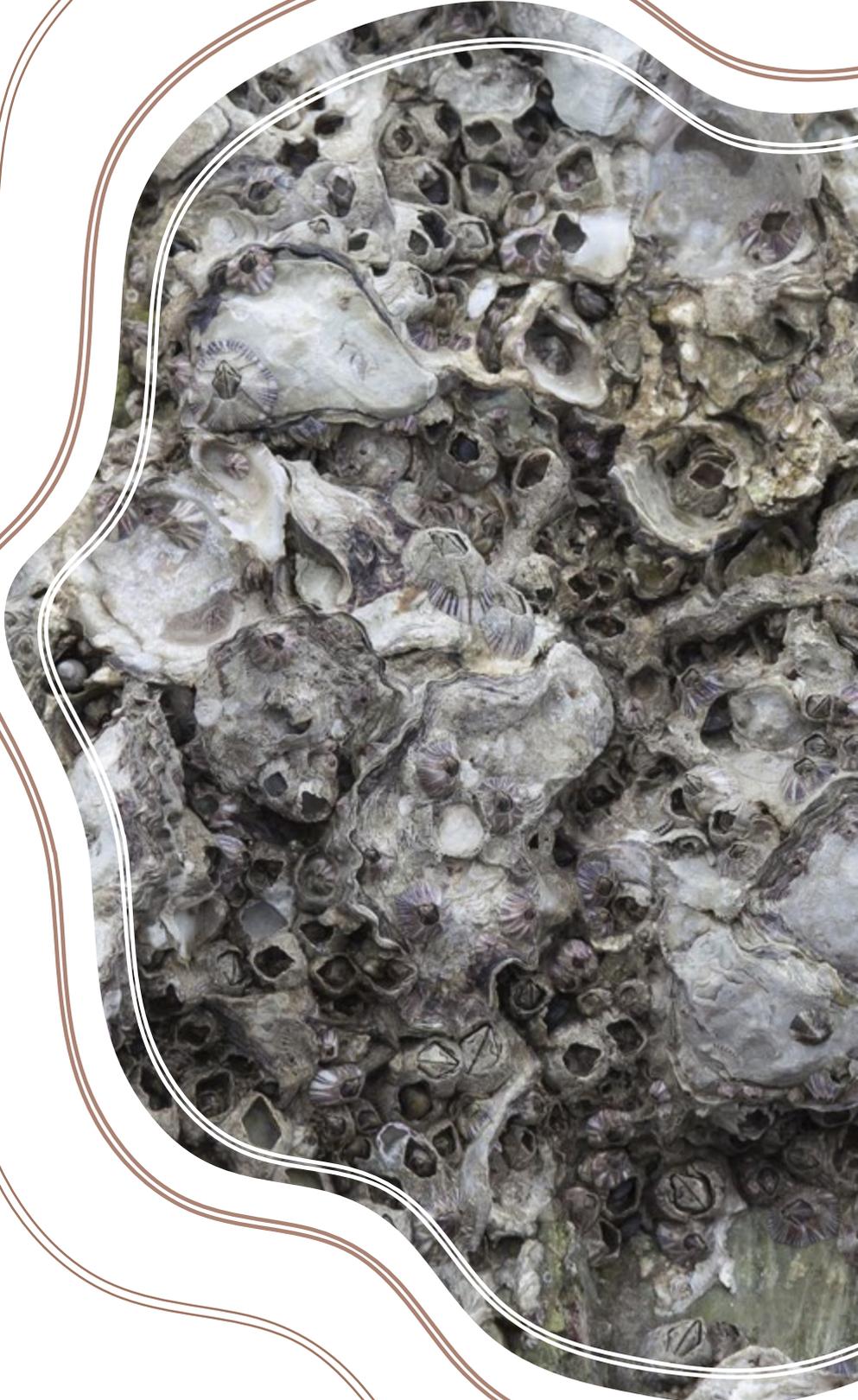


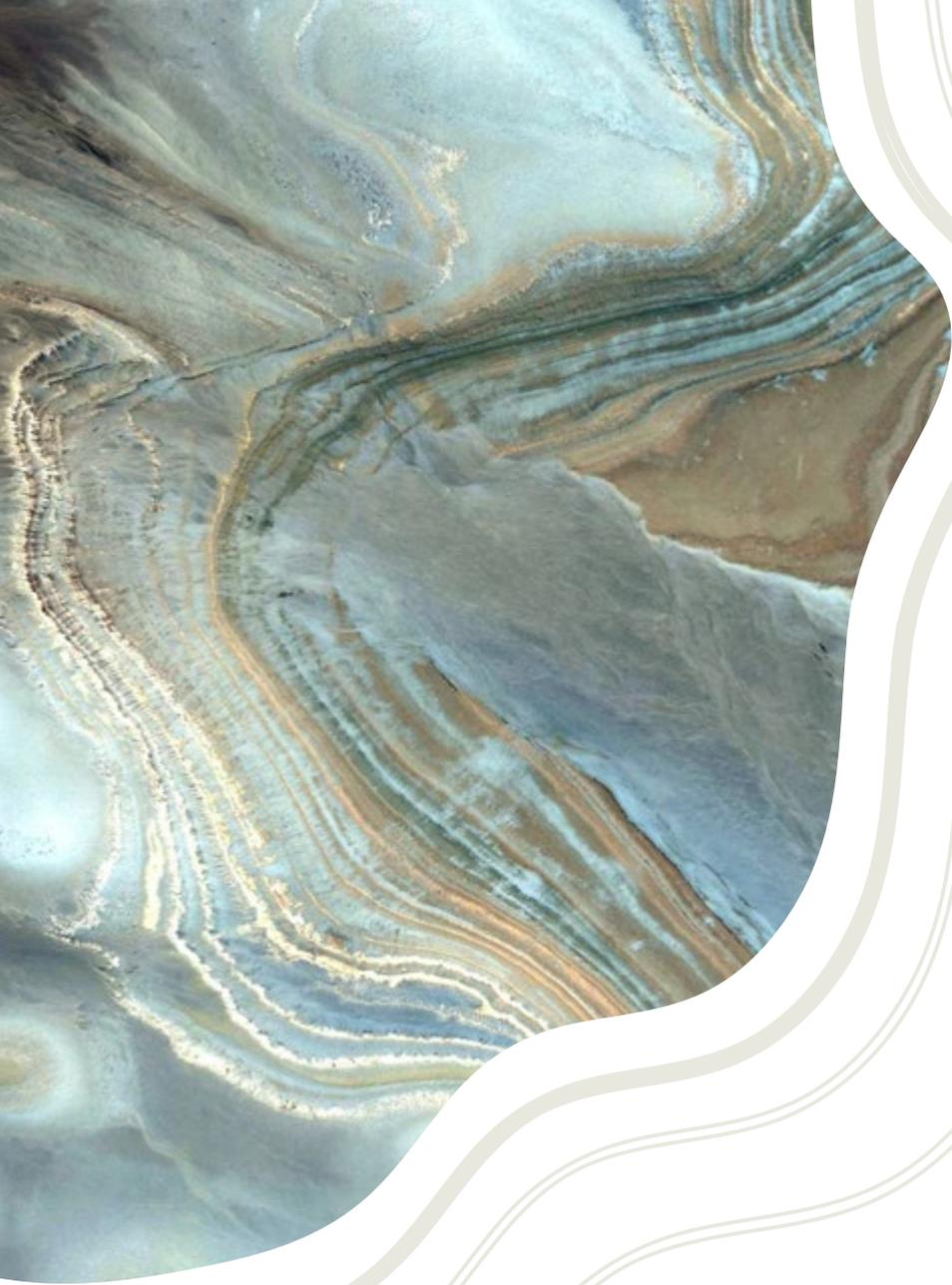


BOWMANS

THE VALUE OF KNOWING



**GOVERNMENT
CONTRACTING
AND PUBLIC
PROCUREMENT**



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Our Firm

Bowmans is a leading Pan-African law firm. Our track record of providing specialist legal services, both domestic and cross-border, in the fields of corporate law, banking and finance law and dispute resolution, spans over a century.

With six offices in four African countries and over 400 specialised lawyers, we are differentiated by our geographical reach, independence and the quality of legal services we provide.

We draw on our unique knowledge of the African business environment and in-depth understanding of the socio-political climate to advise clients on a wide range of legal issues. Our aim is to assist our clients in achieving their objectives as smoothly and efficiently as possible while minimising the legal and regulatory risks.

