

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

BID NO.: IRBA/04/2024/RFT

NON-COMPULSORY VIRTUAL BRIEFING SESSION: 28 October 2024 at 10h00 (South African Time)

CLOSING DATE: 11 November 2024 at 12h00 (South African Time)

BID DESCRIPTION: Bidders are hereby invited to submit their proposals for the supply of the abovementioned services, according to the Terms of Reference and conditions that are outlined in this tender document.

- This bid is subject to the General Conditions of Contract and, where applicable, any other special conditions of contract.
- Kindly note that the bid offers should be submitted as follows:
 - Via hand delivery and be deposited in the tender box on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609.
- No bids forwarded via email, fax or a similar medium will be considered.
- Late bids will not be accepted.


MARIUS FOURIE

DIRECTOR: OPERATIONS

DATE: 2024-10-18.....

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SECTION A: GENERAL CONDITIONS OF THE BID

The Independent Regulatory Board for Auditors (IRBA) is pleased to invite suitably qualified attorney firms to submit proposals for consideration to be appointed to our Panel of Attorney Firms, to provide legal services to the IRBA for a period of five years on an “as and when” required basis. Thus, this Request for Tender (RFT) is issued to identify and select experienced and competent legal practitioners who can provide a broad range of legal services, to support our regulatory and oversight functions, while ensuring the proper execution of our mandate.

1. PROPRIETARY INFORMATION

The IRBA will consider this RFT and all related information, either written or verbal, that is provided to the bidder to be proprietary to the IRBA. Such information shall be kept confidential by the bidder and its officers, employees, agents and representatives. The bidder shall not disclose, publish or advertise this RFT, or the related information, to any third party, without the IRBA’s prior written consent.

2. ENQUIRIES

2.1. All communication and attempts to solicit information of any kind relative to this RFT should be channelled **in writing** to:

RFT Enquiries

Phyllis Mualusi

Email address: pmualusi@irba.co.za

2.2. Enquiries in relation to this RFT will not be entertained after 16h00 on **29/10/2024**.

2.3. All enquiries will be consolidated and the IRBA will then issue one response that will be posted on **01/11/2024** on the [IRBA website](#), under the section on tenders.

2.4. The IRBA may, in its absolute discretion, respond to any enquiry; and the bidder acknowledges that it will have no claim against the IRBA on the basis that its bid was disadvantaged by lack of information or the inability to resolve ambiguities.

3. NON-COMPULSORY VIRTUAL BRIEFING SESSION

A non-compulsory virtual briefing session will be held as follows:

Venue: Microsoft Teams

Teams Link: ([Join the meeting now](#))

Date: 28 October 2024

Time: 10h00 to 11h30

The briefing session is not compulsory but will provide bidders with an opportunity to obtain clarity on certain aspects of the procurement process as set out in this bid document.

4. **BID VALIDITY PERIOD**

Responses to this RFT from bidders will be valid for a period of 120 days, from the bid closing date.

5. **BACKGROUND**

5.1. The IRBA was established in terms of Section 3 of the Auditing Profession Act 26 of 2005, as amended (the Act), which had an effective date of 1 April 2006. The objectives of the Act, as set out in Section 2, are as follows:

- a) To protect the public in the Republic by regulating audits performed by registered auditors;
- b) To provide for the establishment of an Independent Regulatory Board for Auditors;
- c) To improve the development and maintenance of internationally comparable ethical standards and auditing standards for auditors that promote investment and as a consequence employment in the Republic;
- d) To set out measures to advance the implementation of appropriate standards of competence and good ethics in the auditing profession; and
- e) To provide for procedures for disciplinary action in respect of improper conduct.

6. **MINIMUM REQUIREMENTS FOR A BID**

6.1. Interested bidders must comply with the minimum conditions set out below, for their proposals to be evaluated on functionality. Failure to submit or comply will render the bid non-compliant.

