



Expression of Interest for Inclusion on the Bank of Botswana's Panel of Legal Practitioners

Contract number BOB/2024/07/27

1. Introduction and background

- 1.1 *The Bank of Botswana ("the Bank") is the Central Bank of the Republic of Botswana established under the Bank of Botswana Act, (Cap 55:01).*
- 1.2 *The Bank invites submissions of Expression of Interest (EOI) from well-established and reputable 100 percent citizen owned law firms, registered with the Public Procurement Regulatory Authority (PPRA: Code 318 – Legal Service, Sub-codes, 01 Legal services, 02 Conveyancing, and 03 Notary Public. The law firm should be licensed to practise law in Botswana in accordance with the Legal Practitioners Act (Cap. 61:01), for inclusion on the Bank's Panel of Legal Practitioners (Legal Panel) for a period of three years.*

2. Service scope

The Legal Panel will consist of selected law firms, who will be engaged from time to time to provide legal services to the Bank. Interested firms should demonstrate in – depth knowledge in the following areas of law:

- (a) company law/Commercial law;*
- (b) procurement and Competition law*
- (c) employment and Labour Relations;*
- (d) general Litigation;*
- (e) intellectual Property law;*
- (f) contract law;*
- (g) mergers and Acquisitions;*
- (h) legislative Drafting;*
- (i) conveyancing;*
- (j) tax law*
- (k) construction law;*
- (l) debt Collection; and*
- (m) general Legal Services.*

(Please note that this list is not exhaustive)

3. Eligibility Requirements

In order for a law firm to qualify for consideration to be invited to tender, it must fulfil the following criteria:

(a) *Stage One: Administrative and Commercial Compliance*

- (i) *must possess valid Tax Clearance Certificate from the Botswana Unified Revenue Services;*
- (ii) *must provide proof of registration with the Public Procurement Regulatory and Authority for conducting such type of work under Code 318 – Legal Service and Sub-codes, 01 Legal services, 02 Conveyancing, 03 Notary Public;*
- (iii) *trust account audit reports for the past 3 years;*
- (iv) *valid CIPA Incorporation Certificate and company extract. **(Registration will be verified online). The firm must be 100% citizen owned.***
- (v) *a list of partners of the law firm and their particulars . The firm must be 100% citizen owned or all partners must be Botswana citizens.*
- (vi) *valid practising certificates of all key personnel;*
- (vii) *proof of membership of the Law Society of Botswana;*
- (viii) *fidelity certificates;*
- (ix) *a declaration that there is no conflict of interest and non – competitive behaviour with regard to the EOI in whatever form; and*
- (x) *Submit Proof of a professional indemnity cover of at least P1 000 000.00.*

(b) *Stage Two: Technical Evaluation*

Evaluation Criteria	Allocated marks	Bidder's Response
<i>Demonstration of expertise and knowledge of the area(s) of specialisation that the firm is tendering for. Detailed response should cover. Clearly demonstrate in-depth knowledge of area of specialisation that the Bidder is tendering for. Thus, including demonstrated ability to respond to emergency requests, the firm philosophy and methodology. Any value add offered.</i>	Maximum 20 marks <i>In-depth knowledge in area of specialisation – 5 marks Ability to respond to emergencies – 5 marks Firm philosophy and methodology – 5 marks more comprehensive and coherent response will earn more marks – 5 marks</i>	
<i>Firm profile showing number of years in practice, including names of Partners, Associates and their experience in practice</i>	Maximum 15 marks <i>More than 15 years' experience in legal work =15 marks 10 to 15 years' experience in legal work = 10 marks 5 to 10 years' experience in legal work =5 marks 0 to 5 years' experience in legal work = 2 marks</i>	

<i>Proof of availability of skilled personnel and their citizenship in the form of employee profiles, certificate academic certificates, certified identity cards and abridged curriculum vitae for all staff that will be directly involved in offering legal services to the Bank.</i>	Maximum 20 marks <i>Team indicative requirements and score:</i> <i>Lead partner with a Law Degree plus 10years experience. 8 marks</i> <i>Senior Attorney with a Law Degree plus 8years experience, 6marks</i> <i>Junior Attorney with a Law Degree plus 5years experience 3marks</i> <i>3 marks allocated for an increased number of team members</i>	
<i>At least three written references and/or details of traceable referees that the law firm has previously provided services to, from institutions or public bodies comparable to the Bank.</i>	Maximum 12 marks <i>1-2 references – 6 marks</i> <i>2-3 references – 8 marks</i> <i>3 or more reference – 12 marks</i>	
<i>Highlights of major civil litigations undertaken by the firm in the last 5 years. Provide at least three civil litigation assignments most recently handled by the firm, the nature of the litigation, and the outcome thereof.</i>	Maximum 20 marks <i>More than 4 successful litigation assignments 20 marks.</i> <i>2-3 successful litigation assignments 15 marks.</i> <i>1-2 successful litigation assignment(s) 10 marks</i>	
<i>Physical facilities: provide evidence of availability of office premises and physical address (copy of title deed or lease/tenancy agreement).</i>	Maximum 3 marks	
<i>Other company resources i.e., motor vehicles, level of computerisation, business continuity plan, quality assurance plan and procedure, describe the quality control procedure you use to supervise</i>	Maximum 5 marks <i>Motor vehicles – 1 mark</i> <i>Computerisation – 1 mark</i> <i>Business continuity plan – 1 mark</i>	

