



Botswana Development Corporation

Private Bag 160

Gaborone

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

**Reference number: EOI/BDC001 2024/25**

<b>Date Issued: 01/08/2024</b>	
<b>Closing Date: 16/08/2024</b>	
<b>Closing Time: 1200hrs</b>	

## 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](http://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, which 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 **three (3) years**. Upon appointment, BDC will detail the 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. However, BDC is committed to ensure equitable distribution of work amongst the successful law firm.

## 4.0 EVALUATION CRITERIA

### 4.1 Compliance Requirements

In order to pre-qualify for consideration to be selected onto the Legal Panel, interested law firms must meet the compliance requirements below. Bidders will be given five (5) days to submit any missing 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 Certificates 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 or confirmation letter if a sole proprietor
- 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 all attorneys of the law firm.
- h) Letter of Good Standing of the law firm and its attorneys issued by the Law Society of Botswana within the past 3 months.
- i) Certificate of Business Name Registration issued by the Companies and Intellectual Authority (CIPA).
- j) Valid Tax Clearance Certificate issued by the 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.

For ease of assessment, bidders are **required** to submit the compliance requirements in the order specified above.

#### 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
<p><b>I. Firm Capability</b></p> <ul style="list-style-type: none"> <li>• 30 points will be awarded for a comprehensive and well-structured submission demonstrating in-depth knowledge and experience in the Areas of Law; and a clearly outlined methodology detailing all aspects of a service delivery plan on the Areas of Law.</li> <li>• 20 points will be awarded for a submission that demonstrates suitable knowledge and experience in the Areas of Law; and a satisfactory methodology detailing a service delivery plan on the Areas of Law.</li> <li>• 10 points will be awarded for a submission that provides the knowledge and experience of the bidder in the Areas of Law and contains methodology detailing a service delivery plan on the Areas of Law.</li> <li>• 5 points will be awarded for a submission that provides the knowledge and experience of the bidder in the Areas of Law only and does not</li> </ul>	30

<p>provide a service delivery plan.</p> <ul style="list-style-type: none"> <li>• 0 points will be awarded where the submission is incoherent, poor quality or where no information in respect of this requirement is provided.</li> </ul>	
<p><b>II. Professional Indemnity</b></p> <ul style="list-style-type: none"> <li>• Evidence of Professional Indemnity cover valued at P2,500,000.00 (Two Million Five Hundred Thousand Pula) or more.</li> </ul>	10
<p><b>III. Experience of Key Personnel and Team</b></p> <ul style="list-style-type: none"> <li>• Bidders must demonstrate relevant industry experience of their key personnel and team showing major transactions undertaken and work carried out in line with services required.</li> </ul> <p><b><u>Lead Attorney</u></b></p> <ul style="list-style-type: none"> <li>• 10 points will be awarded to a firm with a Lead Partner who possess a minimum of 15 years’ post admission experience as an attorney.</li> <li>• 5 points will be awarded to a firm with a Lead Partner who possess a minimum of 10 years’ post admission experience as an attorney.</li> <li>• 3 points will be awarded to a firm with a Lead Partner who possess a minimum of 5 years’ post admission experience as an attorney.</li> <li>• 0 points will be awarded to a firm with a Lead Partner who possess less than 5 years post admission experience as an attorney.</li> </ul> <p><b><u>Team</u></b></p> <ul style="list-style-type: none"> <li>• 5 points will be awarded to a firm with an attorney(s) with a minimum of 5 years’ post admission experience.</li> <li>• 3 points will be awarded to a firm with an attorney(s) with a minimum of 3 years’ post admission experience.</li> <li>• 1 point will be awarded to a firm with an attorney(s) with a minimum of 2 years’ post admission experience.</li> <li>• 0 points will be awarded to a firm with an attorney(s) with less than 2 years’ post admission experience.</li> </ul>	15
<p><b>IV. Written References</b></p> <ul style="list-style-type: none"> <li>• Bidders must provide three written references from Clients who were offered similar services. The reference letters must not be from BDC and should not be older than 1 year.</li> </ul>	5
<p><b>V. Value Added Services</b></p> <ul style="list-style-type: none"> <li>• Maximum points will be given to a law firm which demonstrates the value-added services that it would immediately and in future offer to BDC.</li> </ul>	10
<p><b>VI. Professional Fees</b></p> <ul style="list-style-type: none"> <li>• Maximum points will be given to a law firm which provides competitive market rates which fall within BDC’s standard fee range. See clause 5 below for further details.</li> </ul>	10

<b>VII. Citizen participation in the Firm</b> <ul style="list-style-type: none"> <li>Maximum points will be awarded for a submission indicating 100% citizen ownership of the firm.</li> </ul>	5
<b>VIII. Inclusion of youth and disenfranchised groups and other social initiatives</b> <ul style="list-style-type: none"> <li>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.</li> </ul>	10
<b>IX. Employee Development</b> <ul style="list-style-type: none"> <li>Maximum points will be awarded for a firm which demonstrates a systematic development of employees and has the relevant Policies and Guidelines in place.</li> </ul>	5
<b>TOTAL</b>	100

**Only Firms have obtained a score of 80% or higher will be eligible for consideration in the BDC legal panel, limited to the top 10 shortlisted firms.**

#### **5.0 PROFESSIONAL FEES**

Bidders shall provide a detailed breakdown or list of all their professional fees for partners, senior and junior attorneys, associates and candidate attorneys in line with their years of experience.

The fees will be assessed against market rates and BDC’s standard fee rates for provision of similar services.

Should bidders wish to indicate additional forms of billing, they may reflect this by stating their pricing proposals broken down according to each deliverable and/or task to be performed as part of the services or assigned work.

Appointment of successful law firms shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event the parties fail to reach such agreement, BDC reserves the right to appoint an alternative law firm.

#### **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.

The zip file/folder must be marked “**Expression of Interest for the provision of external Legal Services to BDC**”, with documents clearly labelled and categorised 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 External Legal Services to BDC**' by **1200HRS, Botswana time, on the 16<sup>th</sup> August 2024** to [procurement@bdc.bw](mailto: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](mailto:procurement@bdc.bw) clearly marked with a reference of this EOI as the subject of the e-mail.

**Last date for questions/ clarifications is 09<sup>th</sup> August 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 EOI is not an offer document and BDC reserves the right not to include any law firm on its Legal Panel based on failure to meet the criteria stated herein. Further, selection to the legal panel does not confer any exclusivity rights, nor does it guarantee that the firm will receive instructions from BDC.
- 8.3 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.
- 8.4 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 legal services provided and any relationship issues.
4. 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.
5. 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.
6. 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**

7. Do you run security checks on new staff? Please provide details of the checks you perform.
8. Describe the quality control procedure you use to supervise or monitor work done by trainees/attorneys.
9. How do you cope with expected and unexpected absence from the office by lawyers engaged in client work?
10. How do you determine which advocates to use? Please describe your approach to selection, fees and performance assessment. Further, provide details of any advocates with whom you have strong relationships indicating their principal legal areas and service rates.
11. 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.
12. Which international law firms are you formally associated with? What are the areas of specialization in which you rely on those firms?
13. 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**

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

Please ensure that you have answered all questions as fully as possible in the order in which they appear, to enable a proper assessment of your submission.