



NAMIBIA SPECIAL RISKS INSURANCE ASSOCIATION LIMITED

REQUEST FOR PROPOSALS

APPOINTMENT TO PANEL OF LEGAL SERVICE PROVIDERS

Procurement Reference No: SC/RP/NASRIA – 03/2024

DATE ISSUED:	20 May 2024
CLOSING DATE & TIME:	Friday ,05 July 2024 Time: 12:00 PM
BIDDER NAME:	

- The proposals from the Consultants shall be submitted in a sealed envelope consisting of two separate parts, namely: Technical proposal (Part A) and financial proposal (Part B), and should be in accordance with the form given in Annexure C - "Supplementary Information for Consultants".
- The proposals must be deposited into the bid box at the Reception of the Namibia Special Risks Insurance Association Limited (NASRIA) at 5th Floor, Namlex Chambers, 333 Independence Avenue, Windhoek.

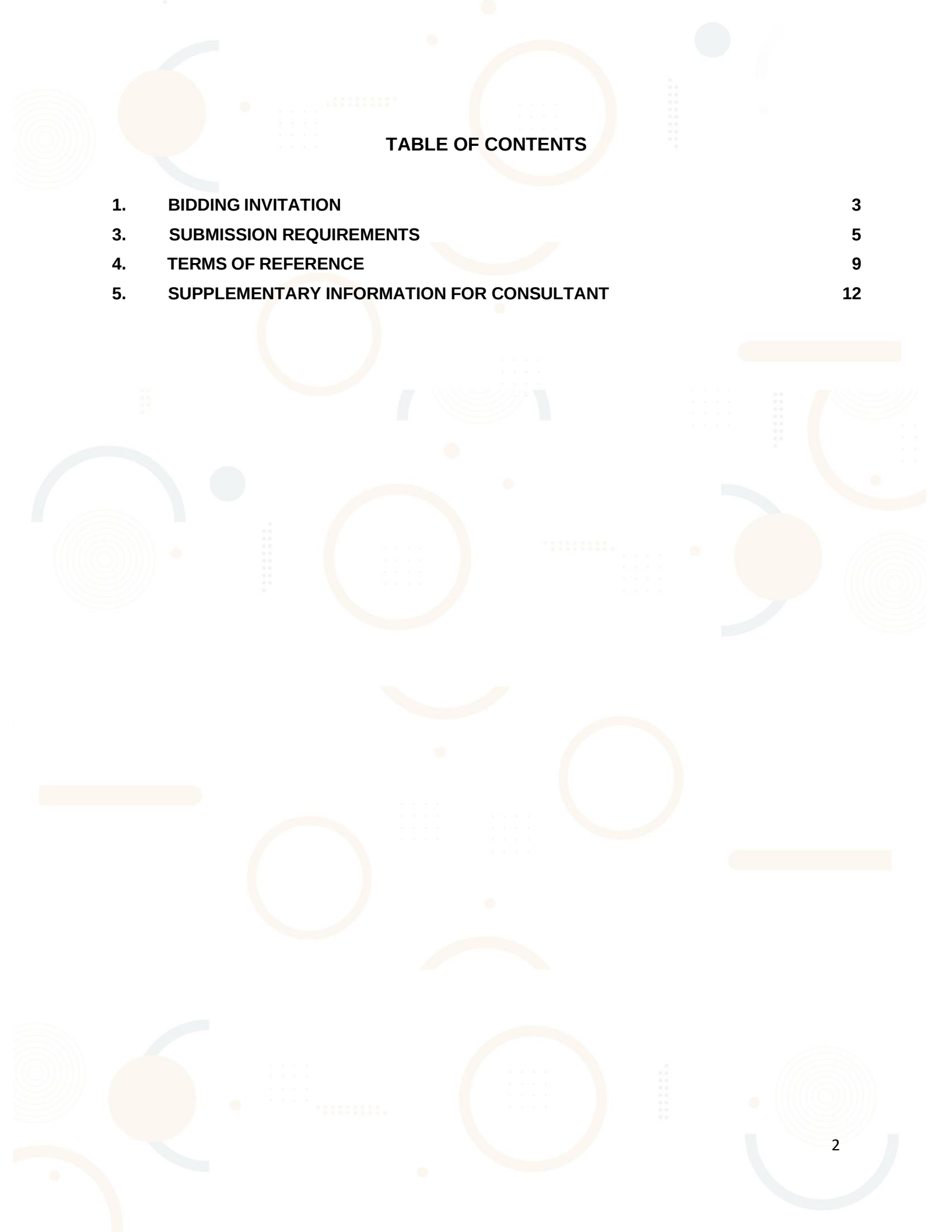
The background of the page is decorated with various geometric shapes and patterns. There are several concentric circles in light blue and orange, some solid and some outlined. There are also smaller circles, arcs, and rectangular blocks in the same color palette. Some of these shapes contain faint, repeating patterns of small dots or lines. The overall aesthetic is modern and minimalist.