or monitor work done by pupil attorneys or interns.	Quality assurance plan – 1 mark Supervision plan for pupil attorney – 1 mark	
Any other information (value add services) the firm would be in a position to offer to the Bank.	Maximum 5 marks	

(c) Qualification criteria

- (i) *At technical evaluation, the Bank will award scores based on the evidence provided in the bid document. The minimum score to qualify will be 80 percent marks. Any bidder who will score 80% and above will be invited to tender for inclusion on the Bank of Botswana's Panel of Legal Practitioners.*
- (ii) *The Bank reserves the right to engage foreign law firms on an ad-hoc basis for matters arising from, or with a subject matter involving foreign jurisdictions.*

5. Contract Management

- (a) *The successful law firm will be required to designate an attorney who will act as a liaison person between the firm and the Bank. The designated officer should be readily available to receive or discharge orders and special assignments as required by the Bank.*
- (b) *Service Providers are urged to keep their submissions concise and should not exceed 25 A4 size pages in length per law firm. This excludes attachments such as licences and such related documents.*

6. Disclaimer

6.1 The Bank reserves the right to:

- (a) *accept or reject any or all the applications, revise, request for further information/clarity from one or all the applicants and to cancel or withdraw the process in whole or in part; and*
- (b) *cancel or withdraw the EOI and to notify applicants through a public notice, and/or enter into other contracts for legal services derived from outside this process.*

7. Elimination Criteria

7.1 Bidders will be eliminated under the following conditions:

- (a) *submission after the deadline; and*
- (b) *failure to follow submission instructions.*

- 7.2 The Bank will evaluate the submissions and produce a shortlist of law firms who will be invited to tender.
- 7.3 Interested parties are required to pay a non-refundable fee of P350 inclusive of VAT and submit their Expressions of Interest in writing from 6 – 20 September 2024. Please include a copy of your payment receipt in the submission. The non-refundable fee of P350.00 (Three Hundred and Fifty Pula VAT inclusive) must be paid by **EFT** into the Bank of Botswana account details provided below or cash at the Bank's Banking Hall, (Plot 17938, Khama Crescent, Gaborone, "Bank Headquarters") OR (Plot No 9597, Kenneth Nkhwa interchange, Francistown), from **Monday to Friday** at **0900 hours to 16:30 hours**.

Bank Details for EFT payments

Bank : Bank of Botswana
 Account Name : Accpac Sundry Receipts
 Account Number : 0000110900001
 Branch Code : 910167
 Branch Name : Gaborone
 SWIFT Code : BBOTBWGX
 Please include reference (Company Name)

7.4 **Documents Submission Instructions:**

- (a) the EoIs must be submitted through email, addressed to Bob20240727@bob.bw
- (b) Documents should be marked "**Bank of Botswana – Panel of Legal Practitioners – Firm Name**" and submitted no later than 1000 hours on 23 September 2024.
- (c) EoI will be opened at 1025 hours the same day or at a later date as may be determined to be appropriate by the Bank. A formal report of the opening will be kept, noting names of firms who have submitted EoI.
- (d) Interested parties should submit the documents in a zip file/folder format to reduce the size of the documents. The maximum allowable email size at a time shall be 100MB. Bidders wishing to submit documents with more than the stated email size may split the submission in multiple parts but not exceeding the reasonable length required. All documents must be in PDF format and must be password protected. The passwords should be sent to both Modimanam@bob.bw and Mothusik@bob.bw

8. **Validity period of responses**

- 8.1 Each proposal should be valid for a minimum period of ninety (90) working days calculated from the closing date.
- 8.2 The information provided in this request for submission of Expressions of Interest is complete at this stage. There will be no briefing prior to the closing date for submission of

*EOIs. However, enquiries/clarifications may be addressed to enquiries20240727@bob.bw **five** days before the closing date for submissions of EoIs.*