Our clients include corporates, multinationals and state-owned enterprises across a range of industry sectors as well as financial institutions and governments.

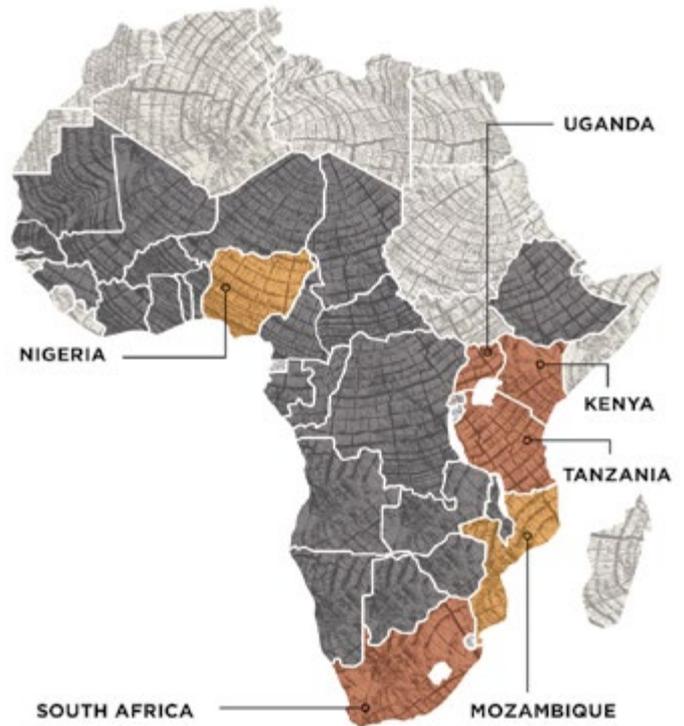
Our expertise is frequently recognised by independent research organisations. We have been named African Legal Adviser by *DealMakers* for the last three consecutive years and South African Law Firm of the Year for 2016 by the *Who's Who Legal*. Most recently, we won the Technology, Media and Telecommunications Team of the Year Award at the prestigious African Legal Awards hosted by *Legal Week* and the Corporate Counsel Association of South Africa in 2017. The firm was also 'highly commended' in the African Law Firm of the Year - Large Practice and Litigation and Dispute Resolution Team of the Year categories.

Our Footprint in Africa

We provide integrated legal services throughout Africa from six offices (Cape Town, Dar es Salaam, Durban, Johannesburg, Kampala and Nairobi) in four countries (Kenya, South Africa, Tanzania and Uganda).

We work closely with leading Nigerian firm Udo Udoma & Belo-Osagie, and Mozambique-based boutique firm, Taciana Peão Lopes & Advogados Associados. We also have strong relationships with other leading law firms across the rest of Africa.

We are representatives of Lex Mundi, a global association, with more than 160 independent law firms in all the major centres across the globe. This association gives us access to the best firms in each jurisdiction represented.



-  Bowmans offices
-  Relationship firm
-  Significant transaction or advisory experience



Our Government Contracting and Public Procurement Service Line

“Advises a wide range of high-profile multinationals on constitutional matters [and] public procurement cases.” – *Chambers & Partners*, 2016

Fairness, equitability, transparency, competitiveness and cost-effectiveness are the guiding principles required by the Constitution in relation to all public procurement in South Africa.

We have had many successes in guiding both public and private sector clients through the complex regulatory regime of public procurement processes.

On the public sector side, we assist with the design and implementation of fair tender processes that meet the stipulated constitutional principles.

On the private sector side we advise clients on the procurement of goods and services by organs of state and assist with challenging tender processes which do not meet constitutional standards.

We advise corporate clients and governmental bodies on the application and interpretation of laws and on administrative action. We also regularly represent clients in proceedings before statutory bodies that regulate diverse areas of economic and social activity. Our collective expertise in constitutional and administrative law makes us leading practitioners in judicial review proceedings.

