## DPE Stationery:DPE logo.jpg INFORMATION MEMORANDUM

**TO : Mogokare Richard Seleke**

**DIRECTOR-GENERAL**

 **FROM : Justin De Allende**

**RE :** **PARLIAMENTARY QUESTION NO 2157**

# DATE : 4 August 2017

 **================================================================**

To provide the Minister with a response to Parliamentary Question Number 2157

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| **COVER MEMO AND THE PACKAGING OF PQ BY:****Department of Public Enterprises**  |
| **……………………………….****Acting Deputy Director-General** **Date:** | **COMMENTS:****………………………………………..** |
| **…………………………………****Mogokare Richard Seleke****Director-General****Date:** | **APPROVED/DECLINED/COMMENTS****…………………………………………..****…………………………………………..****………………………………………….** |



**DEPARTMENT: PUBLIC ENTERPRISES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: PQ 2157**

**DATE OF PUBLICATION: 4 August 2017**

2157. Ms N W A Mazzone (DA) to ask the Minister of Public Enterprises:

1. Does Eskom employ a certain firm (name furnished) as an in-house legal operation that handles its legal matters; if so, (a) what matters do they handle, (b) when was their contract signed and (c) what amount is their contract worth per annum;
2. does Eskom employ any other firm in-house to assist it in achieving its mandate; if so, (a) what are the names of the firms and (b) in each case, (i) what are the contracts worth and (ii) what are the details of the matters the firms are assisting with?

NW2388E

**REPLY:**

**(1)**

No, Eskom does not employ Cliffe Dekker Hofmeyr Inc as an in-house legal operation.

However, Cliffe Dekker Hofmeyr Inc is on the current panel contract for the provision of Legal Services to Eskom Holdings SOC Ltd and its subsidiaries, on an “as and when required” basis. The panel consists of 73 firms.

**(1)(a)**

Cliffe Dekker Hofmeyr Inc as part of a panel has been contracted to provide external legal support in the following matters:

* Aviation, banking & finance, commercial, competition, compliance, constitutional & admin, conveyancing, construction, corporate governance, corporate law, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, IP, general litigation, M&A's, mining & minerals, municipal, procurement, property, public law, regulatory, restructuring, tax, telecoms, Occupational H&S, pensions, consumer law, securities, patent & copyright

**(1)(b)**

The Cliffe Dekker Hofmeyr Inc contract, as part of the current panel contract for the provision of Legal Services, commenced in May 2009 and will end November 2017.

**(1)(c)**

There is no specific contract value assigned to any particular service provider. An amount is assigned to the legal panel as a whole, and purchase orders created once an instruction is sent to the attorney selected.

For the current panel an amount of R850m has been budgeted to cover the period May 2009 until November 2017.

**(2)**

No, Eskom does not employ in-house law firms to assist it in achieving its mandate.

However, Eskom has a panel contract for the provision of Legal Services to Eskom Holdings SOC Ltd and its subsidiaries, on an “as and when required” basis.

**(2)(a)**

Annexure A provides details of 72 other legal firms (excluding Cliffe Dekker Hofmeyr Inc.) which are part of the panel contract for the provision of Legal Services to Eskom Holdings SOC Ltd and its subsidiaries, on an “as and when required” basis.

**(2)(b)(i)**

There is no specific contract value assigned to any particular service provider. An amount is assigned to the legal panel as a whole, and purchase orders created once an instruction is sent to the attorney selected.

For the current panel an amount of R850m has been budgeted to cover the period May 2009 until November 2017.

