



MOBILE TELECOMMUNICATIONS LIMITED

TITLE OF TENDER	PROVISION OF LEGAL SERVICES FOR MTC
TENDER NO:	MTC 49/19/0
DATE ISSUED:	15 th November 2019
CLOSING DATE:	29 th November 2019@ 14h30
TENDERER NAME	
TOTAL TENDER AMOUNT (EXCL. VAT)	

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PART A – TENDER INVITATION

1. INVITATION TO TENDER

MTC hereby invites offers:

CLIENT:	MOBILE TELECOMMUNICATIONS LIMITED (MTC)
TENDER DESCRIPTION:	Provision of legal service for MTC
TENDER NUMBER:	MTC 49/19/0
CLOSING DATE	29 th November 2019, 14H30
ADDRESS TENDER TO:	MTC Procurement, Manager Procurement
	Cnr Mose Tjitendero & Hamutenya Wanehepo Ndadi Street
	Olympia
	Windhoek, Namibia
ALL INQUIRIES:	Nghiidipaa Effaishe Manager Procurement Tel: +264 61 280 2134 Fax: +264 61 280 2057 Email: vmungonena@mtc.com.na

2. TENDER FORMAT

1.1.1 Tender documents must be in a sealed package as follows:

1. One (1) original, clearly marked "ORIGINAL"
2. One (1) soft copy in email or CD

1.1.2 All documents must clearly be marked:

"PROVISION OF LEGAL SERVICE FOR MTC- MTC 49/19/0.

ALL TENDER DOCUMENTS MUST BE DEPOSITED INSIDE THE MTC TENDER BOX AT THE RECEPTION OF MTC HEAD OFFICES IN OLYMPIA, MOSE TJITENDERO AND HAMUTENYA WANAHEPO NDADI STREETS.

PART B – GENERAL TERMS AND CONDITIONS

1. TENDER CONDITIONS

1.1 DEFINITIONS

1.1.1 In this Request for Proposal (Tender), unless the context clearly indicates the contrary, the following interpretation will apply to the terms stated below:

3. "MTC" shall mean Mobile Telecommunications Limited
4. "RFP" shall mean Request for Proposal (Tender)

1.1.2 This Request for Proposal is not a contract, and does not create an obligation on MTC's part to purchase services from any company submitting a proposal. MTC reserves the right to reject any or all proposals in its sole and absolute discretion

1.2 TENDER INVITATION

1.2.1 MTC hereby invites offers from all relevant quantified companies to submit detailed technical and financial proposals to provide legal services for MTC

1.2.2 This tender document shall consist of the following Appendices:

1.2.3 Appendix A – BEE Scorecard [This scorecard is not to be filled out, but to show the various elements that the company should be accredited by the Namibia Preferential Procurement Council (NPPC)]. The tenderer is required to approach the Namibia Preferential Procurement Council (NPPC), Telephone # 061 248 007 for accreditation and attach their accreditation certificate to the tender response.

1.2.4 Appendix B – Non Disclosure Agreement

1.3 GENERAL TENDER CONDITIONS

1.3.1 All tender documents must be submitted before or on the closing date and time as indicated on the cover page, should be returned and deposited in the tender box at the entrance of MTC Headquarters, Olympia No late tenders will be considered

1.3.2 Every tender document page must be initialled

1.3.3 MTC is neither bound to accept the lowest of any Tender nor to assign any reason for acceptance or rejection of such Tender

1.3.4 MTC reserves the right to change these dates and any other dates that may appear in this RFP. Such changes will be communicated as soon as they are made.

1.3.5 Notifications to companies will be in writing to the designated liaison person nominated by the firm.

1.3.6 From the submissions an evaluation will be performed highlighting a short list

1.3.7 If deemed necessary, negotiations may be entered into with the short listed candidates.

1.3.8 Companies that wish to tender should examine this RFP carefully and review all instructions contained herein. Companies should follow the instructions so that MTC can easily evaluate and compare all proposals received.

