

ANNEXURE A: SCOPE OF WORK

THE APPOINTMENT OF SERVICE PROVIDERS TO PARTICIPATE IN A PANEL OF LEGAL ADVISORY SERVICES FOR LITIGATION RELATED MATTERS FOR A PERIOD OF 3 YEARS.

1. INTRODUCTION

CEF (SOC) Ltd is the holding company for a number of subsidiaries, which make up the CEF Group of companies. All of these subsidiaries operate in the energy sector with commercial, strategic, regulatory and developmental roles. The mandate is in essence to contribute to the security of energy supply for the country. This is the overarching mandate for all CEF Group entities, as they are subsidiaries. The vision is to be a leading diversified energy company that provides sustainable energy solutions for Southern Africa. In this way, CEF contributes to national energy security.

2. PURPOSE AND OBJECTIVES

The overall objective is to appoint a suitable, qualified and competent legal firm with adequate capacity and experience in dealing with legal matters and understanding the litigation process.

The appointed legal firm will be utilized to provide legal services to the CEF for civil and criminal litigation matters.

1.Litigation criminal and civil Law	Deliverables
	<ul style="list-style-type: none">• Litigation management on behalf of the CEF Group.• Conduct forensic investigation as well as reporting, additionally assist with security regulatory advisory.• In-depth knowledge in civil litigation & criminal law including determination of damages, recovery of assets related matters linked to supply chain disputes of others.• Legal oriented audit and assessment.• List of associations and relations with international law firms linked to South African legal firms.• List of 7 Senior and 7 Junior counsel with specific expertise in litigation. Woman and Young Black Counsels must be targeted for development.

	<ul style="list-style-type: none">• Conduct litigation on behalf of CEF and CEF Group (e.g. handling of litigation process)• Provide oral and written legal advice throughout litigation process• Avoid prescriptions, barring and default judgments.• Propose and arrange settlement mechanism.• Attend to alternative dispute mechanism and/or arbitration.• Provide comprehensive internal legal audit gap analysis on policies, procedures, legal process, pending legal matters, pending government enactment and provide advisory opinions on improvement, legislative review and development.• International litigation management, opinions and advisory on issues of Laws, conflicts and International Customary Rules and Laws.
--	---

It is critical that the Tenderers demonstrate the following high-level expertise and competencies in relation to the above-mentioned areas of the law.

- (i) High-quality legal opinions and / or interpretations of Statutes;
- (ii) Assist with vetting and legal forensic investigating including potential litigations matters;
- (iii) Acting as consultants/service providers and providing ad hoc advice in areas of expertise where CEF in-house legal advisors experience needs to be augmented.
- (iv) Contracts skills – drafting/ vetting / reviewing, negotiation and interpretation of commercial agreements.
- (v) In-house trading on new and changing legislations and case law developments.

NOTE: Firms that were registered on the previous panel of legal experts will not automatically be registered on the new panel of legal experts and any such firm wishing to be appointed to the new panel will have to respond to this invitation to tender for consideration.

1. ADDITIONAL INFORMATION ON SCOPE OF WORK

- Appointment under this Tender of any legal Firm may be revoked and terminated at any time by CEF on any grounds of valid, commercial sense, empowerment, conflict of interest and/ or any other administrative and operational requirements that were not foreseen at the time of the Request for Tender being submitted and the Tender being awarded.
- The legal firms appointed will form part of a panel of legal experts (for a period of three (3) years) and will provide legal services to the CEF Group of companies on an ad hoc basis.
- For every assignment, an RFQ will be forwarded to the panel as per the category of expertise and responses will be evaluated accordingly. A Tenderer selected for further negotiations, if any, will be chosen on the basis of the greatest benefit (*time, quality and price of service*) to CEF.
- Service delivery levels, *immediate availability* and quality of the work will be a measure of appointment and retention in the panel;
- The law firm will be required to sign a confidentiality and indemnity agreements with CEF and commitment undertaking contract for performance delivery;
- The legal firms must *prior to acceptance of appointment as service provider declare any interest* it has in an assignment as well as declare any possible conflict of interest with CEF in the pursuance of the proposed assignment(s);
- In the event that any *conflict of interest is discovered* during the assignment, CEF reserves the right to summarily cancel the agreement and demand refund and exercise remedies provided for in the agreement and demand that all information, documents and be returned and destroyed;
- Being part of a panel of service providers does not guarantee any work for the duration of the panel;