**Remarks: Reply: Approved / Not Approved**

**Mr. Mogokare Richard Seleke Ms. Lynne Brown, MP**

**Director-General Minister of Public Enterprises**

**Date: Date:**

**ANNEXURE A - List of 72 Legal Firms that which are part of the panel, excluding Cliffe Dekker Hofmeyr Inc.**

|  |  |  |
| --- | --- | --- |
| No | (a)  Firm Name  | (b)(ii) Matters the firms are assisting with  |
| 1.  | A.K. Essack, Morgan Naidoo & Co. | Conveyancing and notarisation, Labour, General, leases, sales and property transfers, RAF.  |
| 2 | Adams & Adams  | IP, Patents, Trademarks, Competition, Computer, Anti-piracy /Counterfeiting, Internet and domain names, Business development, property, high court litigation, conveyancing, commercial and corporate, licensing, listings, regulatory, M&A's, tax, exchange control, IT, Banking and finance, BEE transactions, corporate commercial |
| 3 | Amos Khumalo Attorney Inc. | Intellectual Property |
| 4 | Baker Mackenzie Attorneys (formerly Dewey & LeBoeuf) | General Legal services including Compliance and Regulatory |
| 5 | Bhikha Incorporated | banking & finance, commercial, competition, constitutional & admin, conveyancing, construction, corporate governance, corporate law, criminal, debt collection, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, general litigation, M&A's, municipal, procurement, property, public law, regulatory, restructuring, telecoms, Occupational H&S, pensions, consumer law, securities |
| 6 | Borman Duma Zitha Attorneys | banking & finance, commercial, competition, constitutional & admin, conveyancing & notary, construction, corporate governance, corporate law, criminal, debt collections, employment, energy, environmental, insolvency, insurance, IP, general litigation, M&A's, mining & minerals, property, tax, Occupational H&S, securities |
| 7 | Bowman Gilfillan Inc | Aviation, banking & finance, commercial, competition, compliance, constitutional & admin, conveyancing, construction, corporate governance, corporate law, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, IP, general litigation, M&A's, mining & minerals, municipal, procurement, property, public law, regulatory, restructuring, tax, telecoms, forensics, Occupational H&S, pensions, consumer law, foreign exchange, securities, patent & copyright and international transport law.  |
| 8 | Buurman Stemela Lubbe | General Legal services, commercial (including contract drafting and vetting, NEC supply contract, shareholders agreements, loan agreements, SLAs) High Court litigation, Conveyancing & Notary, OHSA, Labour |
| 9 | Cajee Setsubi Chetty Inc. | commercial, constitutional & admin, conveyancing (excl notary), debt collection, insolvency, insurance, general litigation, property, public law, tax |
| 10 | Collin Mabunda Inc. | Commercial, Compliance, constitutional & admin, conveyancing & notary, criminal, debt collection, employment, insolvency, insurance, intellectual property, information technology, general litigation, M&A’S, mining and minerals, municipal, procurement, property, public law, restructuring, occupational H&S, pensions, consumer security |
| 11 | DA Ncongwane Attorneys | commercial, compliance, constitutional & admin, construction, criminal, debt collection, employment, energy, environmental, general litigation, mining & minerals, municipal, public law, regulatory, Occupational H&S |
| 12 | DLA Piper UK LLP | Aviation, banking & finance, commercial, competition, compliance, constitutional & admin, conveyancing, construction, corporate governance, corporate law, criminal law, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, IP, general litigation, marine law, M&A's, mining & minerals, municipal, procurement, property, public law, regulatory, restructuring, tax, telecoms, Occupational H&S, pensions, consumer law, foreign exchange, securities, patent & copyright and international transport law, global Govt relations lobbying) |
| 13 | Dwarika Naidoo & Co  | Conveyancing, Labour law, Civil litigation, Insurance law, Municipal law, Maritime law, Environmental law |
| 14 | Moosa, Waglay& Petersen Incorporated  | Labour Law, OHS, General and Conveyancing, General |

