



Mbabane & Sokutu Inc

Attorneys and Conveyancers

Reg No.:2013/097644/21

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CONTACT PERSONS

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COMPANY PROFILE

Directors: Simphiwe Mkhululi Mbabane - LLB, LLM, Cert. in Strategic Management and Corporate Governance.

Bayethe Maswazi - BProc

Candidate Attorneys: Zangoxolo Elvis Mgwali - LLB

Bukeka Nwabisa Mbabane - LLB

INTRODUCTION

Mbabane and Sokutu Incorporated was established on 9 October 2012 by legal practitioners who have at least more ten years individual experience practicing as attorneys. This firm consists of previously disadvantaged individuals as defined in terms of the provisions the Broad Based Black Economic Empowerment Act (B-BBEE Act). The firm is practicing under the name and style of **M & S Attorneys** with its principal business situated in East London, the embryonic economic centre of the Eastern Cape Province, Republic of South Africa. This firm was established with the aim and objectives of providing professional legal services in both private and public business sector. **M & S Attorneys** have professional and legally qualified staff members who boast themselves as the connoisseurs of public and private law.

VISION

Mbabane and Sokutu Incorporated; a leader in corporate law.

MISSION

Enhancement of corporate governance in both public and private sector has become a major challenge. We shall therefore strive to use compliance as a catalyst for sound corporate governance and risk management.

SUITABILITY

Our firm is exceptionally well suited to be appointed by public and private entities because it has professional staff with a lot of experience in the practice of public and private law, to mention a few for instance, Administrative and Constitutional Law, Contracts and Contracts Management, Labour Law, Procurement Law and Supply Chain Management development processes, Compliance Law, Commercial, Local (Provincial and National Government), building and construction law, drafting of legal opinions and advice on complex legal and strategic issues and law in general. Moreover, all Directors of the firm have extensive

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experience and knowledge of interpretation and application of private law and public law in the three spheres of government. Our firm of attorneys boasts on its experience on interpretation and application of public and private law, thorough understanding and knowledge of the Public Finance Management Act of 1999 and institutions governed within that framework. Understanding the general application of law and which is not limited to building and construction laws. We are enrolled with the Institute of Directors Southern Africa which is the umbrella body of Chattered Secretaries of Southern Africa.

CLIENT BASE AND REFERENCES

Our corporate clients are the following:

- Emalahleni Local Municipality
- Alfred Nzo Development Agency
- Eastern Cape Development Corporation (ECDC)
- Buffalo City Metropolitan Municipality
- Eastern Cape Liquor Board
- Ntabankulu Local Municipality
- Mayibuye Transport Corporation

FIELDS OF EXPERTISE

At Mbabane and Sokutu Inc. we pride ourselves with expertise in the following areas of law:

Administrative law and Constitutional Law

We provide general constitutional and administrative law advice which includes:

- Research, reviewing, drafting of policies and by-laws and other regulatory framework;
- Assisting and rendering technical advice to the three bid committees on compliance with legal procurement processes.
- Providing advice on the merits of procurement review applications;
- Access to information applications under PAIA and Rule 53 of the Uniform Rules of

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Courts;

- Instituting and/or opposing procurement review applications brought in terms of PAJA or under common law; and
- Assisting in opposing interdicts and review proceedings brought against public and private entities in their performance of business.

Construction and building law

We provide advice on the regulatory framework, which includes:

- Advice on application and interpretation of CIBD Act and its Regulations;
- Advice on contract management, performance management, and dispute resolutions in terms of FIDIC, GCC, and JBCC; and
- General litigation in all areas of building and construction law.

Corporate Governance and Commercial Law

- Providing advice on compliance with the MFMA, PFMA, King Codes of Good Governance and Companies Act read with the applicable laws such as proclamations and or governance policies applicable in public institutions;
- Conducting legal due diligence investigations;
- Drafting, negotiating and review of commercial contracts;
- Providing advice on the responsibilities of Board members of SOEs, drafting and updating corporate governance protocols governing the shareholder relationship between the relevant national departments and the SOEs;
- Litigation and dispute resolution services in all areas of corporate and commercial law;
- Policy development and regulatory advice.

Competition Law

We provide advice and support on legal regulatory framework, which is not limited on the following services:

- Rendering of legal advice and support services to entities and individuals in

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competition matters;

- Attending to assess and prepare complaints to be lodged in the competition tribunal;
- Assisting clients with lodging of complaints and disputes with the competition tribunal in terms of the Competition Act.
- Drafting of settlement agreements.

General litigation

This includes:

- General applications for interdicts, reviews, and liquidations in the High Court;
- Recoveries and liability claims for damages to property both in lower courts and also in the high courts;
- Instituting and defending Insurance claims;
- Instituting and defending claims for occupational injuries and diseases; and
- Recovery of debts or fines arising from defaults and prescribed penalties.

Labour law

This includes:

- Assisting in employment contract disputes and resolution, mediation, and arbitration;
- Clients representation at the CCMA, Bargaining Council forums, and in Labour Court;
- Chairing and prosecution of internal disciplinary proceedings; and
- Providing strategic advice on labour law issues.

Mediation and dispute resolution

We provide services for negotiations, mediation and settlement of legal and quasi legal disputes which include:

- Consultations and compiling of data from clients in preparation for negotiation and mediation;
- Representing clients , preparing and conducting mediation discourse on behalf of clients;

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- Preparing negotiation and settlement agreements on behalf of clients

Property law

This includes:

- Conveyancing services;
- Providing advice on all aspects of property law, drafting, negotiating, reviewing, and development and purchase and sale agreements;
- Drafting of lease agreements; and
- Litigation and dispute resolution in all areas of property law.

Transactional advisory services

We provide general advice on:

- Structuring of various public-public and public-private-partnership transactions;
- Mergers and acquisitions;
- Privatisations;
- Insolvency Law, including, Liquidations and Management buy-outs.

Debt Collection services

- We provide debt collection services for both public and private entities.

Mbabane and Sokutu Inc. commits in its endeavours to deliver professional legal services to its clients within time and provide same in a more efficient, indelible and cost effective manner. Our vision and mission is to ensure that we serve our clients with pride, prestige and with well-deserved quality in a more efficient and cost effective manner. The firm shall endure and strive in their functionaries of excellence to provide best legal services in various fields of speciality.

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