MPUMALANGA GREEN CLUSTER AGENCY
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procurement@thegca.co.za |
Reg. 2021/755112/08

CALL FOR QUOTATIONS / TERMS OF REFERENCE

APPOINTMENT OF AN EXTERNAL LEGAL SERVICES PRACTITIONER ON AN AS-AND-WHEN-REQUIRED BASIS

Reference	**MGCA/LEGAL/2026/01**
Publication date	21 October 2026
Closing date and time	28 October 2026, 16:00 SAST
Submission email	procurement@thegca.co.za
Appointment period	Twelve (12) months

Quotations must be submitted electronically to the stated email address, quoting the reference number in the subject line.

1. BACKGROUND AND PURPOSE

Mpumalanga Green Cluster Agency (MGCA) is a non-profit company that facilitates inclusive green economic development in Mpumalanga through partnerships involving government, industry, academia and development partners. Its governance, employment, funding, procurement and programme operations require access to independent, competent South African legal advice.

MGCA invites quotations to appoint a legal practitioner or legal practice for general legal advisory and related services on an as-and-when-required basis. The appointment is to supplement, not replace, MGCA management and Board decision-making.

2. SCOPE OF LEGAL SERVICES

- Corporate and NPC governance: Companies Act, Memorandum of Incorporation, Board and committee processes, resolutions, directors' duties and governance compliance.
- Commercial and development agreements: drafting, reviewing, negotiating and interpreting SLAs, consultancy contracts, MOUs, funding agreements, donor and implementing-partner agreements, NDAs and procurement contracts.
- Labour and employment law: employment and secondment arrangements, disciplinary and grievance processes, dismissals, organisational restructuring, CCMA matters, and interpretation of the LRA, BCEA and other applicable employment legislation.
- Procurement and policy compliance: independent interpretation of MGCA's Procurement Policy, delegations, contract variations, sourcing challenges, conflict-of-interest issues and other internal governance rules.
- Statutory and regulatory advice: legislation affecting MGCA's activities, POPIA, contractual liabilities and, where instructed, environmental, energy, corporate or administrative matters.
- Dispute prevention and resolution: opinions, correspondence, demand or response letters, negotiated settlements and representation at authorised dispute processes, subject to applicable rights of appearance.
- Legal risk management: concise written opinions identifying relevant risks, recommended actions, decision-making authority and implementation steps.

Litigation, the appointment of counsel and any court or tribunal representation require matter-specific prior written authorisation in accordance with the MGCA Delegations of Authority. No litigation mandate is created by the general appointment.

3. DELIVERABLES AND SERVICE STANDARDS

- Written legal opinions with relevant legal authorities, clear conclusions, risk ratings and practical recommendations.
- Reviewed or drafted agreements with tracked amendments and an explanatory note on material provisions.
- Briefing notes, legal correspondence and attendance at authorised meetings, hearings or negotiations.
- Acknowledgement of instructions within one working day and a proposed turnaround time for each assignment; urgent matters to be escalated promptly.
- A monthly legal matters register showing progress, time charges, outstanding instructions and key decision deadlines.

4. MINIMUM PRACTITIONER CREDENTIALS

- A South African legal practice or admitted legal practitioner with appropriate current practising status and verification by the Legal Practice Council.
- A valid Fidelity Fund Certificate where required for the particular practising arrangement or services.
- At least five years of relevant post admission experience for the proposed lead practitioner.
- Demonstrated expertise in corporate/commercial law, employment and labour law and governance of NPCs or comparable organisations; procurement, donor or environmental law experience is advantageous.
- Availability to provide written advice, virtual consultations and attendance in Mpumalanga when required.

5. CONTRACT PERIOD AND INSTRUCTION ARRANGEMENTS

The appointment is for a fixed period of twelve (12) months from the commencement date stipulated in the signed service level agreement (SLA). There is no automatic renewal. Services are required only as and when instructed in writing by an MGCA official acting within the prevailing Delegations of Authority. This appointment carries no guaranteed work volume or monthly retainer.

Before commencing each assignment, the provider shall provide an estimated cost, proposed deliverable and turnaround time, for written approval. Any change in scope or cost requires prior written authorisation. MGCA may also obtain independent services where justified. No instruction or invoice may be used to circumvent procurement or approval requirements.

6. FINANCIAL PROPOSAL AND INVOICING

Bidders must submit a clear, fixed rate card for the full twelve month period showing personnel grades, hourly or daily professional fees, VAT status, travel rates and other proposed disbursements. A comparative schedule of typical tasks may be used to evaluate value for money. Rates must be quoted in South African rand. No unapproved disbursements or third party fees will be payable.

Monthly itemised invoices shall identify the MGCA instruction number or reference, work undertaken, dates, time spent, applicable rate, deliverable and approved expenses. Payment is subject to acceptance of deliverables, verification of supporting documents and compliance with MGCA's procurement, finance and approval controls.

7. PROCUREMENT AND EVALUATION

Compliant quotations will be evaluated using the following scoring criteria:

Component	Scoring criterion	Points
Functionality	Relevant organisational experience	15
Functionality	Expertise in applicable legal service areas	12
Functionality	Methodology and turnaround times	10
Functionality	Qualifications and capacity	8
Functionality	Comparable client references	5
Price	Comparative fee quotation (Section 6)	30
B-BBEE	Contributor status	20
TOTAL		**100**

MGCA may verify credentials and references. Appointment is subject to the necessary internal approvals.

8. INFORMATION SECURITY, CONFIDENTIALITY AND CONFLICTS

All information obtained in performing the work shall be treated as confidential. Providers must comply with POPIA, MGCA's applicable privacy and information-security requirements, and a written operator/data-processing arrangement where personal information is processed on MGCA's behalf. Information may be accessed only for authorised purposes, retained securely and returned or securely destroyed on instruction, subject to lawful record-retention requirements.

Bidders shall disclose actual, potential or perceived conflicts of interest and any ongoing engagements that could compromise independence. The provider shall not subcontract or disclose MGCA records without prior written permission, and confidentiality obligations survive termination.

9. GENERAL TERMS AND CONTRACT MANAGEMENT

The successful provider shall report to the CEO or an authorised designated representative. The supplier shall provide a monthly assignments and expenditure report. MGCA retains all final organisational, financial, governance and employment decisions. The SLA shall set standards for service quality, response times, escalation, termination, intellectual property and handover.

MGCA may request clarification, verify representations, reject a non-responsive quotation or cancel the process for lawful reasons. Publication of this notice does not bind MGCA to make an appointment. The contract is effective only once internal approvals have been obtained and the SLA has been duly signed.

10. SUBMISSION REQUIREMENTS

- Signed covering quotation and firm/practitioner profile.
- CVs of the designated lead practitioner and supporting team with proof of admission, LPC details and Fidelity Fund Certificate where applicable.
- Brief methodology, availability, quality assurance and proposed turnaround times.
- Details of at least two relevant client references and representative assignments.
- Fixed twelve-month professional fee rate card, travel and disbursement schedule.
- Company/practice registration, applicable tax-compliance information, B-BBEE evidence and signed declaration of interests as required by the MGCA procurement process.
- Submit one PDF proposal containing all required returnables. The email subject line must state the reference number and service category. Late submissions may be rejected. No proposals may be hand-delivered.

Submission deadline: Wednesday, 28 October 2026 at 16:00 (South African Standard Time).
Email: procurement@thegca.co.za.