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BIDDING INVITATION

Dear Bidder

1. You are hereby invited to submit technical and financial proposals for consultancy services required for the provision of legal services to the Namibia Special Risks Insurance Association ("NASRIA"). The proposals submitted may form the basis for future negotiations and ultimately, a contract between you and NASRIA.
2. The purpose of this assignment is to provide legal services to NASRIA on a wide range of areas, including but not limited to:
 - 2.1 Commercial and corporate law, including insurance law, anti-money laundering laws, competition law; etc
 - 2.2 Commercial litigation, debt collection and Alternative Dispute Resolution.
 - 2.3 Constitutional and Administrative Law;
 - 2.4 Conveyancing and Property Law;
 - 2.5 Constitutional and Administrative Law;
 - 2.6 Labour Law; and
 - 2.7 Intellectual Property Law.
3. Do take note that as a public entity, NASRIA's procurement practices are subject to the Public Procurement Act (Act of 2015) ("Procurement Act").¹ Amongst the requirements in terms of the Procurement Act and the regulations thereto is that potential bidders/suppliers/contractors must submit their proposals in accordance with a prescribed format. **The following documents are therefore enclosed to enable you to submit your proposal:**
 - 3.1 the Terms of Reference (TOR) [Annexure B];
 - 3.2 supplementary information for consultants, including a suggested format of curriculum vitae [Annexure C]; and
4. Any communications including requests for clarification should be sent **in writing via e-mail** to the Head of our Procurement Management Unit, Mrs. Deolinda Fernandes at procurement@nasria.com.na. Requests for clarifications should be received **no later than fourteen (14) days** prior to the deadline set for submission of proposals.

¹ For further information, consultants are advised to consult the website of the Procurement Policy Office at www.mof.gov.na/procurement-policy-unit in order to acquaint themselves with the legislation pertaining to public procurement in Namibia.

Enclosed hereto:

- **Annexure A:** Submission Requirements
- **Annexure B:** Terms of Reference
- **Annexure C:** Supplementary Information for Consultant

ANNEXURE A:

SUBMISSION REQUIREMENTS

1. Eligibility

- 1.1. A consultant that is under a declaration of ineligibility by the Government of Namibia in accordance with applicable laws at the date of the deadline for bid submission and thereafter shall be disqualified.
- 1.2. Proposals from consultants appearing on the ineligibility lists of African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank Group and World Bank Group shall be rejected.
- 1.3. Consultants should submit a statement on past and present declarations of ineligibility, if any, by any local/international agency or any termination of contract for unsuccessful completion of assignment, giving adequate details to enable a fair assessment.
- 1.4. Consultants will be disqualified from bidding if such consultant-
 - 1.4.1 Has not submitted a valid good standing with the Law Society of Namibia;
 - 1.4.2 Has not submitted a valid good standing with Namibia Revenue Agency;
 - 1.4.3 Has not submitted a valid certificate of good standing with Social Security Commission or, in the case where a company has no employees, confirmation letter from Social Security Commission;
 - 1.4.4 Is not, as required by the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998), has not submitted -
 - i) a valid affirmative action compliance certificate issued under section 41 of that Act;
 - ii) an exemption issued under section 42 of that Act; or
 - iii) a proof from the Employment Equity Commissioner that the bidder or supplier is not a relevant employer as defined in that Act; or
 - 1.4.5 Has not submitted a written undertaking as contemplated in section 138(2) of the Labour Act, 2007.
 - 1.4.6 Has not submitted valid registration documents as envisaged in terms of the Procurement Act.