6.2. The IRBA maintains independence from the registered auditors it regulates. As such, no bids will be considered from any entity or person that it regulates, including network firms, as defined in the IRBA Code of Professional Conduct for Registered Auditors (IRBA Code). In view of this, bidders must be free from any relationship that could result in any undue influence from auditors and audit firms that the IRBA regulates. Consequently, bidders are required to submit the declaration, as per **Annexure A**, that confirms that they are independent of the auditing profession in that:

- a) They are not employed by an audit firm and/or a network firm; and
- b) They do not 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.

6.3. Interested bidders are required to complete and submit the following appropriately signed (by authorised signatories) Standard Bid Documents (SBDs), failing which their bid responses will be disqualified:

- a) SBD 1: Invitation to Bid.

- b) SBD 3.3: Pricing Proposal.
- c) SBD 4: Declaration of Interests Form.
- d) SBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Policy Framework Act, 2022.

6.4. National Treasury – Central Supplier Database (CSD): Bidders must submit confirmation of the company or individual registration on the CSD. The IRBA will not award any contract to a bidder that is not registered as a supplier on the CSD, as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 9 of 2017/2018. The CSD registration requirement applies to all companies/individuals. Bidders may register on the CSD through the National Treasury [website](#).

6.5. Bidders are required to complete and submit the compulsory Financial Proposal (**Annexure B**), without changing the structure. Failure to complete it in the prescribed manner and with unauthenticated alterations will result in the disqualification of the bid.

6.6. The IRBA reserves the right to verify the validity of any information or documentation submitted in the bid proposal for the Functionality Evaluation stage.

7. INSTRUCTIONS ON THE SUBMISSION OF BIDS

7.1. The IRBA requires **two** copies – one original hard copy and one soft copy (USB) – of the complete bid documentation that support the criteria, as stated in Section B of this document. The IRBA reserves the right to make additional copies, if required, for the evaluation.

7.2. The Pricing Schedule (**Annexure B: Financial Proposal**) and the SBD 3.3 form must be submitted in a separate sealed envelope, along with the printed copies of the bid documentation.

7.3. The bid document must be hand-delivered and placed in the bid box on the Ground Floor of Building No. 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609, by no later than 12h00, South African time, on **11/11/2024**.

7.4. The bid register, which is located where the tender box is, must be signed by the person making the delivery.

7.5. The bid closing date, bidder's name and the return address must also be reflected on the envelope.

7.6. No bid response received by email, fax or similar medium will be considered.

7.7. Any bid response that is not in the bid box at the bid closing date and time will be regarded as a late bid. It is the IRBA's policy not to consider late bids for tender evaluations.

7.8. Amended bids may be sent in an envelope marked “Amendment to the bid” and should be placed in the bid box before the closing date and time.

8. PREPARATION OF THE BID RESPONSE

8.1. All documentation submitted in response to this RFT must be in English.

8.2. The bidder is responsible for all costs that they shall incur regarding the preparation and submission of the bid document.

8.3. Bids submitted by bidders that are comprised of companies must be signed by a person or persons duly authorised thereto by a resolution of the applicable board of directors, a copy of which resolution, duly certified, must be submitted with the bid.

8.4. The bidder should check the numbering of the pages on their bid to satisfy themselves that no pages are missing or duplicated. No liability will be accepted by the IRBA regarding anything arising from the fact that pages of a bid are missing or duplicated.

8.5. The information required in paragraphs 6.2-6.5 above must be included in the bid response.

8.6. A financial proposal, as indicated in Annexure B, must be included in the bid response.

8.7. The bidder must submit an overview and history of their company, including its core business, an organisational chart that indicates the ownership structure, systems of quality and the level of exposure. This should also include a list of past and current clients that has examples of public sector or corporate organisations where similar legal services have been provided.

8.8. A copy of any valid and current certificate from whichever professional organisation/body that the bidder is affiliated to or a member of must be included in the bid response.

8.9. Detailed curricula vitae (CVs) of the proposed team members to be assigned to the IRBA must be included in the bid response.

8.10. Reference letters, as per the Functionality Evaluation criteria set out in Section B, must be included in the bid response.

8.11. Relevant details, as per Tables A, B and C of Appendix A, must be included in the bid response for each of the individuals assigned to the project.

