



Botswana Development Corporation

Private Bag 160

Gaborone

**EXPRESSION OF INTEREST
FOR
PROVISION OF EXTERNAL LEGAL SERVICES FOR BOTSWANA DEVELOPMENT CORPORATION LIMITED
(BDC)**

Date Issued: 20 th May 2024	
Closing Date: 04 th June 2024	
Closing Time: 1100hrs	

1.0 BDC BACKGROUND

BDC is the country's main agency for commercial and industrial development, owned by the Government of Botswana. BDC's mandate is to provide, facilitate and support funding of commercially viable enterprises that contribute towards building a sustainable and diversified economy in Botswana. Visit www.bdc.bw for further information on the mission and vision.

2.0 THE REQUIREMENT

BDC seeks the submission of Expressions of Interest ("EOI") from well-established and reputable law firms, with preference for 100% citizen-owned law firms, for inclusion on BDC's panel of legal services providers ("the Legal Panel").

The Legal Panel will consist of selected law firms, who will be engaged from time to time to provide legal services to BDC on the following areas of law ("the Areas of Law"):

- Administrative Law
- Company/ Commercial law;
- Commercial transactions including but not limited to private equity, banking, venture capital, mergers and acquisitions, both domestic and international;
- Contract law;
- Tax law;
- Employment and labour relations;
- Litigation and Arbitration;
- Debt Collection;
- Conveyancing;
- Legal opinions;
- General legal advice; and
- any form of legal intervention as instructed by BDC.

3.0 DESIRED OUTCOMES OF THE EOI PROCESS

The evaluation of EOI submissions will result in the appointment of successful law firms to the BDC Legal Panel database.

The shortlisted law firms shall be included in the BDC panel for a period of two (2) years. Upon appointment, BDC will detail their contract, rights, duties and obligations of each party, alongside confidentiality and non-disclosure undertakings. Selection and/or entering into a service contract with BDC does not confer any exclusivity rights nor guarantee that a service provider will receive instructions from BDC during the term.

4.0 EVALUATION CRITERIA

4.1 Compliance Requirements

All responses must meet the compliance requirements below. Bidders will be given five (5) days to submit any mission documents, failing which they shall be disqualified from further evaluation.

- a) duly completed Law Firm Qualitative Assessment Questionnaire in the form attached as Annexure A;
- b) organisational structure of the law firm, including details of associations with other firms/consultants.
- c) certified copies of Practising and Fidelity fund certificates for all attorneys of the law firm, valid as at the date of submission.
- d) certified copies of Conveyancing Certificates of the attorneys of the law firm.
- e) certified copy of Partnership Deed.
- f) certified copies of identity documents and residence and work permits of all attorneys of the law firm, as applicable.

- g) detailed curriculum vitae of the Partners and professional assistants of the law firm.
- h) proof of registration with the Law Society of Botswana.
- i) Certificate of Incorporation or Certificate of Business Name Registration issued by the Companies and Intellectual Authority (CIPA);
- j) valid Tax Clearance Certificate from Botswana Unified Revenue Services.
- k) proof of professional indemnity cover of at least BWP 2,500,000.00; and
- l) PPRA registration code 318 Legal services, subcode 01 Legal services.

4.2 Technical Requirements

The prospective law firms shall provide BDC with EOIs setting out the firms' capability, experience, and methodology to be used in undertaking/ providing services in the abovementioned Areas of Law.

EOI submissions will be checked for completeness and compliance with the requirements of this invitation based on the evaluation criteria and weightings provided below.

The following criteria and weightings will be used to assess the technical capabilities of the law firm:

Item	Weight
I. Firm Capability Maximum points will be awarded for a comprehensive submission demonstrating suitable experience and detailing all aspects of a service delivery plan/methodology on the Areas of Law.	40
II. Professional Indemnity Evidence of Professional Indemnity cover valued at P2,500,000.00 (Two Million Five Hundred Thousand Pula) or more.	10
III. Proven track record Maximum points will be given for relevant industry experience. Law firms must demonstrate key personnel's experience over the past 5 years, showing major transactions undertaken and work carried out in line with services required.	20
IV. Citizen participation in the Firm Maximum points will be awarded for a submission indicating 100% citizen ownership of the firm.	10
V. Inclusion of youth and disenfranchised groups and other social initiatives Maximum points will be awarded for submission indicating inclusion of youth or disenfranchised groups in the ownership structure of the law firm or the delivery of the required services.	5
TOTAL	85

Only Firms that have scored at least 80% will be shortlisted to be included on the BDC's panel of legal services providers ("the Legal Panel").

5.0 PROFESSIONAL FEES

The Bidder provide a detailed breakdown or list of all their professional fees.