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| --- | --- | --- |
| 15 | Edward Nathan Sonnenbergs Inc | Aviation, banking & finance, commercial, competition, compliance, constitutional & admin, conveyancing, construction, corporate governance, corporate law, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, IP, general litigation, marine law, M&A's, mining & minerals, municipal, procurement, property, public law, regulatory, restructuring, tax, telecoms, forensics investigation, Occupational H&S, pensions, consumer law, foreign exchange, securities, patent & copyright and international transport law.  |
| 16 | **Eversheds LLP** | **Aviation, banking & finance, commercial, competition, compliance, conveyancing, construction, corporate governance, corporate law, debt collection, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, IP, general litigation, marine law, M&A's, mining & minerals, procurement, property, public law, regulatory, restructuring, tax, telecoms, forensics investigation, Occupational H&S, pensions, consumer law, securities, patent & copyright and international transport law.**  |
| 17 | **Gildenhuys Malatji Inc.** | **Aviation, banking & finance, commercial, competition, compliance, conveyancing, construction, corporate governance, corporate law, debt collection, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, IP, general litigation, marine law, M&A's, mining & minerals, procurement, property, public law, regulatory, restructuring, tax, telecoms, forensics investigation, Occupational H&S, pensions, consumer law, securities, patent & copyright and international transport law.**  |
| 18 | **Haasbroek & Boezaart Inc. Attorneys** | **General Legal services including Compliance and Regulatory** |
| 19 | **Harkoo Brijlal& Reddy Attorneys** | **Commercial law, compliance, conveyancing, property, estate planning, tax, administration of estates, foreclosures.**  |
| 20 | **Hogan Lovells (South Africa) Incorporated (formely Routledge Modise then changed to Eversheds)** | **Aviation, Banking and Finance, Commercial, Competition, Compliance, Constitutional and Administrative, Conveyancing, Construction, Corporate Governance, Debt Collection, e-Commerce, Employment, Energy, Environmental, Insolvency, Insurance, IT, IP, Litigation, M&As, Mining & Minerals, Municipal, Property, Public Law, Regulatory, Restructuring, Tax, Telecomms, Forensic Investigations, Pensions, Consumer Law, Foreign Exchange, Securities, Patent & Copyright.**  |
| 21 | **Honey Attorneys** | **Labour Law, Conveyancing and notarisation, General**  |
| 22 | **Hughes Madondo** | **commercial, conveyancing & notary, insolvency, general litigation** |
| 23 | **J Ramages Attorneys and Conv** | **Conveyancing** |
| 24 | **Kalian Attorneys**  | **Labour Law, Occupational Health and Safety, Conveyancing and Notarisation, General** |
| 25 | **Koikanyang Incorporated**  | **commercial (inc contracts drafting and vetting), constitutional & admin, conveyancing & notary, corporate governance, corporate law, debt collection, energy, insolvency, general litigation, property, Occupational H&S, Arbitration (incl in engineering & construction), M&As, Finance agreements, securities foreclosures**  |
| 26 | **Kunene Ramapala Botha (KRB)** | **Aviation, banking and finance, commercial, competition, corporate governance and corporate, IT, General litigation, M&A's, mining and minerals, municipal, procurement, property, regulatory, restructuring, telecomms,**  |
| 27 | **Lamola Incorporated**  | **commercial, compliance, constitutional & admin, conveyancing &notary, corporate governance & corporate, debt collection, employment, general litigation, municipal, property, public, regulatory, consumer,**  |
| 28 | **Ledwaba Mazwai** | **Conveyancing and notarisation, commercial (no change in services, focus on property and not commercial)**  |
| 29 | **Mabunda Incorporated Attorneys** | **Debt collection and evictions for Matimba Power Station.**  |
| 30 | **Mabuza Attorneys** | **constitutional & admin, construction, criminal, employment, infrastructure, insurance, general litigation, mining & minerals, municipal, procurement, regulatory, energy, occupational H&S, forensics** |
| 31 | **Madhlopa Incorporated Attorneys** | **commercial, competition, compliance, constitutional & admin, conveyancing & notary, construction, corporate governance, corporate law, debt collections, employment, infrastructure development, insurance, general litigation, M&A's, mining and minerals, restructuring, telecoms, forensic investigation, pensions, labour law.** |
| 32 | **Makaula Zilwa Inc** | **General Commercial & Litigation, Conveyancing, Constitutional & Civil, Corporate, Employment and labour & IR, Local Government, Affirmative Action & Employment Equity, Telecommunications, Media, JV Establishment, Commissions of Inquiry, Forensic Investigations, Insolvency, Collections, Public Private Partnerships (Key clients - GovtDepts - Labour, Communications, Transport, Metro municipalities, Transnet, Standard Bank)**  |
| 33 | **Maponya Inc.** | **commercial, conveyancing & notary, debt collection, employment, general litigation, M&A's, procurement, property, Occupational H&S** |
| 34 | **Maserumule Inc.** | **employment, municipal, pension, administrative**  |
| 35 | **Matlala Von Metzinger Attorneys (MvM)** | **Commercial, Conveyancing, Constructin, Criminal, Debt Collection, Insolvency, Intellectual Property, General Litigation, Mining and Minerals, Municipal, Property, Public Law, OHS.** |