2. Submission of Proposals

The proposals from the Consultants shall be submitted in a sealed envelope consisting of two separate parts, namely Technical proposal (Part A) and Financial proposal (Part B), and should follow the form given in Annexure C - "Supplementary Information for Consultants". The proposals must be deposited into the bid box at the Reception of the Namibia Special Risks Insurance Association Limited (NASRIA LTD) at 5th Floor, Namlex Chambers, 333 Independence Avenue, Windhoek.

3. Deciding Award of Contract

3.1 The qualification and experience of the Consultants shall be considered as the paramount requirement. The proposals will be evaluated on the basis of a maximum of 70 marks for Technical Proposals and 30 marks for Financial proposals.

CRITERIA	WEIGHT (%)
PART A: TECHNICAL PROPOSAL	
Experience, Knowledge and Qualifications:	70
- Bachelor of Laws Degree with Admission as a Legal Practitioner in Namibia (3 marks)	5
- Postgraduate qualification or certification in a relevant field (2 marks)	
- Value added elements (at no additional cost) which have not been prescribed in the scope offered by the Consultant and proof of the empowerment, corporate social investment and responsibility pedigree of the Consultant, etc	10
-	
- Experience dispensing legal advice relating to commercial and corporate law, including insurance law, anti-money laundering laws, competition law, etc	10
- Experience in commercial litigation, debt collection and Alternative Dispute Resolution	10
- Experience in Constitutional and Administrative Law	10

- Experience in Conveyancing and Property Law	10
- Experience in Labour Law	10
- Experience in Intellectual Property Law	5
PART B: FINANCIAL PROPOSAL	
Hourly and Daily Rate	30

3. Rights of NASRIA

- 3.1. NASRIA is not bound to select any of the Consultants submitting proposals.
- 3.2. The cost of preparing a proposal and of negotiating a contract including any related travel expenses, if any is not reimbursable as a direct cost of the assignment.

4. Duration of Assignment

- 4.1 Appointment to NASRIA's panel of legal service providers will be for a period of three (3) years. The rate proposed in your submission will be applied in case the duration of the assignment is to be extended.
- 4.2 Appointment to the legal panel will in no way be a guarantee to receive work. NASRIA reserves the right to assign work to service providers on the panel based on business imperatives and other relevant considerations.

5. Validity of Proposal

You are requested to hold your proposal valid for **one hundred and eighty (180) days** from the deadline for submission of proposals during which period you will maintain without change, your proposed price. NASRIA will make its best efforts to finalize the agreement within this period.

6. Commencement date of Assignment

6.1 Assuming that the contract can be satisfactorily concluded, you will be expected to take up/commence with the assignment within **two (2) days** thereafter.

7. Tax Liability

7.1 Please note that the remuneration which you receive from this contract will be subject to normal tax liability in Namibia.

8. Insurance

8.1 The Consultant shall meet the cost of any insurance and/or medical examination or treatment required by him/her in the course of performing the services.

ANNEXURE B:

TERMS OF REFERENCE

1. Background

The Namibia Special Risks Insurance Association Limited (NASRIA LTD) is a state-owned enterprise established in terms of the Namibia Special Risks Insurance Act, Act 5 of 2017 to *inter alia* carry on short-term insurance business relating to special risks and to promote the development and participation of Namibian people in the short-term insurance industry.

2. The Services

2.1. The Consultant will be required to provide legal services to NASRIA on a wide range of areas, including but not limited to:

- 2.1.1 Commercial and corporate law, including insurance law, anti-money laundering laws, competition law; etc
- 2.1.2 Commercial litigation, debt collection and Alternative Dispute Resolution;
- 2.1.3 Constitutional and Administrative Law;
- 2.1.4 Conveyancing and Property Law
- 2.1.5 Constitutional and Administrative Law;
- 2.1.6 Labour Law; and
- 2.1.7 Intellectual Property Law.