6.0 SUBMISSION OF EXPRESSIONS OF INTEREST

Interested parties must submit the documents in PDF format in a zip file/folder format to reduce the documents' size. The maximum allowable e-mail size at a time shall be 10MB. Bidders wishing to submit documents with more than the stated e-mail size will be free to split the submission into multiple parts but not exceeding the reasonable length required.

The zip file/folder must be marked 'Expression of Interest for the provision of Legal Services to BDC', with documents clearly labelled and categorise according to the order of the requirements herein for ease of assessment.

The submissions must be e-mailed with subject title 'Expression of Interest for the provision of Legal Services to BDC' by **1100HRS, Botswana time, on Tuesday 04th June 2024** to procurement@bdc.bw

Include the address below in the proposal.

BOTSWANA DEVELOPMENT CORPORATION LIMITED (BDC)
PRIVATE BAG 160
GABORONE, BOTSWANA

LATE SUBMISSIONS

Bidders are responsible for submitting the expression of interest before the closing date and time per the acceptable lodgement requirements described under the submission of Expression of Interest paragraph. The Corporation will make no allowance for any delays in transmitting the proposal from the Bidder to the Corporation. Any proposal received by the Corporation after the stipulated EOI closing date and time shall be removed from the list of Bidders and will not be considered.

7.0 ENQUIRIES

All questions and notices related to this EOI should be directed to procurement@bdc.bw clearly marked with a reference of this EOI as the subject of the e-mail.

Last date for questions/ clarifications is 29th May 2024.

8.0 TERMS AND CONDITIONS OF THE EOI

- 8.1 The EOI is an open, non-compulsory, non-binding process that does not preclude BDC from engaging with other parties that have not responded to it. BDC reserves the right to postpone, withdraw, amend, modify, or cancel the EOI process without prior notice and without liability to compensate or reimburse any person pursuant to such postponement, withdrawal, amendment, modification, or cancellation.
- 8.2 The responding party shall solely bear the costs of responding to this EOI, and BDC will not be held liable for any claims or expenses incurred in responding to the EOI. The responding party hereby indemnifies BDC in this regard.
- 8.3 BDC accepts no liability or responsibility for the completeness, accuracy or adequacy of any information or opinions stated in this EOI. It will be incumbent upon the interested party to independently determine, verify and/or confirm the accuracy or adequacy of the information.

ANNEXURE A

LAW FIRM QUALITATIVE ASSESSMENT QUESTIONNAIRE

The response **must** follow and adhere to the outline defined below.

Please complete all sections as fully possible and indicate N/A if appropriate.

FIRM DETAILS

Firm Name	
Contact Person	
Position	
Phone number	
Fax number	
E-mail address	

FIRM SPECIFIC INFORMATION

A Business Management

1. What is your Firm's overriding vision?
2. What are your Firm's major objectives to-date?
3. Summarise your Firm's historical relationship with other stakeholders, commenting on the level of legal fees, legal services provided and any relationship issues.
4. What level of Professional Indemnity Insurance cover does your Firm hold?
5. Comment on the level of client support you will provide to BDC, including relationship management dedicated resources and complaint resolution procedures and appraisal systems in place.
6. List the value-added services (apart from the provision of legal advice) you could immediately and would, in future, be prepared to provide to BDC including updates on current legislation and case law on finance, contract, debt collection and employment/labour related matters.
7. Please list all the areas of law for which you offer legal advice and indicate in which areas you believe you are (a) strongest and (b) weakest (excluding areas for which you do not provide legal advice). Please provide justification where possible.
8. Provide confirmation that there does not exist any conflict which would prevent the law firm or as the case may be any partner or professional associate from providing services to BDC.

B Resourcing

1. Do you run security checks on new staff? Please provide details of the checks you perform.
2. How do you review staff performance? What criteria are assessed?
3. How do you distinguish and reward good performance?
4. How do you cope with expected and unexpected absence from the office by lawyers engaged in client work?
5. Describe the quality control procedure you use to supervise or monitor work done by trainees/attorneys.
6. How do you determine which advocates to use? Please describe your approach to selection, remuneration and performance assessment and please provide details of the advocate with whom you have strong relationships indicating their principal legal areas and service rates.
7. Provide details of any consultancy services utilised by the law firm to render legal services and/or its association with other law firms/ entities locally.

8. Which international law firms are you formally associated with? What are the areas of specialization in which you rely on those firms?
8. Provide details of any litigation, enforcement or disciplinary actions against the law firm or its partners during the last 5 years relating to professional services.

C Operations

1. Please indicate what equipment you have to facilitate service provision?
2. Describe your IT support, disaster recovery, business continuity and systems back up procedures.
3. Describe your legal research capabilities and any software applications used to support them.
4. Describe your reporting mechanisms and the frequency at which you provide reports to your clients.
5. Propose or outline your current fee structure and attorney rates.

Please ensure that you have answered all questions as fully as possible to enable a proper assessment of your submission.