipulated for each criterion per indicated or marked discipline, the Bidder will be rejected for that particular discipline, even if the required minimum points are achieved.**
- **If any criterion is rated zero points (0) for any indicated or marked discipline (i.e. general litigation, labor matters, conveyance and land transactions, corporate transactions, legislative drafting), the Bid will be rejected for that particular discipline, even if the required minimum points are achieved.**

1ST STAGE OF FUNCTIONALITY EVALUATION

NB: PLEASE NOTE THIS STAGE OF EVALUATION IS COMPULSORY FOR ALL BIDS AND FAILURE TO ACHIEVE THE MINIMUM SCORE SHALL LEAD TO THE BIDDER NOT BEING CONSIDERED FOR THE SECOND PHASE OF THE FUNCTIONALITY EVALUATION.

1.14.1. TECHNICAL EVALUATION CRITERIA FOR LAW FIRM

ITEM	CRITERIA	WEIGHT	MINIMUM SCORE
1.14.1.1.	LAW FIRMS EXPERIENCE and track record from Municipalities, Provincial, National and SOE's <ul style="list-style-type: none">• Four (4) contactable reference letters = 15 points• Five (5) – Six (6) contactable reference letters = 20 points• Seven (7) and above contactable reference letters = 25 Points (NB: Non-attachment of contactable reference letters will lead to Zero (0) scoring of points)	25	15
1.14.1.2.	LAW FIRM TRACK RECORD		
(a)	DIRECTORS/PARTNERS EXPERIENCE (Attach CV, Admission as a Legal Practitioner and Valid letter of good standing) <ul style="list-style-type: none">• Five (5) -Ten (10) years' experience = 10 points	15	10

	<ul style="list-style-type: none"> Eleven (11) and above years' experience = 15 points <p>(NB: Non-attachment of CV, Admission as a Legal Practitioner And Valid letter of good standing will lead to Zero (0) scoring of points)</p>		
(b)	<p>PRO-BONO (work done by law Firms)</p> <ul style="list-style-type: none"> Commitment letter to do Pro-bono on companies' letterhead = 5 points Letter/certificate from legal practice council or from any government institution on Pro-Bono work done = 10 points <p>(NB: Non-attachment of Commitment letter and/or Letter/certificate from legal practice council or from any government institution will lead to Zero (0) scoring of points)</p>	10	5
(c)	<p>LEGAL PRACTICE REQUIREMENTS: The practice must have a minimum of at least Four (4) resources in their employ. Failure to comply with any of the requirements on resources will lead to zero. The Practice must include the following to score 20 functionality points: (20 points):</p> <ul style="list-style-type: none"> Director /Senior Partner or Senior Associate with more than 10 years' experience A legal practitioner(x1) 5 years' experience and above Administration/ support staff (x1) 1 years' experience and above Messenger/ messenger service (x1) valid driver's licence <p>EVIDENCE:</p> <ul style="list-style-type: none"> Admission certificate as a legal practitioner CVs of the administrative/ support staff and the messenger/ messengers' services. Drivers licence <p>(NB: Failure to submit any of the above will result in the Bidder scoring zero (0) points for this criterion).</p>	20	20
	TOTAL	70	50

2ND STAGE OF FUNCTIONALITY EVALUATION

NB: ONLY BIDS THAT HAS PASSED THE 1ST STAGE OF FUNCTIONALITY EVALUTION SHALL BE CONSIDERED FOR THIS STAGE

1.14.2.1. TECHNICAL EVALUATION CRITERIA FOR GENERAL LITIGATION

ITEM	CRITERIA	WEIGHT	MINIMUM SCORE
a)	<p>Allocated PROJECT MANAGER with Detailed experience in GENERAL LITIGATION (Attach CV, Admission as legal practitioner and Valid letter of good standing)</p> <ul style="list-style-type: none"> • Four (4) – Eight (8) years' experience = 15 points • Nine (9) and above years' experience = 20 points <p>(NB: Non-attachment of CV, Admission as a Legal Practitioner And Valid letter of good standing will lead to Zero (0) scoring of points)</p>	20	15
b)	<p>CASES attended to by the law firm of GENERAL LITIGATIONS (Attach copies of the judgements OR cases attended to by Law Firms)</p> <ul style="list-style-type: none"> • Three (3) Cases attended on General Litigations = 5 points • Four (4) – Five (5) Cases attended on General Litigations = 8 points • Six (6) and above Cases attended on General Litigations = 10 points <p>(NB: Non-attachment of copies of the judgements OR cases attended to by Law Firms will lead to Zero (0) scoring of points)</p>	10	5
	TOTAL	30	20