3. Facilities to be provided by NASRIA

NASRIA will provide relevant information and will avail itself for consultations in order to enable the Consultant to successfully complete its assignment.

4. Contract duration and fees

4.3 Appointment to NASRIA's panel of legal service providers will be for a period of three (3) years. The rate proposed in your submission will be applied in case the duration of the assignment is to be extended.

4.4 Appointment to the legal panel will in no way be a guarantee to receive work. NASRIA reserves the right to assign work to service providers on the panel based on its sole discretion.

4.1 Payment

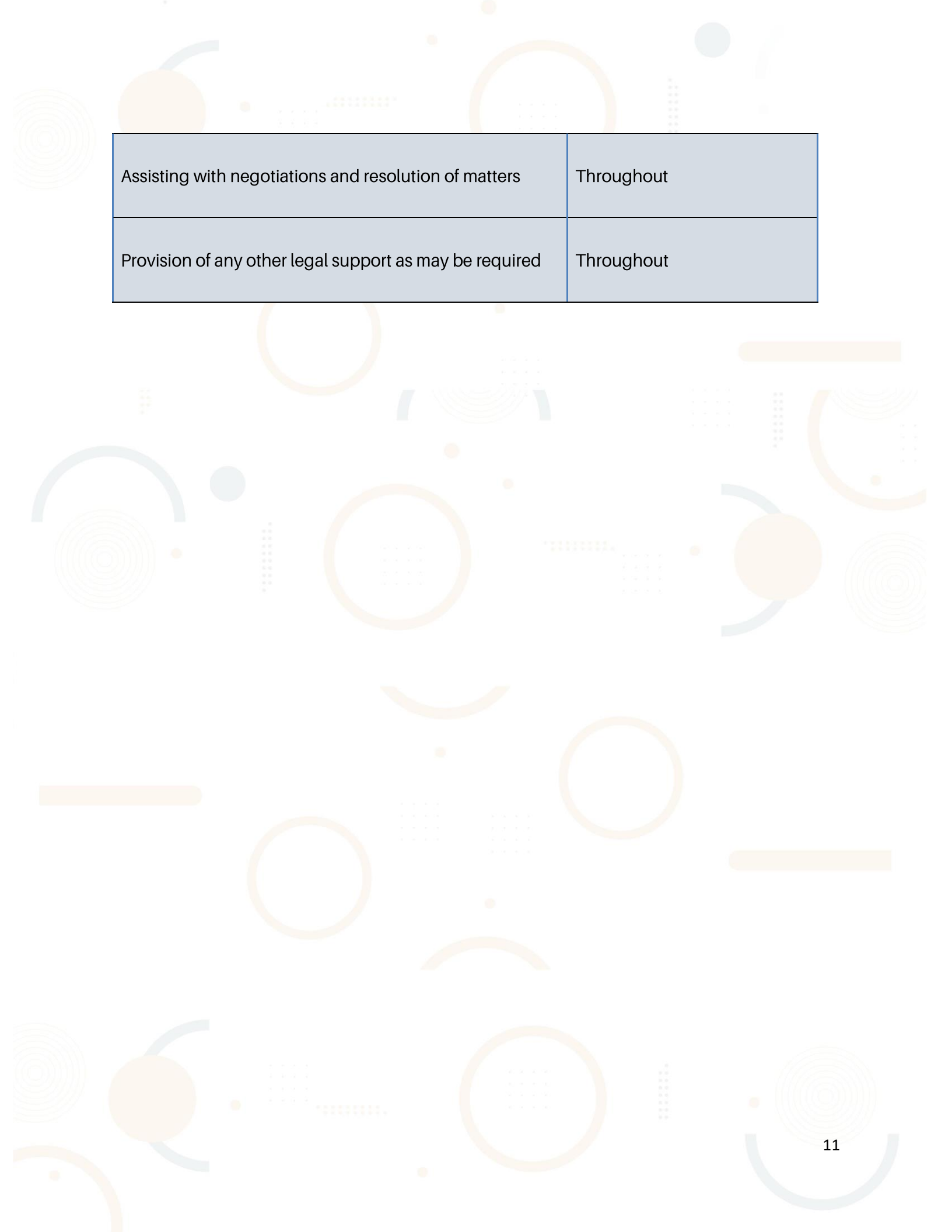
4.1.1 Payment of the Consultant for the provision of deliverables outlined below shall be monthly based on services rendered.