9. REQUIREMENT TO CONCLUDE A CONTRACT

This bid document, all the appended documentation and the proposal in response thereto, together with the General Conditions of Contract issued in accordance with Chapter 16A of the Treasury Regulations, and, where applicable, any other special conditions of contract shall form the basis for formal contracts to be negotiated and concluded between the IRBA and the successful bidder to whom this bid will be awarded.

10. CONTRACT PERIOD

- 10.1.** The contract shall be for a period of five years, on an “as and when” required basis, subject to an annual performance review of the service provider.
- 10.2.** Notwithstanding the expiry of the contract period set out in paragraph 10.1 above, where the appointed firms are already on brief in respect of certain matters, they could be required to finalise those matters. Therefore, their contract expiry date in such circumstances will be the date on which such matters are finalised, unless the IRBA elects to terminate the firm’s mandate in respect of such matters.
- 10.3.** The successful bidder shall, upon receipt of a written notification of an award, be required to conclude a contract with the IRBA, inclusive of a Service Level Agreement (SLA). The SLA will serve as a tool to measure, monitor and assess the service provider’s performance and ensure an effective delivery of the services, quality and value-add to the IRBA’s business.
- 10.4.** Notwithstanding the appointment and subsequent conclusion of a contract and the supporting SLA, the firms shall not perform any work or render any services to the IRBA, unless they are in receipt of a written instruction to that effect from the IRBA.

11. ASSIGNMENT OF OBLIGATIONS, INDEPENDENCE AND CONFLICT OF INTEREST

- 11.1.** The successful bidder(s):
- a) May not assign their own obligations.
 - b) Shall conduct their business from the Republic of South Africa.
 - c) May not, while at liberty to accept any person, firm, department, company or organisation as a client, act against the IRBA in any matter; and, similarly, the IRBA will not appoint the successful bidder to act against their clients and other connected persons. To this end, 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.
 - d) Shall, in rendering the services to the IRBA, maintain independence and must not have any conflicts of interest.
 - e) Shall have systems in place for identifying and managing conflicts of interest and will be required to disclose any conflicts of interest that exist and/or may exist at any point in time.
 - f) Must immediately advise the IRBA in writing when it seems like unforeseeable circumstances will adversely affect the execution of the contract. Full particulars of such circumstances, as well as the period of delay, must be furnished to the IRBA, including project team changes that may affect the quality of service.

- g) Shall restrict the use of the IRBA information and documentation to the purpose for which such information and documentation were disclosed to the bidder(s) by the IRBA. Specifically, the firm may not use the IRBA's information in representing any of its current or future clients or for the purpose of acting against the IRBA, either during the term of its contract or on termination or expiry of its contract with the IRBA.
- h) Shall ensure that the credentials of the individuals presented to the IRBA are in line with the proposals submitted, and that these individuals are not substituted without the prior approval of the IRBA.

12. REPORTING

The successful bidder(s) shall meet with the IRBA team to discuss reporting and account queries, as and when requested by the IRBA.

13. CANCELLATION OF THE CONTRACT

13.1. The IRBA may, in its sole discretion and without limitation to any of its other rights elsewhere in law, cancel the contract, if it is satisfied that any person (including an employee, partner, director or shareholder of the interested company or a person acting on behalf of or with the knowledge of the interested person or entity):

- a) Is executing a contract with the IRBA unsatisfactorily;
- b) Has, in any manner, been involved in a corrupt act or offered a gift or remuneration to any officer or employee of the IRBA in connection with obtaining or executing a contract;
- c) Has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract;
- d) Has, in any manner, influenced or attempted to influence the awarding of the IRBA's bid process;
- e) Has, when advised that their proposal has been accepted, given notice of their inability to execute or sign the contract;
- f) Has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, entity or company to refrain from quoting for this contract, or relating to the bid to be submitted by either party; and/or
- g) Has disclosed to any other person any information relating to this bid, except where disclosure in confidence was necessary to obtain quotations required for the preparation of the bid.

