



**LEDWABA MAZWAI
ATTORNEYS**

MAKING PUBLIC PRIVATE PARTNERSHIPS WORK

Ledwaba Mazwai Attorneys continues to make significant strides as a dynamic law firm, providing services of high professional standards, without compromising the quality of work and commitment to its clients.

The vision of Ledwaba Mazwai finds its origins from the early 1990s by Metja Ledwaba and Lungile Mazwai, who saw an opportunity in the market for a black-owned commercial law firm. Many black firms, for legacy reasons were focusing on criminal and matrimonial law.

It was with this realisation that the duo developed a passion to fill this void. The firm was eventually founded in 1996 and has since become one of the leading law firms on infrastructural development and public private partnerships (PPPs) in South Africa with a staff complimented of twenty people.

After having established itself as one of the leading law firms providing legal services to the South African Government in privatisation transactions Ledwaba Mazwai seized the opportunity presented by the introduction of Public Private Partnerships (PPPs), particularly in projects involving infrastructure development, and has established a positive reputation and comfort in the market through its experience and sound background in PPP projects.

Ledwaba Mazwai's biggest attraction to infrastructure development and PPPs is the realisation of the extent to which Africa is in need of infrastructure development, and for partnering between public and private sector in the delivery of infrastructure.

Ledwaba Mazwai has appreciated as part of its attraction to PPPs the opportunity presented by PPPs in providing a mechanism through which governments are able to transparently and efficiently mobilise private sector funds, resources and expertise, in the delivery public sector mandates. PPPs further provide significant opportunity for economic development, responsible governance, best practice standards of corporate governance, elimination of corrupt practices, global recognition of African initiatives, and general prosperity for Africa. In recent years, Ledwaba Mazwai has been the lead legal adviser to Gauteng Provincial Government on the Gautrain Rapid Rail Project, which has in the 2008 Public Private Finance Awards in the UK won the "Best Global Project to Sign".

Ledwaba Mazwai's involvement in the Gautrain (as is the case with the other PPPs) includes providing advice on the structuring of the project; feasibility assessments; developing the appropriate procurement framework and documents; managing the procurement process; drafting and negotiating the transaction agreements; and advising on the implementation of the projects. PPPs and other private funding initiative projects in which Ledwaba Mazwai has been involved, cover a spread of varying sectors including rail transport, power sector (IPPs), accommodation, schools, housing, prisons and information technology.

Ledwaba Mazwai has gained considerable knowledge on legal matters relating to the structuring, procurement and negotiation of PPPs and other private funding initiative projects, including matters relevant to the various role-players, such as the public sector, regulators, private sector party, lenders and other key stakeholders. Further, Ledwaba Mazwai has in recent years been involved in PPPs in which it advised the public sector and private sector clients in other SADC countries such as Botswana, including the recent accommodation project for SADC headquarters. Ledwaba Mazwai's expertise and involvement is not limited to PPPs and project finance transactions, but extends to corporate and commercial work such as its recent involvement in the Lafarge black economic empowerment (BEE) transaction, where they advised the BEE company that acquired the shares. Ledwaba Mazwai also has experience in handling major asset acquisition and structured finance transactions such as the SAA Airbus fleet transaction in which it acted as legal counsel for South African Airways.

Thanks to experiences like the restructuring of state-owned entities and PPP projects, Ledwaba Mazwai has a competitive edge in being able to translate government policy as it relates to commercial transactions.

This article was commissioned by Ledwaba Mazwai Attorneys.

For more information, contact:

Metja Ledwaba

Tel: +27 (0)12 346 7313

Email: metjal@lmz.co.za

PA: Suzan Sehloho



Metja Ledwaba



Lungile Mazwai



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Ledwaba Mazwai is a dynamic South African law firm specialising in the areas of project finance and PPPs. Ledwaba Mazwai is proud to be one of the leading law firms in South Africa in providing legal services on major infrastructure development projects such as the Gauteng Rapid Rail PPP Project and the New Generation Power IPP Projects for the Department of Minerals and Energy.

PROJECTS PROFILE

	Projects	Services rendered
	dti Accommodation Project	Advising the dti on procurement of a private sector PPP partner (RFQ, RFP, Treasury Approvals), administrative law issues, drafting and negotiating the PPP (concession) Agreement, and ancillary agreements, including lease agreement. Reviewing and advising on the sub-contracting agreements in relation to the Project.
	Gautrain Rapid Rail Link Project	General advisory service to Gauteng Provincial Government as part of the Transaction Advisor team, on legislative regime, administrative law, land acquisition, feasibility study, treasury approvals, procurement documentation and drafting and negotiating the agreements relating to the Project.
	Accommodation Project for the City of Tshwane	Advising the City of Tshwane on procurement of a private sector PPP partner (RFQ, RFP, Treasury Approvals), administrative law issues, drafting and negotiating the PPP (concession) Agreement, and ancillary agreements, for development of an accommodation precinct and provision of services for the City of Tshwane. Reviewing and advising on the sub-contracting agreements in relation to the Concessionaire parties and obligations.
	SAA fleet acquisition	Advising SAA on its acquisition of long and short-haul Airbus airframes and accompanying engines, various leasing arrangements and structured finance for some of the A340-600 aircraft.
	State Forestry Restructuring	Advising SAFCOL and the Department of Water Affairs and Forestry on the re-composition of state forestry interests into business packages, advising on and preparing the sale procurement documentation, drafting and negotiating agreements for the sale to private sector strategic equity investor.
	Southern African Development Corporation (SADC) Headquarters Project in conjunction with the Government of Botswana	Advising the pre-qualified bidder during the RFP stage in respect of the Southern African Development Corporation PPP Accommodation Project on preparation of its tender submission, following the selection of our client as the preferred bidder, negotiation of the PPP Agreement, design and construction subcontract and facilities management subcontract, the financing arrangements with the lenders and drafting and negotiating other ancillary contracts in relation thereto.
	Department of Correctional Services Correctional Centre Projects	General legal advisory role on the DCS Correctional Centre projects, which entails the review of the existing PPP Projects for DCS, and the establishment of new correctional centres on a PPP basis, to be designed, constructed, financed, operated and maintained by the private sector.