- The cost of every assignment may be negotiated with the relevant shortlisted service provider(s) and a letter of engagement will be issued for each assignment awarded, on basis of immediate availability to render service timely with outmost due care and professionalism. Thus implying that the price offer must be all inclusive of all necessary and required hourly rates for all levels of staff, advocates, consultant including disbursements;
- Legal firms will enter into a Service Level Agreement (SLA) with CEF. CEF reserves the right to remove a firm from the panel of experts if that firm does not meet the performance standards as per the SLA.
- The Service Provider must upon award, furnish an insurance policy or fidelity fund certificate yearly for the duration of the contract in respect of professional liability.
- The Service Provider shall at all times maintain an operational IT capability as required by CEF and shall inform CEF telephonically, as soon as is practically possible of any breakdown or other issue that may impact e-mail communication between the firm and CEF;
- Tenderers shall not issue any press release or other public announcement pertaining to details of their project proposal without the prior written approval of CEF.



Please nominate a pool of counsel where required as per the attached table and provide relevant CV (7 Junior counsel and 7 Senior counsel)

[illegible]

EVALUATION CRITERIA

PHASE 1 Mandatory Requirements

At this phase, the bidder's responses are reviewed against the below Mandatory Requirements. **Failure to comply with any of the Mandatory Requirements will lead to the bidder being disqualified and cannot be considered for further evaluation on Technical Requirements.**

Mandatory requirements	Comply	Not Comply
<u>Company Proof of accreditation</u> The bidder must submit a valid copy of company's letter of good standing with LPC (Legal practice Council) at date of bid submission.		
<u>Proof of Law Qualifications</u> The bidder's lead must submit proof of LLB qualifications (NQF Level 8 or above). Bidder must clearly indicate who the project lead is.		
<u>Right of Appearance in the High Court</u> The bidder's lead must submit proof of Right of Appearance in the High Court. Bidder must clearly indicate who the project lead is.		
<u>Proof of accreditation</u> The bidder's lead must submit a valid Accreditation certificate with the Legal Practice Council. Bidder must clearly indicate who the project lead is.		
<u>Project Lead Letter of Good standing</u> The bidder must submit a valid copy of project lead's letter of good standing with LPC (Legal practice Council) at date of bid submission. Bidder must clearly indicate who the project lead is.		

PHASE 2 TECHNICAL EVALUATION

Bidders will be evaluated according to the below technical evaluation criteria. Minimum Technical Threshold is **70%**. It must be noted that if the Bidder does not meet the **70%** minimum threshold, the bidder will be disqualified.

Evaluation Criteria	Document as Evidence	Score	Weighting %
1. EXPERIENCE OF THE TEAM LEAD			
The bidder must submit a CV that demonstrates that the Lead team member has litigation experience.			
Lead team member has above 10 years or more experience.	CV of the team Lead detailing years of experience.	5	20%
Lead team member has 9 but less than 10 years' experience.		4	
Lead team member has 7 but less than 9 years' experience.		3	
Lead team member has 3 but less than 5 years' experience.		2	
Lead team member has 1 but less than 3 years' experience in litigious matters.		1	
Lead team member has less than 1 year's experience.		0	

Evaluation Criteria	Document as Evidence	Score	Weighting %
2. EXPERIENCE OF THE TEAM LEAD			
The bidder must submit a CV that demonstrates that the Lead team member has completed projects/matters in SOE's environment			
Lead team member has completed 5 or above projects.	Projects completed	5	25%
Lead team member has completed 4 projects.		4	
Lead team member has completed 3 projects.		3	
Lead team member has completed 2 projects.		2	
Lead team member has completed 1 project.		1	
Lead team member has completed 0 projects.		0	

Evaluation Criteria	Document as Evidence	Score	Weighting %
3. EXPERIENCE OF THE TEAM MEMBERS. (Excluding the Team Lead) The bidder's team must have average experience in litigation-related matters. Bidder to submit CV of team members to demonstrate years of experience in litigation related matters.			
Team members average experience is 10 years or more.	CV'S f team members detailing litigation experience.	5	30%
Team members average experience is 8 but less than 9 to years' .		4	
Team members average experience is 5 but less than 7 to years' .		3	
Team members average experience is 3 but less than 5 to years' .		2	
Team members average experience is 1 but less than 3 to years' .		1	
Team members average experience is less than 1 year.		0	

Evaluation Criteria	Document as Evidence	Score	Weighting %
4.Reference letters The bidder must submit reference letters reflecting work undertaken in litigation related matters in the past 5 years (2021 to date). The reference letters must be signed, dated and be on a client's letterhead, and include the date when work was executed and the client's contact details.			
5 Reference letters or more	Reference letters	5	25%
4 Reference letters		4	
3 Reference letters		3	
2 Reference letters		2	
1 Reference letters		1	
Reference letters not attached		0	