



REQUEST FOR QUOTATION
RFQ/CPT/2022/010

**THE APPOINTMENT OF AN ATTORNEY AND/OR CONVEYANCER TO ASSIST
THE HOUSING DEVELOPMENT AGENCY TO OBTAIN A COURT ORDER FROM
THE WESTERN CAPE HIGH COURT TO DEREGISTER TITLE DEEDS OF 22
BENEFICIARIES WHO HAVE NOT TAKEN OCCUPATION OF THE SAID
PROPERTIES IN MANDELA PARK, KHAYELITSHA WESTERN CAPE**

QUOTATIONS TO BE SUBMITTED BY
NOT LATER THAN
11H00 on 23 MARCH 2023

TERMS OF REFERENCE

1. INTRODUCTION

The Housing Development Agency (HDA) is a national public sector development agency that acquires and prepares land as well as develop the land and project manage the development of housing and human settlements. We carry out our activities in partnership with a range of stakeholders including national, provincial, and local government and municipalities, as well as with communities, developers, financiers, and other affected parties. Established in 2009, the Agency is established by an Act of Parliament in 2008 and is accountable through its board to the Minister of Human Settlements. For more information about the HDA, please visit our website: www.thehda.co.za.

2. BACKGROUND

Mandela Park has a long history of challenges which date back to the early 2000's.

Over the past couple of decades various sites, which include both plots and houses, in the area have been continuously and illegally occupied. These illegal occupations have created numerous obstacles and as such has stalled projects and any possible construction, albeit present or future, of new houses in the area.

Some of the beneficiaries had already received title deeds whilst others did not receive title deeds.

There are beneficiaries residing in Mandela Park who lawfully stay in houses but cannot transfer because the houses are owned by the South African Housing Trust Ltd. Moreover, children and/or spouses of deceased owners are legally allowed to inherit the house/s.

3. SCOPE OF WORK

The HDA is looking for the professional services of a reputable and experienced Attorney to assist with the following:

- a) Tracing of the registered owner(s) of the properties (rightful beneficiary) through newspaper adverts, local radio stations, social media, and/or the possible appointment of a tracing agent.
- b) All and any Court applications pertaining to all and any applicable deeds: in terms of the Deeds Registry Act, a registered deed cannot be cancelled/de-registered but by an order of the court.
- c) Ensuring the requisite Court Orders are granted and received.
- d) Various Court Orders to be collated and furnished to the Housing Development Agency

A list of the 22 title deed holders will be supplied upon the appointment of the Service Provider.

4. INSTITUTIONAL ARRANGEMENTS

The service provider will be required to engage directly with the affected beneficiaries, with the necessary assistance of the HDA. They will be required to outline the key professional individuals and/or the teams that will be responsible for the various components and/or the scope defined above.

All and any information pertaining to the individuals and/or teams should be supplied, which information include but is not limited to their contact details, qualifications, experience and professional background. This information should be supplied in conjunction with the implementation plan and the program, which should set out clear timeframes..

5. METHODOLOGY

It is envisaged that the service provider will utilize secondary/existing data sources whilst fulfilling the aforesaid mandate. Notwithstanding, the HDA's aim is to secure the services of an attorney and/or law firm that possess the relevant and applicable subsidy administration and beneficiary management skills, as well as related experience within the area of affordable housing.

The service provider's submission shall provide a concise methodology of the intended implementation plan, taking community dynamics into consideration, responsible programming, and a close-out report.

The service provider must supply a detailed methodology (with time frames) which includes:

- a) A statement setting out the service provider's understanding in respect of the requirements of the mandate.
- b) An indicative plan of the service provider's proposed approach, referring to the assignment milestones and timeframe (Programme).
- c) A clear statement of available expertise and capacity and how the same matches the requirements of this assignment.
- d) An indication of any innovative approaches and 'value-added' initiatives that the service provider may think appropriate.
- e) A step-by-step process for obtaining the court order from the Western Cape High Court

6. MILESTONES

1	Tracing of registered owners whose title deeds must be de-registered
2	Newspaper Notice In Terms Of Regulation 68 (To Application For Certified Copy Of Lost Title Deed, if applicable)
3	Attorney to brief Council
4	Attorney to prepare all the documents for the high court
5	Attorney to file documents at High Court
6	Council to attend High Court and only argues the papers if needs be
7	Court application

7. TIMEFRAMES AND REPORTING

The conclusion of assignments should be completed within a period of Five (5) months. This timeframe is valid once the SLA has been signed by the HDA and the service provider(s).

A Service Level Agreement will be entered into between the successful service provider and the HDA to manage the quality of the service. In terms of reporting, the service provider will be required to:

- Provide the Project Manager with monthly status reports documenting the progress of the project.
- Attend meetings with the HDA's Project Manager at the request of HDA.
- Provide status reports on the progress of the project when requested by HDA
- When submitting progress payments ensure that all payments certificates are accompanied by a payment schedule (payments are made for a number of completed documents as per payments scheduled beneficiary)

8. KNOWLEDGE AND EXPERTISE OF THE SERVICE PROVIDER

The service provider must demonstrate the following characteristics as an indication of its capacity and readiness to implement the assignment:

- Must be a registered conveyancing/law firm.
- Knowledge of the Housing Act 107 of 1997, and other related legislation regarding human settlements,
- Knowledge of the Deeds Registry Act 47 of 1937.

In an event of a bid from a multi-disciplinary team, it is the responsibility of the lead consultant to appoint and manage all other sub-consultants.

9. PRICING SCHEDULE

PRICING SCHEDULE			
Item	Description	Rate	Total
1	Tracing of 22 registered owners whose title deeds must be de-registered		
2	Newspaper Notice In Terms Of Regulation 68 (To Application For Certified Copy Of Lost Title Deed) (if applicable)		
3	Attorney to brief Council		
4	Attorney to prepare all the documents for the high court		
5	Attorney to file documents at High Court		
6	Council to attend High Court and only argues the papers if needs be		
7	Court application		

10. EVALUATION

In order to facilitate a transparent selection process that allows equal opportunity to all companies, the HDA has a policy for the appointment of consultants that will be adhered to. Quotations will be evaluated in terms of the prevailing supply chain policy applicable to the HDA and it should be noted that proposals will be assessed using the 80: 20 formula for Price and Specific Goals as per the PPPFA.

The following criteria will be used for point allocation for price and Specific Goals compliance on an 80/20-point system:-

Price and Specific Goals

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
Specific Goals	Specific Goals	20
TOTAL		100

The HDA proposal will be evaluated as per PPPFA regulations.

11. PAYMENT STRUCTURE

Monthly interim payments will be based on works completed for the month. The work must be verified and signed off by the HDA Project Manager.

12. Further queries regarding supply chain matters can be sent via email to Njabulo.Hlongwane@thehda.co.za or by telephone on 011 544-1000.

13. TERMS AND CONDITIONS

- a. The HDA undertakes to pay in full within thirty (30) days, all valid claims for work done or product/s supplied to its satisfaction upon presentation of a substantiated claim/invoice.
- b. No payment will be made where there is an outstanding information/work/deliverable by the service provider/s.

14. SUBMISSION OF QUOTATION

- a. Quotations should be submitted either in the tender box on or before the 22nd of March 2023 by no later than 11H00 to the following address: **via email to procurement@thehda.co.za**
- b. The selection of the qualifying proposal will be at the HDA's sole discretion. The HDA does not bind itself to accept any particular bid/proposal, and the HDA reserves the right not to appoint the service provider.