1.3.9 All prices must be in NAD and exclusive of all taxes

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- 1.3.10 MTC in its sole and absolute discretion reserves the right to:
- 1.3.11 Reject any or all proposals, whether or not these instructions are followed
- 1.3.12 Reject any submissions not complying with the specified format
- 1.3.13 Award the contract based solely on a proposal received without entering into any further discussions.
- 1.3.14 Short list candidates
- 1.3.15 Not base the final decision solely on price.
- 1.3.16 No correspondence will be entered into should MTC decide to reject any proposals or to withdraw the RFP.
- 1.3.17 Each response must include a detailed discussion of each of the items below. Should responses not use the same heading and follow the same numbering as the RFP. MTC may automatically disqualify the company from the tender process.
- 1.3.18 MTC will make its decision based on the quality of the information contained in the proposal and no opportunity will exist for any company to enhance such information after closing date and time of the tender.
- 1.3.19 It is important to clearly note down any assumptions made in the proposal so that each proposal may be evaluated fairly against all other submissions.
- 1.3.20 This RFP outlines the requirements of MTC and the process to be followed by the prospective Tenderers in submitting a response.
- 1.3.21 Companies should provide a list of previous or current clients they served with similar projects. MTC reserves the right to contact any clients referenced
- 1.3.22 MTC reserves the right to exclude certain persons and legal entities in the event of poor performance; the tender offering or attempting to offer any bribe, promised a bribe, or any other consideration to any MTC employee involved with this tender or the tenderer has acted fraudulently and or in bad faith.
- 1.3.23 Any restriction imposed upon any such tenderer shall also apply to any other enterprise under the same or different name with which the person, firm or company is actively associated.
- 1.3.24 MTC may accept any tender in part or wholly with no obligation to explanation whatsoever.

1.4 GENERAL EVALUATION CRITERIA

- 1.4.1 Proposals will be evaluated by MTC using criteria in the RFP and as per the relevant questions asked. These categories are not necessarily listed in order of importance:
- Price competitiveness, including any price discount provided in the proposal.
 - Project completion schedules and lead times proposed.
 - Warrantee conditions and handling of claims.
 - Availability of references from other customers and reputation of tenderer.
 - Availability of infrastructure for after sales support, both local and international
 - Compliance with local and international standards.
 - Certification and accreditations
 - Value added to MTC
- 1.4.2 The financial condition and trading record of the tenderer (Company profile, Latest financial statements of tenderer etc)
- 1.4.3 Tenderer degree of conformance to the Black Economic Empowerment Policy (A certificate from NPPC should be submitted to prove the BEE credential)
- Alternatively, shareholder names and certificates must be attached.
 - Small and medium enterprises (SME's) must submit their SME certificates issued by the Ministry of Trade and Industry.

- 1.4.4 The tenderer shall ensure that sufficient supporting documentation and information is supplied in his proposal to enable MTC to evaluate the proposal in respect of each of the abovementioned criteria.
- 1.4.5 As per the Communications Regulatory Authority of Namibia: Regulations in respect of Type approval and Technical Standards for Telecommunications Equipment, gazetted in the Government Gazette # 5659, General Notice # 22, the tenderer supplying equipment subjected to this regulations must ensure that all documentations required are obtained from the Regulator before importation. Failure to do so may lead to equipment being confiscated by Customs at the supplier's risk, and MTC hereby distances itself from any confiscated equipment.

1.5 SUMMARY OF DEADLINES

ACTION	DUE DATE
Tender documents availability	15/11/2019
Submission of questions	20/11/2019
MTC response to questions	25/11/2019
Tender closing date	29/11/2019

1.6 QUESTIONS & ANSWERS

- 1.6.1 If required, companies may submit questions via email to the following e-mail address: tenders@mtc.com.na on or before the 29th November 2019.
- 1.6.2 All questions and answers thereto will be communicated in writing to all participants by the 06 Sept 2016.
- 1.6.3 Communication between MTC and prospective companies, for the duration of this RFP, must only be through **Mrs V. Mungonena @ 061 280 2134 or vmungonena@mtc.com.na** No direct communication or contact with any other party at MTC is permissible. Any such breach may disqualify the company.

1.7 TENDERER'S DESIGNATED LIASON

- 1.7.1 Companies must select a single designated contact person, through whom all communications between MTC and the company will take place:

Contact Name	
Designation	
Telephone	
Fax	
Email	
Signature	

1.8 REFERENCE LIST

Item	Company Name	Contact Person	Contact Details	Year of Service
1				
2				
3				
4				
5				

1.9 SUCCESSFUL TENDERER'S PERFORMANCE MANAGEMENT

1.9.1 The successful tenderer/s are subjected to annual performance reviews to be completed by the respective MTC representative or Procurement Officer responsible for the purchase. The review will be done at intervals to be decided upon by the Procurement department.