- 13.2.** The IRBA may, in its sole discretion, resolve that for a specified period it will not consider any bid from a bidder whose contract has been cancelled for fraud, dishonesty or contravention of supply chain management legislation. If the IRBA is satisfied that any person is or was a shareholder or a director of an entity or company, which in terms of paragraph 12.1 is one from which no bid will be favourably considered for a specified period, it may also decide that no bid from such a person, entity or company shall be favourably considered for a specified period.
- 13.3.** Any restriction imposed upon any person/entity shall apply to any other person/entity with which such a person/entity is associated.
- 13.4.** The IRBA reserves the right to unilaterally terminate the contract with the successful bidder on at least one month's notice, in the event of circumstances beyond the IRBA's control and those that render continuation with the contract undesirable or unnecessary.

14. SUPPLIER PERFORMANCE MANAGEMENT

The IRBA views supplier performance management as a critical component in ensuring high quality, in as far as the acquisition of services and the maintenance of good relations between the IRBA and all its service providers are concerned.

15. SUPPLIER DEVELOPMENT

The IRBA promotes supplier development. In this regard, successful bidders may be required to mentor small attorney firms appointed into the IRBA panel of attorney firms to assist it in its endeavour to support and enhance the capabilities of its smaller attorney firms. The implications of such an arrangement(s) will be subject to negotiations between the IRBA and the successful bidders.

16. SKILLS TRANSFER

Successful bidders may be required to assist the IRBA in building internal capacity and/or transfer skills to its Legal Department. The implications of such an arrangement will be subject to negotiations between the IRBA and each successful bidder.

17. DISCLAIMER

- 17.1.** Bidders must make and rely on their own investigations and satisfy themselves as to the correctness of any and all aspects of the bid. The IRBA will not be liable for any incorrect or potentially misleading information in relation to any part of this document and any accompanying bid documents.
- 17.2.** The IRBA reserves the right to not appoint any bidder that does not comply with the conditions of this bid, or if it obtains information about the bidder that could put the IRBA at risk.

17.3. The IRBA reserves the right to cancel this bid, should the budget to cover its full costs not be available at the time of awarding the contract, or if the need no longer exists, or the specifications have changed.

18. ABSENCE OF OBLIGATIONS

18.1. No legal or other obligation shall arise between the bidder and the IRBA, unless and until the formal appointment, contract and SLA have been signed.

18.2. The IRBA is not obliged to proceed with any submitted bids.

19. EVALUATION CRITERIA AND POINTS ALLOCATION

Bids shall be evaluated in terms of the process and conditions that are detailed below.

19.1. Phase One: Eligibility Criteria/Mandatory Requirements

During this phase, bid responses will be reviewed for the purposes of assessing compliance with the RFT requirements, including the general bid conditions that require the following:

- a) **National Treasury – Central Supplier Database:** Service providers must submit confirmation of their company or individual registration on the CSD or provide a CSD registration summary report. If the tax status of the bidder cannot be verified on CSD the bidder must submit a valid tax clearance certificate or pin issued by the South African Revenue Service for the IRBA to verify the bidder's tax compliance status.
- b) **Consortia and Joint Ventures (JVs):** If the bid is from a JV or a collaborative partnership (including a newly formed company) that does not have a joint track record, the individual entities that make up the tendering unit/JV should each provide all the mandatory requirements. Should all the requirements in respect of the tendering unit or the individual entities (as the case may be) not be met, then the JV will be disqualified. It is recognised that a bidder may wish to form a consortium or a JV to provide the services. In that case, the bidder must submit the JV agreement that has been signed by all parties.
- c) **Pricing:** Bidders must complete and submit the compulsory Pricing Proposal (**Annexure B**), without changing the structure. Failure to complete it in the prescribed manner and with unauthenticated alterations will result in the disqualification of the bid.
- d) **Standard Bid Documents:** The completion and submission of all the following SBDs, as noted in paragraph 6.3 above:
 - SBD 1: Invitation to Bid.
 - SBD 3.3: Pricing Proposal.
 - SBD 4: Declaration of Interests Form.

- SBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Policy Framework Act, 2022.

e) **Declaration of Independence:** Complete and submit the declaration (**Annexure A**) confirming independence from the auditing profession. The IRBA reserves the right to perform a verification of the declarations made.

The Standard Bid Documents and the Declaration of Independence form must be completed, signed and submitted. The IRBA reserves the right to request information/additional documents, if any are missing from the bidder's submission.

Failure to comply with the requirements assessed in Phase One (compliance) will lead to the disqualification of the bid.

19.2. Phase Two: Mandatory Technical Requirements

Bid responses that comply with the requirements set out in Phase One will then be evaluated for compliance with the Mandatory Technical Requirements criteria (detailed in Section B of this RFT). Bids that do not comply with these requirements will be disqualified and not considered for further evaluation under Phase Three: Functionality Evaluation Requirements.

No.	Mandatory Technical Requirements Applicable to all Firms
1.	Proof of Registration and Good Standing with the Legal Practice Council of South Africa
2.	Valid Fidelity Fund Certificate
3.	Minimum Service Categories for which Bids are Submitted

Failure to comply with these requirements will lead to the disqualification of the bid.

19.3. Phase Three: Functionality Evaluation Requirements

Bid responses that comply with the Mandatory Technical Requirements will be evaluated in accordance with the functionality evaluation criteria set out below (more details in Section B of this RFT) and the associated points will be applicable.

The functionality evaluation phase will be based on a threshold. Bids that fail to achieve an overall minimum of 70 points will not be considered further. Bidders should also note that a minimum qualifying score per criteria must be met, as set out in the evaluation criteria. Failure to achieve any of the minimum scores assigned for each element will result in a disqualification from further consideration, even if the overall minimum total score has been achieved.

The following criteria is applicable to each firm category.

No.	Element	Minimum Points	Maximum Points
1.	Company profile, systems of quality and level of exposure	6	10

No.	Element	Minimum Points	Maximum Points
2.	Relevant qualifications and legal experience of the bidder's team	22	30
3.	Litigation strategy	6	10
4.	Recommendations/reference letters	6	10
5.	Demonstrable relevant work experience of the bidder in the service categories for which it submitted a bid	30	40
	Total Points	70	100

19.3.1. Stage One of the Functionality Evaluation Phase

At this stage, the following elements will be considered:

No.	Element	Minimum Points	Maximum Points
1.	Company profile, systems of quality and level of exposure	6	10
2.	Relevant qualifications and legal experience of the bidder's team	22	30
3.	Litigation strategy	6	10
4.	Recommendations/reference letters	6	10
	Total Points	40	60

Bidders have to achieve a minimum of 40 points out of 60 in this stage to be considered for further evaluations in stage two. A minimum qualifying score per criteria must be met, as set out in the evaluation criteria. Failure to achieve any of the minimum scores for each element will result in a disqualification for further consideration, even if the overall minimum total score has been achieved.

19.3.2. Stage Two of the Functionality Evaluation Phase

The following element will be considered:

No.	Element	Minimum Points	Maximum Points
5.	Demonstrable relevant work experience of the bidder in the service categories for which it submitted a bid	30	40

Bidders are required to achieve a minimum of 30 out of 40 points in this stage to be considered further for the Phase Four: Specific Goals and Pricing evaluation. A minimum qualifying score per criteria must be met, as set out in the evaluation criteria. Failure to achieve any of the minimum scores for each element will

result in a disqualification for further consideration, even if the overall minimum total score has been achieved.

19.4. Phase Four: Specific Goals and Pricing

All bids that achieve the minimum qualifying scores for functionality (acceptable bids) under Phase Three will be shortlisted for each firm category and evaluated further on the basis of the 90/10 point system, as follows:

Criteria	Points
Specific Goals	10
Pricing	90
Total Points	100

19.4.1. Specific Goals

A maximum of 10 points will be awarded for the specific goals in relation to people who were historically disadvantaged by unfair discrimination, based on the following:

Specific Goal Allocated Points in terms of this Tender	Points Allocated (90/10 system)
Enterprise with ownership of 51% or more by person/s who are Black	5
Enterprise with ownership of 51% or more by person/s who are women	2
Enterprise with ownership of 51% or more by person/s who are youth	2
Enterprise with ownership of 51% or more by person/s with a disability	1
TOTAL	10

To qualify for preference points for specific goals, the tenderer must submit proof of the documents set out below, together with the proposal for the 90/10 evaluation criteria. While failure to submit the supporting documentary proof will not disqualify the bidder, it will result in the allocation of zero points for the respective specific goals.

