



TERMS OF REFERENCE

PROVISION OF ARREARS RECOVERY SERVICES FOR ITAUKEI LAND TRUST BOARD (TLTB) BY LAW FIRMS

1. Introduction:

The iTaukei Land Trust Board (TLTB) is a body corporate established under the iTaukei Land Trust Act 1940 and administers iTaukei land by way of leases and licences for the benefit of the iTaukei landowners.

TLTB is seeking to procure the services of reputable and reliable law firms to assist with TLTB's arrears recovery portfolio for the Suva/Nausori and the Nadi/Lautoka areas. TLTB requires the services of experienced and reliable law firms which have the ability to efficiently and effectively collect arrears on TLTB leases on an "as and needed" basis. Functions may include any one or a combination of serving arrears notices, instituting necessary legal proceedings (preparing, filing and service of Writs of Summons), enforcing Court-issued Orders, and ensuring the proper service and acknowledgment of these orders for tenants who have defaulted.

Note: Payment for services will only be on be made upon successful recovery of arrears in full and not when services are rendered.

2. Objectives:

The primary objectives of this engagement are as follows:

- To ensure timely and efficient recovery of arrears.
- To ensure the proper preparation and service of arrears notices and legal documents.
- To ensure diligent management of arrears litigation before the Court.
- To enforce Court-issued Orders when necessary.
- To maintain accurate records of service and acknowledgment for defaulting tenants.

3. Scope of Work:

The successful law firm will be responsible for any one or a combination of the following tasks:

- Timely and efficient recovery of arrears.
- Timely and efficient preparation and service of arrears notices and legal documents.
- Enforcement of Court-issued Orders, when applicable.

- Accurate documentation and reporting of all service and Court proceedings.
- Maintaining professionalism and discretion throughout all interactions with TLTB tenants.

4. Tender Requirements:

In order to be a successful bidder, interested law firms must ensure that the following documents are included in the tender bid:

- a) Covering letter outlining a comprehensive response addressing the Terms of Reference.
- b) A copy of a valid TIN (Tax Identification Number).
- c) A copy of a valid Fiji National Provident Fund Compliance Certificate for 2023.
- d) A copy of registration certificate of law firm.
- e) A copy of a valid Fiji Revenue and Customs Services Compliance Certificate for 2023.
- f) Three written references from reputable organizations or individuals who have utilized your arrears recovery services in the past three years.
- g) Fees and charges for services including:
 - i. preparation of and service of arrears notice, writ of summons, winding up petition, judgment debtor summons, default judgment, receiving orders, winding up order, proof of debt, Small Claims Tribunal claims, writ of *fifa*, subpoenas, applications, instruments, notices or other document authorized or required by TLTB;
 - ii. fees for attendance before the courts for mentions and hearings; and
 - iii. preparation and execution of affidavit of service and other legal documents.

5. Evaluation Criteria:

Tenders will be evaluated based on the following criteria:

- a) Qualifications and experience of the service provider.
- b) Responsiveness and availability to meet TLTB's service needs.
- c) Competitive pricing for services.
- d) Compliance with all legal and licensing requirements.

6. Scope of Work for Arrears Recovery

The scope of services for arrears recovery for TLTB may include any one or a combination of the following services but are not necessarily limited to:

- a) preparation and service of legal documents including arrears notices, breach notices and other legal documents (including writs of summons) on individuals, companies or businesses;
- b) attendance before Courts for mentions and hearing; and
- c) execution and service of the necessary affidavits of service.

7. Task Descriptions

- a) Ensuring that all arrears notices, writs of summons, breach notices and other legal documents are prepared correctly and served successfully and honestly in a timely manner.
- b) Ensure efficient and effective service of legal documents, taking into account the geographical locations of the tenants, the current weather conditions and economic viability to locate and serve the tenants.
- c) Ensure the effective management of arrears cases before the Courts including attendances before the Courts and timely reporting to TLTB.
- d) Ensure TLTB's tenants' or stakeholder's information/details are obtained from TLTB prior to service of the legal document and ensuring the said information are dealt with in utmost confidentiality.
- e) Records of all service attempts must be documented and provided to TLTB.
- f) Timely reporting to TLTB and collection of requisite affidavit of service for execution before a Commissioner for Oaths, Justice of Peace or Legal Practitioner.
- g) Detailed reports of all work undertaken to be submitted at all times or as and when requested by TLTB in writing.
- h) Provide proper and correct invoices (invoices to have a TIN) of charges and fees.
- i) Be able to support and carry out any other related duties as and when required by TLTB.

8. Contact Information:

Bidders seeking further clarification/information on the Tender process should contact Taraivosa Vora on mobile 9997069 or email tvora@tltb.com.fj

For clarification on the technical specifications, contact Semisi Tuisabeto on mobile 9992664 or email semisi_tuisabeto@tltb.com.fj

9. Amendments:

Any amendments to this Invitation for Tender will be communicated to all interested parties in writing.

10. Approval and Signatures:

This Invitation for Tender is approved and issued by:

The Tender Committee
iTaukei Land Trust Board
GPO Box 116
431 Victoria parade, Suva

Interested law firms are encouraged to submit their tenders in accordance with this Invitation for Tender to be considered for this engagement with TLTB.

Late submissions will not be accepted. TLTB reserves the right to accept, reject or negotiate with one or all the bidders. This Tender **closes on [10 working days from the date of tender].**