Our Signature Matters

Some of our notable public procurement experience in South Africa includes advising:

- The Department of Energy, which is running a national solar water heater programme for the supply, installation and maintenance of 1.75 million solar water heater systems as well as the repair of existing solar water heater systems in residential homes throughout the country, on all aspects of the design and implementation of the process, the drafting of the procurement process documents, the implementation of the process, as well as assisting with any challenges to the decision-making process.
- The Department of Energy and the National Treasury, who are running a ground-breaking independent power producer procurement process for renewable energy, baseload coal and baseload gas including imported LNG in South Africa. Our advice covered all aspects of the design and implementation of the process, the drafting of the procurement process documents, the implementation of the process, as well as the evaluation of bids and the negotiation with preferred bidders.
- Eskom Holdings SOC Ltd, the state electricity provider, on all aspects of the development, construction and procurement processes for the Medupi (6000MW) and Kusile (6000MW) coal fired power stations, as well as in relation to the successful defence of the high court review proceedings relating to decision-making for the coal fired power stations.
- Gidani, the second operator of the National Lottery, in relation to a High Court review of the Minister of Trade and Industry's decision to award the licence to operate the national lottery (as the third national lottery operator) to Ithuba Holdings (Pty) Ltd.
- Munitoria PPP Consortium, the private party consortium that (in 2015) successfully reached financial close for the City of Tshwane metropolitan office accommodation, on the procurement approval processes and Municipal Finance Management Act, 2003 principles applicable to the financing, design, construction and facilities management concession for a new head office for the City of Tshwane, including participating in the negotiation of final concession and project agreements and negotiating and settling the financing agreements.
- A private party tenderer on successfully obtaining an urgent interdict, on an expedited basis, preventing the implementation of a pipeline supply contract awarded by Rand Water, pending judicial review of the decision to award the pipeline supply contract (ongoing).
- The state party, National Treasury, lenders, sponsors and/ or concessionaires on the regulatory and procurement aspects of public private partnerships, including the Gautrain Project, Prisons Projects and State Accommodation Projects.
- Telecommunications and broadband companies on various disputes with municipal entities with regard to the use of infrastructure and procurement principles, including settling a long running dispute between the City of Johannesburg and a major supplier to the City of Johannesburg.
- A leading car and truck rental company on municipal contracts and the public procurement principles and Public Finance Management Act, 1999 implications of various transactions.



- The City of Johannesburg on the unbundling of municipal owned assets.
 - Various clients (local and international) on various government tender processes and auctions of assets.
 - Various financial institutions (local and international) advancing funds to state institutions, on the power and authority of the institution to enter the lending arrangement, including Denel, Eskom, SAA, SANRAL and Transnet, among others.
 - Various municipal entities of the City of Johannesburg, including the Johannesburg Market, Johannesburg Water, Pikitup and the City of Johannesburg itself, on various procurement disputes with contractors as well as National Treasury's reviews of certain of their procurement processes.
 - Various state-owned entities and municipalities, including Eskom, on challenges to public procurement processes, including bringing and defending judicial review proceedings in the Supreme Court of Appeal and the Constitutional Court.
 - Various state-owned entities on the application of the Preferential Procurement Policy Framework Act, 2000 to their operations and assisting in the design of preferential procurement policies.
 - The Western Cape Provincial Government on a municipal and provincial broadband roll out, including on procurement principles, grant funding principles in the municipal sector, and the relationships among national, provincial and local government.
- Some of our notable experience in sales or disposals of state assets, including privatisations, includes advising or acting for:
- American Airlines in relation to the proposed privatisation of South African Airways.
 - Botswana Telecommunications Corporation in respect of its proposed privatisation in 2006, including the preparation of draft legislation in this regard.
 - The City of Johannesburg on the privatisation of the Kelvin Coal Fired Power Station (600MW) and on the privatisation of its gas reticulation business.
 - Eskom in relation to the proposed privatisation of Eskom Enterprises.
 - Hutchison Port Holdings of Hong Kong on the privatisation of the container terminal at the Port of Toamasina, including a full contractual and documentary due diligence, legal risk analysis and review of real estate and other security, as well as advice relating to negotiation strategy with the government and its agencies.
 - Hutchison Port Holdings in the first attempt to privatise Portnet (now the Port Authority of South Africa).
 - The Port of Singapore in the second attempt to privatise Portnet (now the Port Authority of South Africa).
 - The SBC/ Telekom Malaysia Consortium on the acquisition and subsequent disposal of 30% of Telkom in South Africa and in relation to the Telkom IPO.