The documents required for the verification of the points allocation are:

Procurement Requirement		Proof Documents
A.	Black people/ownership	CSD Report/Black Economic Empowerment (BEE) Certificates/Sworn Affidavit/Share Certificates
B.	Women	CSD Report/BEE Certificates/Share Certificates
C.	Youth	CSD Report/BEE Certificates/Share Certificates
D.	Disabled (living with a disability)	CSD Report/Medical Certificate/Report
The CSD Report will be used to verify the ownership percentage		

19.4.2. Pricing

Note: Please refer to **Annexure B: Financial Proposal** and the **SBD 3.3 form** for the format in which the required proposal must be provided.

- a) Bidders are required to submit an all-inclusive quote on an official company letterhead, using the Pricing Schedule format (Annexure B). This schedule must cover the cost for all of the expected elements linked to any of the specified deliverables, as per the scope of work, for the duration of the contract.
- b) Bidders must submit price quotations that are inclusive of Value-Added Tax.
- c) The submission of the Pricing Schedule is compulsory, and service providers must ensure that it is completed without changing the structure. Failure to complete same in the prescribed manner and with unauthenticated alterations to the prices may result in the disqualification of the bid during the financial evaluation process.
- d) The quoted rates in the Pricing Schedule must be fixed and firm for the duration of the contract and inclusive of the yearly increases, where applicable.
- e) Pricing evaluations will be done in accordance with the firm categories within which the bidder is classified (**refer to Section B, paragraph 3.5**); as such, bidders will only be competing against others in the same firm category.
- f) The pricing proposal must be submitted in a separate sealed envelope at the time of submitting the bid response as a Returnable Schedule.
- g) The execution of this contract will be governed by the rates quoted, unless stated otherwise.

19.5. Award Strategy

Only the top five scoring firms in each firm category will be eligible for appointment into the Panel of Attorney Firms. Therefore, the IRBA will endeavour to appoint a maximum of 15 firms, and this number may be apportioned equally within the different firm categories.

Should the number of firms that qualify to be appointed into a specific category be less than five, the IRBA reserves the right to appoint additional qualifying firms in the other categories. Appointments will be based on the Specific Goals and Pricing scoring.

19.5.1. Task/Work Allocation Strategy

Work will be distributed to firms on a rotational basis and according to, inter alia:

- a) Availability of work and the budget;

- b) Competencies necessary for the work to be allocated; and
- c) The IRBA's risk assessment in relation to the work to be allocated.

SECTION B: FUNCTIONAL REQUIREMENTS SPECIFICATIONS

1. BACKGROUND TO THE RFT

The IRBA's Legal Department is dedicated to delivering objective, value-adding and innovative legal services to the organisation. The department plays a crucial role in managing the organisation's legal risks, thereby minimising exposure to litigation and financial losses. Key responsibilities include prosecuting and facilitating disciplinary proceedings against registered auditors, managing all litigation involving the IRBA and providing internal support on various legal aspects. Occasionally, the department needs to engage external attorneys to assist in fulfilling its duties. Consequently, this RFT aims to establish a Panel of Attorney Firms to provide legal advisory or representation services to the IRBA on an "as and when required" basis.

2. OBJECTIVE OF THE CONTRACT

The primary purpose of this RFT is to solicit proposals from qualified attorney firms with demonstrated experience and expertise in the areas of law that are pertinent to the IRBA's regulatory activities. The selected firms will be expected to provide comprehensive legal services that meet the organisation's diverse needs and support its strategic objectives.

