

## REQUEST FOR PROPOSAL (RFP) FOR THE PROVISION OF LEGAL SERVICES

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### 1. BACKGROUND

Gambling Authority (GA) is a statutory body, established under the Gambling Act No 7 of, 2012. This piece of legislation has replaced the Lotteries and Betting Act [CAP 19:02] and Casino Act [CAP 19:01] which governed the now defunct Casino Control Board.

The mandate of the GA is to:

- a) regulate the gambling industry in Botswana;
- b) to ensure fair and safe gambling in Botswana and compliance with license conditions and
- c) Issue, gambling licenses for betting, bingo, casino, bookmaker Lotteries and Totalisator.

Furthermore, the Authority verifies the information contained in the license applications, considers license transfers, designate the location for Casinos and approve the areas for gambling establishments throughout the country.

### 2. REQUIREMENTS

2.1 The GA would like to invite reputable Law firms/lawyers qualified to practise law in Botswana as required by the Legal Practitioners Act Cap 61:01 and the Law Society of Botswana Regulations. Membership in good standing with the Law Society is essential.

2.2 Applicants should have a vast knowledge in the following areas of law:

- 2.2.1 Gambling Law;
- 2.2.2 Labour Law;
- 2.2.3 Contract law;
- 2.2.4 Debt collection;
- 2.2.5 Mergers and Acquisition;
- 2.2.6 Company law/Commercial law;
- 2.2.7 Legislative drafting and
- 2.2.8 Litigation.

### 3. DOCUMENTS TO BE ATTACHED

3.1 Please attach the documents listed below when making your submissions:

- 3.1.1 Audit Report -Trust Account(Latest);
- 3.1.2 Current Practicing Certificate(for all Attorneys in the Firm)
- 3.1.3 Fidelity Certificates; and
- 3.1.4 Law firm profile.

### 4. DISCLAIMER

4.1 Kindly note that this RFP is not a contract or a financial obligation on the GA to the firms that express interest nor shall the GA be responsible for any cost incurred by the applicant in the preparation or submission of any proposal or to procure or contract for any services.

4.2 GA reserves the right to accept or reject any and all proposals, to revise the RFP, to request one or more re-submissions or clarification from one or more applicants, or to cancel the process in part or whole. No proposals after the submission and closing date will be accepted.

4.3 GA will select the panel on the basis of the most economically advantageous proposal/quote but reserves the right not to appoint the lowest or any applicant.

### 5. LOBBYING

No lobbying shall be permitted with the Board or employees of the Authority and any such occurrence shall result in immediate disqualification.

### 6. CLOSING DATE FOR SUBMISSION:

Submissions must be emailed to [legal@gamblingauthority.co.bw](mailto:legal@gamblingauthority.co.bw) by the **15<sup>th</sup> July 2016**. Submissions received after the closing date and time will **NOT** be considered. Furthermore, hand delivered, telephonic, telex or facsimile submissions will also not be considered.

## 7. EVALUATION CRITERIA

### 7.1 COMPLIANCE STAGE

The purpose of the proposal evaluation is to carry out an equitable comparison of the proposals and to identify proposals which meet the specified technic requirements.

To be complaint, the law firm must provide the following;

- 7.1.1 Structure of organization and key personnel;
- 7.1.2 Description of quality control procedures used for monitoring work done by attorneys within the law firm;
- 7.1.3 Value added services;
- 7.1.4 The nature of assistance that you would require from GA to enable you to carry out legal services efficiently; and
- 7.1.5 Description of your firm's business continuity plan.

**The RFP response must be fully compliant. Failure to satisfy any of the criteria as stated above shall result in disqualification from further evaluation.**

### 7.2 TECHNICAL AND FINANCIAL STAGE

Proposals should be concise, to the point and address all key issues raised in this RFP. The strength of the organization, approach and resources proposed will be key determining factors for selection. The secondary stage of evaluation places the proposals in an order of merit, where both technical and financial aspects will be considered, including, but not limited to:

- 7.2.1 Competitiveness of fees;
- 7.2.2 Experience/knowledge and expertise in the stipulated service areas;
- 7.2.3 Evidence showing that the legal practitioner can provide appropriately skilled resources to continue providing the required service diligently and professionally;
- 7.2.4 Assessment of any additional qualifications that may be introduced by a law firm that would be beneficial to GA; and
- 7.2.5 Relevant industry specific experience and technical expertise.

## 8. MANAGEMENT OF THE CONTRACT

The successful firm shall designate an Attorney who shall manage the account and liaise with the nominated representative from the Gambling Authority. She/he shall be available at all times to receive and implement orders or special instructions from the nominated representative concerning the services provided.

## 9. ENQUIRIES

Any enquiries relating to this RFP should be done in writing and directed to Ms KgomotsoHule or Ms. Legae Leon who may be contacted on **telephone: 3957672** or **fax: 3182585** or email: [kghule@gamblingauthority.co.bw](mailto:kghule@gamblingauthority.co.bw) or [lleon@gamblingauthority.co.bw](mailto:lleon@gamblingauthority.co.bw) on or before **15<sup>th</sup> July 2016**.

## 10. WITHDRAWAL OF PROPOSAL

Any applicant wishing to withdrawal its proposal shall, in writing, notify GA of the withdrawal, and the withdrawal letter shall be authorised and submitted in the same way as the proposal.

**11. LEGAL PRACTITIONERS INFORMATION**

Name of Firm/ company/ organization	
Business address	
Company status eg: sole proprietor etc.	
Contact name	
Telephone No	
Facsimile No	
Registration No and [ VAT No.	

**12. REFERENCES**

A minimum of three (3) references is required

The referee details should be given in the following format. A separate copy of the format given should be used for each reference.

<b>Reference Details</b>	
Name	
Address	
Telephone number	
Fax Number	
Contact Name	
Title	
Details of services provided	

**Customer Reference Details**

**13. FEES**

The applicants' proposed fees should include information on the hourly billing rates of each Attorney or other legal staff who is expected to work on this representation and charges for expenses. GA reserves the right to negotiate with the Applicant on the structure of the billing.

**PROFESSIONAL SERVICES**

	<u>PARALEGAL</u>	<u>PUPIL</u>	<u>ATTORNEY</u>					<u>PARTNERS</u>	
			<u>1YEAR PQE</u>	<u>2YEAR PQE</u>	<u>3YEAR PQE</u>	<u>4YEAR PQE</u>	<u>+5YEAR PQE</u>	<u>10Year PQE</u>	<u>+10Year PQE</u>
<u>STANDARD RATES</u>									
<u>GA RATES</u>									

**DISBURSMENTS**

<u>CHARGE</u>	<u>FAXES</u>	<u>PHOTOCOPYING</u>	<u>TELEPHONE BILL</u>	<u>MILEAGE (KM)</u>	<u>OTHER (SPECIFY)</u>
<u>STANDARD RATE</u>					
<u>GA RATE</u>					