- Schiphol Airport in respect of its bid in the partial privatisation of the Airports Company of South Africa (ACSA).
- South African Airways in relation to the privatisation of Air Chefs.
- Transnet on the:
 - privatisation of its Pan-African rail concession subsidiary, Comezar;
 - privatisation of Freight Dynamics;
 - privatisation of Transwerk;
 - privatisation and restructuring of state assets and the disposal of certain non-core assets, including the proposed disposal of the Carlton Centre in 2008 and the proposed disposal of the Outeniqua Choo-Tjoe in 2009/ 2010;
 - proposed privatisation of Spoornet (which spanned passenger rail services and general freight business at the time); and
 - proposed concessioning of the Blue Train.
- Turbomeca France in respect of its acquisition of Denel Airmotive and joint venture with Denel.
- Turbomeca/ Snecma in relation to the privatisation of Denel Aviation.



Accolades



AFRICAN LEGAL AWARDS 2017

We won the Technology, Media and Telecommunications Team of the Year Award at the prestigious African Legal Awards hosted by *Legal Week* and the Corporate Counsel Association of South Africa. The firm was also 'highly commended' in the African Law Firm of the Year - Large Practice and Litigation and Dispute Resolution Team of the Year categories.

DEALMAKERS AWARDS 2017

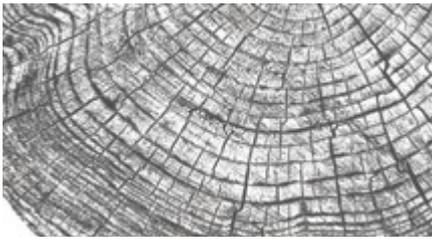
We were identified as the leading legal adviser in Africa by both deal value and deal volume for the third consecutive year. We also performed strongly in the South African awards for M&A by deal value and deal flow and Corporate Finance by deal flow.

INDIA BUSINESS LAW JOURNAL 2017

We were named as one of the leading international law firms for India work.

WHO'S WHO LEGAL AWARDS 2016

We were named South African Law Firm of the Year.



**CHAMBERS & PARTNERS
2017 RANKED US IN
THE FOLLOWING AREAS**

BAND 1

KENYA

Banking & Finance
Corporate/ Commercial

SOUTH AFRICA

Capital Markets: Debt
Capital Markets: Equity
Competition
Corporate Investigations
Corporate/ M&A
Employment
Environment
IT/ Telecommunications
Projects & Energy
Shipping

UGANDA

General Business Law

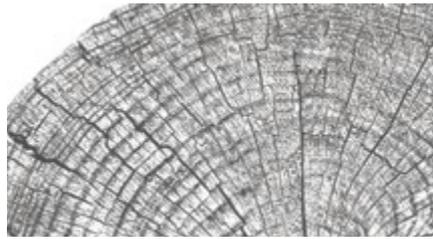
BAND 2

KENYA

Employment

SOUTH AFRICA

Banking & Finance
Dispute Resolution
Media & Broadcasting
Tax



**IFLR1000 2017
RANKED US IN THE
FOLLOWING AREAS**

TIER 1

KENYA

Financial & Corporate
Mining

SOUTH AFRICA

Capital Markets
Competition
Energy
M&A

UGANDA

Energy & Infrastructure
Financial & Corporate

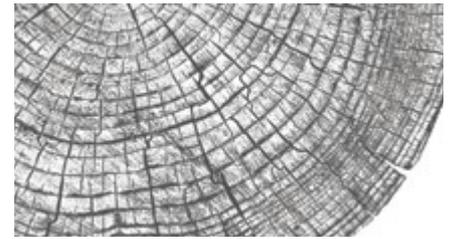
TIER 2

KENYA

Energy
Infrastructure

SOUTH AFRICA

Banking
Infrastructure
Mining
Oil & Gas
Project Finance



**THE LEGAL 500 EMEA
2017 RANKED US IN
THE FOLLOWING AREAS**

TIER 1

KENYA

Banking, Finance &
Capital Markets
Commercial, Corporate & M&A
Employment
Real Estate & Construction

SOUTH AFRICA

Commercial, Corporate & M&A
Competition
Employment
Projects & Infrastructure
Shipping & Transport

TIER 2

KENYA

Dispute Resolution
Projects & Energy

SOUTH AFRICA

Banking & Finance
Dispute Resolution
Investment Funds
Tax



Recognised
Lawyers



Recognised
Lawyers



Recognised
Lawyers



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