3. SCOPE OF THE WORK

- 3.1. The IRBA seeks to appoint attorney firms that are of good standing within the legal fraternity, to provide legal services to the organisation on an "as and when required basis" and as part of a Panel of Attorney Firms.
- 3.2. Interested firms must be able to demonstrate the following:
 - a) Extensive litigation and disciplinary process experience;
 - b) Experience working within the regulatory environment and/or public service;
 - c) Exceptional quality and standard of work;
 - d) Meticulous attention to detail; and
 - e) Advocacy skills.
- 3.3. Knowledge of the auditing and accounting legal framework, the relevant standards and the IRBA Code will be considered advantageous to the bidder's proposal.
- 3.4. The legal services sought have been classified into five service categories, as reflected below. The bidder must indicate, in the table that follows and with a **tick (✓)**, the category/categories for which it is bidding. ***Failure to indicate the service category/categories that a bidder is bidding for will result in the bid being disqualified and not considered further.***

No.	Service Categories	Please Tick (✓)
1.	Prosecution of disciplinary hearings and provision of related services <i>Note: This refers to disciplinary hearings initiated by the IRBA, in terms of the Auditing Profession Act, against registered auditors.</i>	
2.	Representation of the IRBA in civil litigation and/or tribunals as well as the provision of related services	
3.	Conducting investigations <i>Note: Excluding investigations against registered auditors, in terms of Section 48 of the Auditing Profession Act.</i>	
4.	Prosecution and chairing of disciplinary hearings <i>Note: These relate to Labour Relations Act processes.</i>	
5.	Provision of legal advisory and/or services in respect of the following areas of law:	
5.1.	Public Law, Administrative Law and Regulatory Law	
5.2.	Commercial Law	
5.3.	Procurement Law	
5.4.	Contractual Law	
5.5.	Interpretation of Statutes	
5.6.	Intellectual Property Law	
5.7.	Labour Law/Employment	
5.8.	Constitutional Law	
5.9.	Governance	

Note:

- a) Each service category has its own evaluation criteria. The bidder must ensure that it provides the required response/information to the evaluation criteria for each service category for which it is bidding.
- b) Please note that **small firms must be able to offer services in at least three of the service categories mentioned above, while medium and large firms must be able to offer services in at least four of these categories.**
- c) Notwithstanding the above, the IRBA may request legal advisory and/or legal services outside of the abovementioned service categories, should the need arise.

3.5. The IRBA would also like to promote the transformation and development of small firms in the legal industry; as such, it will appoint firms in each of the categories listed below. Therefore, the bidder must indicate, in the table that follows and with a **tick (✓)**, the relevant category within which it falls.

Firm Categories	Definition	Please Tick (✓)
Category 1: Small Firms	Firm with an annual turnover of not more than R10 million	
Category 2: Medium Firms	Firm with an annual turnover greater than R10 million, but below R35 million	
Category 3: Large Firms	Firm with an annual turnover greater than R35 million	

Note:

- a) *The bidder must submit its latest audited financial statements as proof of its annual turnover, or a letter from its auditors that confirms the annual turnover relating to the latest financial period.*
- b) **Only the top five scoring firms in each category will be eligible for appointment to the Panel of Attorney Firms.** *The IRBA will endeavour to appoint a maximum of 15 firms, and this number may be apportioned equally among the firm categories.*
- c) *Should the number of firms that qualify for appointment into a specific category be less than five, the IRBA reserves the right to appoint additional firms in the other categories. Appointments will be based on the Specific Goals and Pricing scoring.*

4. PROJECT TIMELINES

Successful bidders will be required to commence with the services from 1 March 2025 and provide these for five years on an “*as and when required basis*”, subject to an annual performance review.

5. EVALUATION CRITERIA

5.1. Phase One: Eligibility Criteria/Mandatory Requirements

All bids will be evaluated on the eligibility criteria/mandatory requirements. A proposal that fails to meet these, as set out in paragraph 19.1 of Section A, will be deemed unacceptable and not evaluated further.

5.2. Phase Two: Mandatory Technical Requirements (Applicable to all Firms)

Bidders should indicate their compliance/non-compliance with the requirements noted in the table that follows and then substantiate their response in the space provided. If more space is required, clearly cross-reference the additional substantiation to the relevant requirement.