1.14.2.2. TECHNICAL EVALUATION CRITERIA FOR LABOUR MATTERS

ITEM	CRITERIA	WEIGHT	MINIMUM SCORE
a)	<p>Allocated PROJECT MANAGER with Detailed experience in LABOUR MATTERS (Attach CV, Admission as legal practitioner and Valid letter of good standing)</p> <ul style="list-style-type: none"> • Four (4) – Eight (8) years' experience = 15 points • Nine (9) and above years' experience = 20 points <p>(NB: Non-attachment of CV, Admission as a Legal Practitioner And Valid letter of good standing will lead to Zero (0) scoring of points)</p>	20	15
b)	<p>Law Firm Experience on Labour Matters (Attach relevant copies of the Ruling or Awards or Judgement attended to by the law firms)</p> <ul style="list-style-type: none"> • Three (3) Rulings or Awards or Judgements = 5 points • Four (4) – Five (5) Rulings or Awards or Judgements = 8 points • Six (6) and above Rulings or Awards or Judgements = 10 points <p>(NB: Non-attachment of copies of Rulings or Awards or Judgements will lead to Zero (0) scoring of points)</p>	10	5
	TOTAL	30	20

1.14.2.3. TECHNICAL EVALUATION CRITERIA FOR CONVEYANCING AND LAND TRANSACTIONS

ITEM	CRITERIA	WEIGHT	MINIMUM SCORE
a)	<p>Allocated PROJECT MANAGER (IN-HOUSE CONVEYANCER i.t.o S95 (1) and (4) of the legal practice act, 28 of 2014 as amended) with Detailed experience in CONVEYANCING AND LAND TRANSACTIONS (Attach CV, registration certificate as a conveyancer and Valid letter of good standing)</p> <ul style="list-style-type: none"> • Four (4) – Eight (8) years' experience = 15 points • Nine (9) and above years' experience = 20 points <p>(NB: Non-attachment of CV, registration certificate as a conveyancer and Valid letter of good standing will lead to Zero (0) scoring of points)</p>	20	15
b)	<p>LAW FIRM experience on CONVEYANCING AND LAND TRANSACTIONS (Attach valid copies of reference letters from banks, SOE and Government Institutions (Local, Provincial and National)</p> <ul style="list-style-type: none"> • Five (5) Reference letters = 5 points • Six (6) -Eight (8) Reference letters = 10 points • Nine (9) Reference letters and above = 20 points <p>(NB: Reference letters MUST detail the relevant and completed or registered transactions. Failure to attach the required letters will lead to zero-point scoring)</p>	20	5
	TOTAL	40	20

1.14.2.4. EVALUATION CRITERIA FOR CORPORATE TRANSACTIONS AND INVESTIGATIONS

ITEM	CRITERIA	WEIGHT	MINIMUM SCORE
a)	<p>Allocated PROJECT MANAGER with experience in CORPORATE TRANSACTIONS AND INVESTIGATIONS Relevant Degree, Experience and registration with relevant professional forensic regulatory body.</p> <p>Attach CV detailing experience in corporate transactions or investigations and registration certificate with relevant professional forensic body.</p> <ul style="list-style-type: none"> • Four (4) -Eight (8) years' experience = 15 points • Nine (9) and above years' experience = 20 points <p>(NB: Non-attachment of copies of CV, Degree qualifications and registration with relevant professional forensic body will lead to Zero (0) scoring of points)</p>	20	15
b)	<p>LAW FIRMS experience in corporate TRANSACTIONS AND INVESTIGATIONS (Attach contactable reference letters detailing law firms experience in corporate transaction or/and investigations)</p> <ul style="list-style-type: none"> • 3-4 Contactable Reference Letters = 10 points • 5-8 Contactable Reference Letters = 15 points • 9 and above Contactable Reference Letters = 20 points <p>(NB: Non-attachment of Contactable Reference letters detailing law firms experience in corporate transaction or/and investigations will lead to zero-point scoring)</p>	20	10
	TOTAL	40	25