4.1.2 Payment will be done on invoices clearly setting out the work done, time spent on particular assignments and based on agreed rates.

5. Deliverables

Table 1: Activities and Deliverables

Activities & Deliverables	Duration
Research and review relevant information within the context of the relevant law.	Throughout
Preparation and review of relevant documents within the context of the relevant law.	Throughout
Dispensing of legal advice within the context of the relevant law	Throughout
Presentation of legal arguments and filing of relevant pleadings and related documentation at applicable courts, tribunals and forums	Throughout



Assisting with negotiations and resolution of matters	Throughout
Provision of any other legal support as may be required	Throughout

ANNEXURE C:

SUPPLEMENTARY INFORMATION FOR CONSULTANTS

Proposals

1. Proposals should include the following information:
 - (a) **Technical Proposals**
 - (i) Curriculum Vitae of Consultant (Form F-2).
 - (ii) An outline of recent experience on assignments/projects of similar nature executed during the last five years (Form F-3).
 - (iii) Any comments or suggestions of the Consultant on the Terms of Reference (TOR).
 - (iv) The Consultant's comments, if any, on the data, services and facilities to be provided by the Public body indicated in the Terms of Reference (TOR).
 - (b) **Financial Proposals**
2. The financial proposals should be given in the form of summary of Contract estimate (Form F- 4)
3. The proposals shall be submitted in one original and one copy.

Contract Negotiations

4. The aim of the negotiations is to reach an agreement on all points with the Consultant and initial a draft contract by the conclusion of negotiations. Negotiations commence with a discussion of Consultant's proposal, the proposed work plan, and any suggestions you may have made to improve the Terms of Reference. Agreement will then be reached on the final Terms of Reference.

BID SUBMISSION FORM

From: _____

To: _____

APPOINTMENT TO PANEL OF LEGAL SERVICE PROVIDERS

I/We _____ herewith enclose Technical and Financial Proposals for selection as Consultant for NASRIA.

I/We undertake that, in competing for (and, if the award is made to me/us, in executing) the above contract, I/we will observe the highest level of ethical conduct.

Yours faithfully

Signature: _____

Full name: _____

Address: _____

FORMAT OF CURRICULUM VITAE (CV) FOR CONSULTANT

(Kindly submit CV of all key consultants that are going to work on the assignment and also submit Form-2,3 & 4 for each key Consultant)

Name of Consultant:_____

Profession:_____

Date of Birth:_____

Nationality:_____

Membership in Professional bodies:_____

Key Qualifications:

[Give an outline of experience and training most pertinent to tasks on assignment. Describe degree of responsibility held on relevant previous assignments and give dates and locations. Use about half a page.]

Education:

[Summarize college/university and other specialized education, giving names of institutions, dates attended, and degrees obtained. Use about one quarter of a page.]

Experience / Employment Record:

[Starting with present position, list in reverse order every employment held. List all positions held since graduation, giving dates, names of employing organizations, titles of positions held, and locations of assignments. For experience in last ten years, also give types of activities performed and employers' references, where appropriate. Use about two pages.]

Languages:

[For each language indicate proficiency: excellent, good, fair, or poor; in speaking, reading, and writing]

Certification:

I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe me, my qualifications, and experience.

Date: *Day/Month/Year*

[Signature of Consultant]

Full name of Consultant:_____

FORM F-3

ASSIGNMENTS OF SIMILAR NATURE SUCCESSFULLY COMPLETED DURING LAST 5 YEARS (Please attach relevant client reference letters where applicable)

1. Outline of recent experience on assignments of similar nature.

Cost Estimate of Services¹

Remuneration:

ASSIGNED ATTORNEY NAME:	DESIGNATION/ROLE AT LAW FIRM	RATE PER HOUR