



BID DESCRIPTION: APPOINTMENT OF A PANEL OF ATTORNEY FIRMS TO PROVIDE LEGAL SERVICES FOR A PERIOD OF FIVE YEARS

BID NO.: IRBA/04/2024/RFT

CLOSING DATE: 11 NOVEMBER 2024 AT 12H00 (South African Time)

RE: RESPONSE TO ENQUIRIES RECEIVED IN RESPECT OF THE BID

1. In line with paragraph 2.3 of the bid document, the IRBA has consolidated the questions emanating from the enquiries, as well as its response.
2. Bidders are reminded that the bid document must be hand-delivered and placed in the tender box on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609, by no later than **12h00 (South African time) on 11 NOVEMBER 2024.**

DIRECTOR: OPERATIONS

RESPONSE TO QUESTIONS RECEIVED POST ADVERTISEMENT OF THE BID

Question 1: *Mandatory Technical Requirements: Criteria One: Proof of Registration and Good Standing with the Legal Practice Council (LPC) of South Africa*

– The criteria requires that the Certificate of Good Standing with the LPC must not be older than three months on the closing date of bid.

From past experience, applying for a certificate can take up to two weeks. The bidder is in possession of a Certificate of Good Standing with the LPC which is valid till the 31 December 2024. The bidder does an annual renewal with certificates being valid for the entire current year.

- 1.1. Can the bidder submit proof of the application for a certificate of good standing?
- 1.2. Will we be allowed to submit our Certificate of Good Standing with the LPC which is valid until 31 December 2024?

Answer 1: *The Fidelity Fund Certificate has a validity period of one year and must not be mistaken for the Certificate of Good Standing with the LPC which is issued at a point in time.*

At the time of submission, the IRBA requires the following in the submission:

- a) *Fidelity Fund Certificate for the individual directors/partners to be assigned to IRBA matters must be valid.*
- b) *Certificate of Good Standing (previously referred to as the Letter of Good Standing) with the LPC must be dated within the three months from closing date of the bid.*

Responses to questions:

- 1.1. *No, applications for Certificate of Good Standing with the LPC will not be accepted based on enquiries made with the LPC, that issuance of the Certificates of Good Standing takes between 3 to 5 working days.*
- 1.2. *No, as the Certificate of Good Standing with the LPC must not be older than three months on the closing date of bid*

Question 2: When a bidder proceeds and bid for the RFT, is the bidder expected to withdraw from any other matters that they are litigating against IRBA, should they be successful in the tender process?

Answer 2: *For consideration of the tender, the bidder is expected not to be acting on behalf of any client which the IRBA is litigating against, as there would be a conflict of interest.*

Question 3: I would like to know if there's minimum or maximum number of categories/areas of practise that the firm can bid for in the scope of work.

Answer 3: *Small firms must bid for a minimum of three categories. Bidders that are medium to large firms must bid for a minimum of four service categories. Nothing prevents a bidder from applying for all five categories if they have the relevant experience in all these areas.*

Question 4: We seek clarification on Services categories and the area of laws, in terms of the categories are we looking from categories number one to categories number five or are we looking at areas of laws.

Answer 4: *The legal services, for which bidders must bid for, are classified into five services categories: 1) Prosecution of disciplinary hearings and provision of related services, 2) Civil Litigation, 3) Conducting Investigations, 4) Prosecution and chairing of disciplinary hearing and 5) Provision of Legal Advisory services (The legal advisory services include, Public Law, Administrative Law and Regulatory Law, Commercial Law, Procurement Law, Contractual Law, Interpretation of Statutes, Intellectual Property Law, Labour Law/Employment, Constitutional Law, Governance)*

Question 5: We seek clarification with regard to clause 7.2, specifically in relation to how the SBD 3.3 forms must be submitted.

Answer 5: *The SBD 3.3 form and the Pricing Schedule must be submitted in a separate sealed envelope. The sealed envelope must be submitted together with the complete Bid Submission documents.*

Question 6: Is this a two-envelope system or the requirements is only to separate the financial proposal but also submit it with the other documents

Answer 6: *This is not a two-envelope system, both the envelope (containing the SBD 3 form and the Pricing Schedule) must be submitted together with the Bid Submission documents. Please refer to question five above.*

Question 7: Under clause 19.2 of the TOR, the bid document does not specify 3 months validity. Is it not disingenuous for the non-compulsory briefing session to add further, un-listed, requirements?

Answer 7: *Please refer to Page 19 of the RFT TOR which states that the firm must "Submit a Certificate of Good Standing from the council that is not older than three months on the closing date of the bid". There are no further, un-listed requirements, added during the non-compulsory briefing session.*

Question 8: Will bidders need to submit proof of attendance?

Answer 8: *Whilst we have kept the record of attendees, please note that bidders need not submit proof of attendance due to the briefing being a non-compulsory session. Attendances of the briefing session will not be taken into account during the evaluation process.*

Question 9: If we hold an existing SLA with a major auditing firm, will we be precluded from responding to this IRBA/04/2024/RFT tender?

Answer 9: *No, having an auditing firm as a client, does not disqualify a bidder from bidding for this tender. The requirements are that bidders must be independent of the*

auditing profession which means that bidders must not be employed by audit firms and/or network firms nor should bidders share directly or indirectly, in any profits or interests of a registered auditor, an audit firm and/or any person related to a registered auditor and/or an audit firm.

However successful bidders must, at the commencement of their appointment, disclose to the IRBA, all audit firms contracted to them and against which they cannot act”.

Question 10: Please confirm that submission of original hard copy and soft copy can be submitted in one envelope, inclusive of Annexure A, Annexure B and all supporting mandatory documents?

Answer 10: *The IRBA requires two copies, one original hard copy and one soft copy (USB) of the complete bid documentation inclusive of Annexures and supporting documents, which can be submitted in one envelope. Only the Pricing Schedule (Annexure B: Financial Proposal) and the SBD 3.3 form can be submitted in a separate sealed envelope. The soft copy (USB) must also include the Pricing Schedule and SBD 3.3. form.*

Question 11: Page 17 provides an overview of the service categories listed as point 1 to 5. In order for medium and large firms to qualify, are bidders required to provide a minimum of 6 projects for each service category?

Answer 11: *For Medium and Large Firms to obtain a minimum qualifying score relating to the “Projects/Matters Dealt with and the Clients Serviced” evaluation, bidders are required to submit between three and five matters handled by the legal practitioner(s) in each service category in order to obtain the minimum qualifying score. All bidders that achieve the minimum qualifying score for functionality under in this category, will be shortlisted for the respective firm category bid for and will automatically proceed to the next stage for evaluation.*

Question 12: Does the IRBA require firms to have audit experience, and demonstrate that the firms have acted on behalf of registered auditors?

Answer 12: *Whilst it will be advantageous for bidders to have experience in audit related matters, bidders without audit experience will not be disqualified. Where bidders do not have experience in auditing matters, the bidder should demonstrate experience in similar areas of law or processes.*