1.14.2.5. TECHNICAL EVALUATION CRITERIA FOR LEGISLATIVE DRAFTING

ITEM	CRITERIA	WEIGHT	MINIMUM SCORE
a)	<p>Allocated Project Manager with Detailed experience in LEGISLATIVE DRAFTING (Attach CV detailing experience in Legislative Drafting, Admission as a Legal Practitioner and valid letter of good standing)</p> <ul style="list-style-type: none"> • Six (6) – Ten (10) years' experience in Legislative Drafting = 15 points • Eleven (11) and above years in Legislative Drafting = 20 points <p>(Non-attachment of CV, Admission as a Legal Practitioner and valid letter of good standing will lead to Zero (0) scoring of points)</p>	20	15
b)	<p>LAW FIRM experience in LEGISLATIVE DRAFTING (Policies, By-Laws and or Acts) (Attach copies of reference letters from client detailing Legislation or By-Law or Policies or Acts drafted. Legislation Drafted/ Policies or By-laws attended by your law firm for Municipalities, Provincial, National or SOE's)</p> <ul style="list-style-type: none"> • Five (5) – Eight (8) contactable reference letters on Legislation Drafted or Policies or By-laws or Acts = 10 points • Nine (9) and above contactable reference letters on Legislation Drafted or Policies or By-laws or Acts = 15 points <p>(NB: Non-Attachment of Contactable Reference letters detailing the relevant and completed legislation reviewed or drafted will lead to zero-point (0) scoring)</p>	15	10
	TOTAL	35	25

1.14.2.6. NOTARIAL TRANSACTIONS

ITEM	CRITERIA	WEIGHT	MINIMUM SCORE
(a)	<p>Allocated Project Manager with Detailed experience in NOTARY (IN-HOUSE NOTARY i.t.o S95 (1) and (4) of the legal practice act, 28 of 2014 as amended) (Attach CV, Admission as legal practitioner, registration as a notary, and Valid letter of good standing)</p> <ul style="list-style-type: none"> • Three (3) to Five (5) years' experience = 10 points • Six (6) to Ten (10) years' experience = 15 points • Eleven (11) years and above experience = 20 points <p>(NB: Non-attachment of CV, Admission as legal practitioner, registration as a notary and Valid letter of good standing will lead to Zero (0) scoring of points)</p>	20	10
(b)	<p>TRACK RECORD of Law Firm experience as a NOTARY (Attach Contactable Reference letters on the client's letterhead, confirming successful completion of notary work)</p> <ul style="list-style-type: none"> • Three (3) to Five (5) Contactable Reference letters = 5 points • Six (6) and above Contactable Reference Letters = 10 points <p>(NB: Non-Attachment of Contactable Reference letters confirming successful completion of notary work will lead to zero (0) scoring)</p>	10	5
TOTAL		30	15

1.15. SPECIAL CONDITIONS

- 1.15.1. Mogale City Local Municipality intends to appoint a maximum of eighteen (18) service providers for the panel
- 1.15.2. Mogale City Local Municipality will not provide reimbursement for any expenses incurred in connection with this Bid, including the costs of preparing the response, providing any additional information, and attending an interview.
- 1.15.3. All material submitted in response to this Bid will become the sole property of the Municipality. The Municipality expressly reserves the right to utilize any and/or all ideas submitted in the Bids received unless covered by legal or proprietary rights.
- 1.15.4. All Bids must be irrevocable for 120 days and signed by an authorized officer of the firm.
- 1.15.5. The successful Bidder must agree to provide Mogale City Local Municipality with audit access on request during the term of the contract.
- 1.15.6. Mogale City Local Municipality at any time, in its sole discretion, may terminate its contract with the selected firm(s), or postpone or delay all or any part of the contract, upon written notice to the selected firm(s).
- 1.15.7. Copies of valid practicing Certificates for the people that will be handling the Mogale City Local Municipality's work.
- 1.15.8. The Practice shall exercise all reasonable skills, care and diligence in discharging its obligations in terms of the agreement and shall comply with all Prevailing Legislation relating to the rendering of the Services.
- 1.15.9. The Services will be rendered in a timely manner as each request for services requires, and the Practice will use reasonable endeavors to adhere to the time limits agreed upon when instructions are furnished.
- 1.15.10. The Practice will be expected to respond to any issue raised by telephone or e-mail within 24 hours for urgent matters and to any issue raised in any letter or similar manner within (three) 3 working days on non-urgent matters.
- 1.15.11. Where no time limits are agreed to, the services will be rendered within a reasonable period and where necessary, in accordance with Prevailing legislation.
- 1.15.12. Failure to render Services within a reasonable time shall be regarded as non-performance and may lead to termination of the mandate.
- 1.15.13. The Firm shall not settle any claim or litigation by or against the Municipality without the necessary consultation with the Municipality, which authorization shall be made in writing.