| 36 | **Mayat, Nurick & Associates** | **commercial, conveyancing, construction, criminal, debt collection, general litigation, mining & minerals, municipal, property, public law, Occupational H&S (No recent experience in mining and minerals, criminal and construction law)- updated by EM+H52** |
| 37 | **Mchunu Attorneys** | **commercial, compliance, constitutional law and administrative law, corporate governance and corporate law, employment law, insurance, litigation, municipal law, property law, regulatory**  |
| 38 | **Mensah Inc** | **Aviation, banking and finance, commercial, competition, corporate governance and corporate, IT, General litigation, M&A's, mining and minerals, municipal, procurement, property, regulatory, restructuring, telecomms,**  |
| 39 | **Mlonyeni and Lesele (Pty) Ltd** | **Conveyancing** |
| 40 | **Mohlaba & Moshoana Inc.** | **commercial, conveyancing, criminal, debt collection, general litigation, public law, Restructuring** |
| 41 | **Molefe Dlepu Inc.** | **constitutional & admin, conveyancing & notary, corporate governance, criminal,, debt collection, corporate law, employment, general litigation, property, pensions PPP for municipality-updated by EM** |
| 42 | **Molema Mampuru Inc.** | **labour law, Intellectual Property law, Administrative law, Tender Processes, Government Pensions, Constitutional law**  |
| 43 | **Mothle Jooma Sabdia Incorporated** | **Aviation, banking & finance, commercial, compliance, constitutional & admin, conveyancing, construction, corporate governance, corporate law, debt collection, labour, energy, environmental, general litigation, M&A's, mining & minerals, municipal, procurement, property, public law, regulatory, tax, Occupational H&S, consumer law.** |
| 44 | **Motla Conradie Inc** | **commercial, competition, compliance, constitutional & admin, conveyancing, corporate governance, corporate law, debt collections, employment, insurance, general litigation, M&A's, municipal, procurement, property, restructuring, Occupational H&S, pensions, consumer law** |
| 45 | **MSM Inc.** | **Attorneys - Notaries - Conveyancers** |
| 46 | **Ngeno & Mteto Incorporated**  | **Administrative law; alternative dispute resolution; commercial and corporate law; compliance and regulatory; construction law; consulting services; constitutional law; corporate finance; corporate governance; environmental law; financial services; financing agreements; forensic litigation and recoveries; general governance; insurance law; labour law and employment law; legislative drafting; legal opinion on complex legal matters; multinational agreements; occupational health and safety; private law; project advisory; partnership; property law; social security and telecommunication law.** |
| 47 | **Nongogo Nuku Incorporated Attorneys, Notaries & Conveyancers** | **General Legal services including Conveyancing & Notary, OHSA, Labour** |
| 48 | **Norton Rose Fulbright Attorneys (previously Deneys Reitz)** | **Aviation, banking & finance, commercial, competition, compliance, constitutional & admin, conveyancing, construction, corporate governance, corporate law, e-commerce, employment, energy, environmental, infrastructure development, insolvency, insurance, IT, IP, general litigation, marine law, M&A's, mining & minerals, municipal, procurement, property, public law, regulatory, restructuring, tax, telecoms, forensics investigation, Occupational H&S, pensions, consumer law, foreign exchange, securities, patent & copyright and international transport law.**  |
| 49 | **Nozuko Nxusani** | **General Legal services including Conveyancing & Notary, OHSA, Labour, Insurance, Criminal, Litigation (inc constitutional law), Constitutional law advice, Property**  |
| 50 | **Nyapotse Inc. Attorneys** | **General Legal services, commercial law, construction law (NEC contracts), labour law, debt collection, Opinions, OHSA, litigation, adjudications. Firm has 3 directors and 12 professional staff. Has been in existence for 12 years. Also servicing Ekurhuleni, City of Johannesburg, SA Post Office, RAF, Department of Housing and IDC.**  |
| 51 | **Perrot van Niekerk Woodhouse Matyolo Inc.**  | **Mergers, Acquisitions & take overs(competition law, project finance); Assets reconstruction (insolvency; structured finance); banking law & JSE Exchange (International trade; corporate finance); Business & Corporate Taxation (restructuring of State Owned Enterprise); Registration of Companies (mining, energy & national resources; ; General Corporate & commercial law); Real Estate & Conveyancing.** |
| 52 | **Phatshoane Henney Inc.** | **All employment law related areas from drafting contracts of employment, notices of enquiry, chairing enquiries and arbitrations, appearing at the CCMA, labour court and labour appeal court, dealing with restraint of trade disputes.**  |
| 53 | **Pravina Govender Attorneys**  | **banking & finance, commercial, competition, compliance, constitutional & admin, conveyancing, construction, corporate governance, criminal, debt collection, employment, environmental, infrastructure development, insolvency, insurance, IT, IP, litigation, mining & minerals, municipal, property, public law, regulatory, restructuring, tax, telecoms, forensic investigations, pensions, consumer law, foreign exchange.** |