1.9.2 The performance reviews will amongst others cover the following issues:

- **RELIABILITY:** How reliably do you follow through on your commitments to MTC?
- **COST:** How closely did your final total costs correspond to your expectations at the beginning of the transaction?
- **ORDER ACCURACY:** How well did the product/service delivered matched your order specifications and quantity?
- **DELIVERY/TIMELINESS:** How satisfied is the appraiser about the timeliness of the product/service delivery?
- **QUALITY:** How satisfied is the appraiser about the quality of the product/service provided by your company?
- **DOCUMENTATION ACCURACY:** Does your company present its all and correct documents with its deliveries
- **PERSONNEL:** How satisfied is the appraiser about the attitude, courtesy, and professionalism of your company's staff?
- **CUSTOMER SUPPORT:** How satisfied is the appraiser about the customer support she/he received from your company?
- **RESPONSIVENESS:** How responsive is your company to information requests, issues, or problems that arose in the course of the transaction?

2. DECLARATION OF INTEREST FORM

Any deliberate omission in this declaration or the supplying of false information will be regarded in a serious light and may lead to an investigation and disqualification of the tender process.

Tenderer Name:

Tender #:

Description of Tender:

RELATION TO MTC EMPLOYEES/ MANAGEMENT/ DIRECTORS

I herewith declare that I have/am related – i.e. spouse (also fiancé or boyfriend/ girlfriend), parent, child, any other relation with the following MTC Employee(s)/ Member(s) of Management/ Board of Directors: *

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

CONFIRMATION OF FACTUAL INFORMATION

I confirm by signing this declaration that, to the best of my knowledge, the statements made above are factual and accurate and that I have taken note of all the sections. *

Full Name:

Signature:

Date:

* Please initial in each box where applicable.

TERMS OF REFERENCE FOR PROVISION OF LEGAL SERVICES

1. OVERVIEW

Mobile Telecommunication (MTC) is a public company registered in terms of the relevant laws of the Republic of Namibia, with a mandate to provide telecommunication and related services.

In light of its legal mandate and in response to its business requirement, MTC is seeking interested firms that have extensive experience to serve on its panel of attorneys that will assist its in-house legal division in providing legal services.

2. REQUEST FOR EXPRESSION OF INTEREST

MTC seeks to establish a panel of attorneys comprising of 5 Law Firms and accordingly invites all eligible law firms within the legal fraternity to indicate their interest to provide MTC with timely legal services in various spheres of the law (i.e. telecommunications, regulatory, legal collections, litigation, commercial, conveyancing, property related matters and labour) in accordance with the requirements as detailed herein.

3. SCOPE OF SERVICES

Qualifying firms shall form part of MTC's panel of attorneys.

The Legal services solicited herein shall include, but not limited to:

1. Providing a variety of high quality and timely legal opinions and advice to MTC on a variety of legal matters;
2. Being intimately familiar with MTC's Policies, Codes and applicable legislation and regulatory requirement;
3. Representing MTC in litigious and other legal matters;
4. Reviewing and occasionally drafting contracts, company policies and other documents as requested by MTC;
5. Reviewing and making recommendations on a variety of projects and proposals which have legal ramifications;
6. Researching and advising on alternative approaches to resolving legal problems.

4. STATEMENT OF QUALIFICATIONS

Interested firms must provide the following information indicating that they are qualified to perform the services:

1. Name of Firm, address and contact information;
2. Formal Company profile on a company letter head, adequately reflecting:
 - a) Personnel qualification, particularly the personnel who will be assigned to MTC
 - b) Specialized legal services competences, where applicable;
 - c) Capacity and capability to perform on short notice and in a timely manner;
 - d) Approach to communication with MTC in regards to progress and status reports, recommendation and / or status of opinions etc;
 - e) Black Economic Empowerment as well as Affirmative action practices;
 - f) Fee structure and all items constituting chargeable tasks;
 - g) Motivation why such application should be favorably considered which may be experience in telecommunication law, competition law or regulatory as an example
 - h) The elected address for purposes of delivery of all notices and communication in respect hereof.
 - i) Relevant reference list of all current corporate clients, their contact person and contact details.

5. SUPPORTING DOCUMENTS

The following documents (copies) should accompany the response hereto:

- Admission certificates in respect of each attorney / conveyancers and
- Confirmation that the said attorney is in the fulltime employ of the firm
- Fidelity Certificate
- VAT and Income Tax registration certificates;
- Certificate of Good Standing with the Receiver of Revenue;
- Certificate of Good Standing with the Social Security Commissioner;
- Company registration documents.
- BEE and Affirmative action certificates