- 1.15.14. The term of appointment to the panel of external legal Practitioners will be a period of three (3) years and reviewable after one (1) year. The Municipality may, in its sole discretion, terminate the appointment at any time during that term.
- 1.15.15. All allocated matters must be attended by one resource within the law firm and only the resource will be allowed to a fee expect where such a law request in writing to deviate and the municipality as consented to such in writing.
- 1.15.16. No travelling and subsistence costs will be allowed except where such travelling and/or subsistence is necessary and outside the jurisdiction of Gauteng Province.
- 1.15.17. The Bidders are expected to submit duly signed and dated reference letters.
- 1.15.18. The Following is a list of the information to be provided by the Bidder for the legal services sought. A Bid that does not include the information required below may be deemed non-responsive and subject to rejection.
- 1.15.19. In setting forth its qualifications, each Practice shall provide concise but adequate details of the information sought out below.
- 1.15.20. Legal Practice should be in the capacity to handle the volume of work that the Municipality may instruct them on at any relevant point in time. It is therefore crucial not to appoint one-person practices in areas of specialty involving large volumes of work as their (in) capacity may prejudice the Municipality's services objectives.
- 1.15.21. Only Practices which are registered with the Legal Practice Council will be considered and/or appointed. Practices should attach proof of registration.
- 1.15.22. Description of the management and personnel structure of the firm detailing the number and identity of partners, associates, assistants and law clerks.
- 1.15.23. Describe the legal services which your firm could provide to the Municipality.
- 1.15.24. Legal Practices must have suitable affirmative action and employment equity plans. The provisions of Local Government Municipal Systems Act and other Prevailing legislations on gender representation should also be adhered to in his process.
- 1.15.25. State the names of the partners and associates who would be assigned to the Municipality's account in each category, describe the expected services to be provided by each, provide their resumes including a brief summary of any notable cases, transactions, issues and/or matters handled by them which you feel demonstrate the nature and extent of their expertise. Describe their anticipated commitments to other clients during the next 12 months.
- 1.15.26. Describe your firm's experience in relation to the services to be provided in response to this Bid, including a brief summary of any notable cases, transactions, issues and/or matters handled by your firm which you feel demonstrate the nature and extent of your firm's expertise and reputation.
- 1.15.27. Legal Practices seeking to provide corporate services should specifically provide descriptions of the firm's involvement, if any, with the following: any Municipality or

Government institution in the past five years, including acquisitions, sales and joint ventures that are relevant to this BID.

- 1.15.28. Identify the nature of any potential conflict of interest your firm might have in providing services to the Municipality.
- 1.15.29. Discuss fully any conflicts of interest, actual or potential, which might arise in connection with your firm's involvement with the Municipality. If your Legal Practices believes that a conflict of interest might arise, please describe how such conflict would be resolved.
- 1.15.30. Each Legal Practices must certify in writing that its representative of the Municipality will not create any conflict of interest involving that Legal Practices.
- 1.15.31. Identify any past, pending or threatened litigation or proceedings to which you or any of your partners are or were a party and which may affect your reputation and/or could either materially impair your ability to perform the services envisaged herein and for which this BID was issued, or will and/ or might materially affect the financial condition of your Legal Practices.

1.16. TRANSITIONAL MATTERS

- 1.16.1. All data or information collected by the appointed service providers will remain the property of MCLM.
- 1.16.2. Transitional matters – Three months before the end of the contract, the Service Provider/s will return all files back to the Council, at the cost of the Service Provider, except those files which the MCLM and the Service Provider agrees that have progressed sufficiently or are defended matters and where the process of litigation has already commenced.
- 1.16.3. If at any time for the duration of this contract a Legal Practitioner within the employ of the Bidder is removed from the roll of Legal Practitioners, the appointment of such a Legal Practitioner will also be terminated and all instructions held by that Legal Practitioner will be cancelled and recalled. The Legal Practitioner must be replaced by a similar qualified Legal Practitioner to the satisfaction of MCLM.
- 1.16.4. No work given to the successful Bidder may be outsourced.
- 1.16.5. Successful Service providers must provide annually, a Fidelity Fund Certificate. Such proof must be submitted before 1 June of each calendar year. Certified copies will be accepted. Failure to submit the required proof timeously (on 1 June) may result in the recalling of any instruction already give to such a Legal Practitioner in the absolute and sole discretion of the Municipality.
- 1..16.6. Proof of Letter of Good Standing from the Legal Practice Council must be submitted annually, such proof must be submitted before 1 April of each calendar year.