| 54 | **Pule Inc** | **Scant knowledge, Property Law (including relocations, Land Claims Court, mediation with occupiers, labour tenants, etc., ESTA, PIE) Conveyancing and notarial, SARS-panel, Intersite / railroads, PIC-panel (rental collections), Civil litigation, Criminal litigation, Labour law, OHS investigations, Corporate governance (done by consultant), CPA & King III, Land Bank-panel, NERSA-panel, Standard Bank, Nedbank and FNB (collections)**  |
| 55 | **Qunta Attorneys**  | **banking & finance, commercial, competition, compliance, constitutional & admin, conveyancing, construction, corporate governance, corporate law, debt collection, e-commerce, employment, infrastructure development, insolvency, IT, general litigation, M&A's, municipal, procurement, property, regulatory, restructuring, telecoms, forensics, consumer law, securities, International Transport, mining, arbitration** |
| 56 | **Rooth & Wessels Inc. Attorneys**  | **Conveyancing and notarisation; General Commercial (inc procurement, regulatory, admin law, corporate governance and transaction deals [planning, funding, construction and regulatory issues in JV]), Litigation, Finance and funding agreements, bonds (with ENS)** |
| 57 | **Roy Ramdaw & Associates Inc.** | **banking & finance, commercial, compliance, constitutional & administrative, conveyancing & notary, criminal, debt collection, employment, energy, insolvency, general litigation, M&A's, mining & minerals, municipal, property, forensic investigations, Occupational H&S, international transport, international arbitrations, ADR, English & Australian law, collections, administrative law/constitutional/regulatory.** |
| 58 | **Sameera Cassimjee Attorneys** | **Notaries - Conveyancers** |
| 59 | **Sekati Monyane Attorneys**  | **banking & finance, commercial, compliance, constitutional & admin, conveyancing & notary, criminal, debt collection, employment(labour law), energy, insolvency, civil, criminal & commercial, general litigation, M&A's, mining & minerals, municipal, property, forensic investigations, Occupational H&S, internatio+H65nal transport, international arbitrations, ADR, English & Australian law, collections, administrative law/constitutional/regulatory.** |
| 60 | **Selebogo Incorporated Attorneys, Notaries & Conveyancers** | **Conveyancing and notarisation, commercial law,** |
| 61 | **Shepstone & Wylie**  | **Conveyancing and notarisation, commercial law,** |
| 62 | **Smith Tabata Inc** | **Labour Law, Occupational Health and Safety, Conveyancing and notarisation, General; commercial law, litigation, customs and excise and indirect tax, environmental law.**  |
| 63 | **Spoor & Fisher** | **commercial, constitutional & admin, conveyancing, construction, corporate governance, corporate law, criminal, debt collection, employment, environmental, insolvency, general litigation, municipal, procurement, property, public law, restructuring, Occupational H&S, pensions, consumer law** |
| 63 | **Sullivan & Cromwell LLP** | **banking & finance, commercial, competition, construction (non-contentious), corporate governance, energy, environmental, infrastructure development, insolvency, insurance, general litigation, M&A's, mining & minerals, project finance, restructuring, tax, securities** |
| 65 | **Symington & de Kok Attorneys** | **banking & finance, commercial, compliance, construction, conveyancing and notary, corporate governance, criminal, debt collection, corporate law, employment, environmental, infrastructure development, insolvency, insurance, IP, general litigation, mining & minerals, municipal, property, public law, telecoms, tax, OHS** |
| 66 | **Towell & Groenewaldt Attorneys** | **banking & finance, commercial, competition, construction (non-contentious), corporate governance, corporate law, energy, environmental, infrastructure development, insolvency, insurance, general litigation, M&A's, mining & minerals, project finance, restructuring, tax, securities** |
| 67 | **Van Heerden & Brummer** | **banking & finance, commercial, compliance, conveyancing & notary, construction, corporate governance, criminal, debt collection, corporate law, employment, environmental, infrastructure development, insolvency, insurance, IP, general litigation, mining & minerals, municipal, property, public law, tax, telecoms, Occupational H&S** |
| 68 | **Van Rensburg, Kruger, Rakwena Attorneys**  | **banking & finance, commercial, constitutional & admin, conveyancing & notary, corporate governance, corporate law, criminal, debt collection, employment, insolvency, general litigation, M&A's, mining & minerals, municipal, procurement, property, public law, tax, forensic, consumer law** |
| 69 | **Venn Nemeth & Hart Inc.** | **Conveyancing and notarisation, Occupational Health and Safety, Labour Law, commercial law, litigation, Mining law** |
| 70 | **Warburton Attorneys**  | **conveyancing & notary, debt collection, general litigation** |
| 71 | **Webber Wentzel** | **Aviation, Banking and finance, commercial, competition, constitutional and administration, conveyance and notary, construction corporate governance, corporate law, e-commerce, employment, energy, environmental, infrastructure, insolvency, insurance, IT, IP, general litigation, marine, M&A’S, mining and minerals, municipal, procurement, property, public law, regulatory, tax, telecoms, occupational H&S, pensions, consumer law, foreign exchange, securities, patent & copy rights.** |
| 72 | **White & Case LLP** | **Environmental legal services, Climate change and carbon trading related legal work, policy & research work, compliance 24 legal registers completed for Eskom PS, training workshops, SHE legal audits** |