Bids that do not comply with all these requirements will be disqualified and not considered for further evaluation in the next phase.

Bidders must provide copies of valid certificates and/or proof of registration, as per the requirements below, as failure to substantiate the mandatory technical requirements may result in the disqualification of a bid.

1. Registration and Good Standing with the Legal Practice Council of South Africa	Comply	Not comply
Bidders must be registered and in good standing with the Legal Practice Council of South Africa. Submit a Certificate of Good Standing from the council that is not older than three months on the closing date of the bid.		
Substantiate/Comments		
2. Fidelity Fund Certificate	Comply	Not comply
Bidders must provide proof of the Fidelity Fund Insurance Cover. Submit proof of a valid Fidelity Fund Certificate for the individual directors/partners to be assigned to the IRBA matters.		
Substantiate/Comments		
3. Minimum Service Categories for which the Bid is Submitted	Comply	Not comply
Small firms must have demonstrable experience in at least three of the service categories.		
Medium and large firms must have demonstrable experience in at least five of the service categories.		
Note: The bidder must provide details of recent matters (not older than three years) it handled for each service category for which it is bidding. Please refer to Table A of Appendix 1 for the format in which the required information must be provided.		
Substantiate/Comments		

Bids that fail to comply with any of the Mandatory Technical Requirements will be disqualified for non-compliance.

5.3. Phase Three: Functionality Evaluation Requirements

Bids that have met the Mandatory Technical Requirements will be evaluated for functionality.

This phase will be evaluated in two stages, as follows:

- Bidders must achieve a minimum of 40 points out of 60 in stage one to be considered for further evaluation.
- Bidders have to get a minimum of 30 points out of 40 in stage two to be considered further for the Phase Four: Specific Goals and Pricing evaluation.

5.3.1. Stage One of the Functionality Evaluation Phase

Bidders are required to achieve a minimum threshold of 40 points out of 60 in this stage of the evaluation to be considered further. Failure to achieve the minimum points will result in the disqualification of a bid.

Also, it must be noted that a minimum qualifying score per criteria must be met, as set out in the evaluation criteria. Failure to achieve any of the minimum scores for each element will result in a disqualification from further consideration, even if the overall minimum total score has been achieved.

Note: The IRBA acknowledges that a bidder might not have previously provided services to the organisation or in relation to registered auditors. Where this is the case, the bidder should demonstrate experience in similar areas of law or processes.

Bids will be evaluated based on the criteria detailed below.

Element 1: Company Profile, Systems of Quality and Level of Exposure	Scoring Points Maximum 10	
<p>The bidder must provide a document titled “Company Profile, Systems of Quality and Level of Exposure” that deals with the following:</p> <ul style="list-style-type: none"> • Exposition of the establishment, the firm’s history and constitution. • Its professional staff complement and areas of specialisation. • System of identifying and managing conflicts of interest that may arise. • Systems in place for staff performance monitoring and management. • Notable awards and achievements received from accredited/recognised institutions/organisations, if available. • Clients previously or currently serviced. 	<i>Min Points</i>	<i>Max Points</i>
	6	10
<p>Points will be allocated as follows, based on the information/evidence provided in the company profile:</p> <p>No company profile submitted; or the company profile does not outline at least four of the points per the evaluation criteria above = 0</p> <p>Company profile submitted outlines at least four of the points per the evaluation criteria above = 6</p> <p>Company profile submitted outlines all of the points per the evaluation criteria above = 10</p>		

Element 2: Relevant Qualifications and Legal Experience of the Bidder's Team	Scoring Points Maximum 30	
<p>The bidder must have, either contracted to it or in its current employ (team), a legal practitioner or practitioners who have experience in the service categories for which it is bidding.</p> <p>It must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> • A list of legal practitioners currently in its team, for each service category it is bidding for – <i>please refer to Table B in Appendix A for the format in which the required information must be provided.</i> • Abridged CVs of the legal practitioners currently in the bidder's team and these must clearly highlight their qualifications and areas of experience/competence relevant to the legal services for which the bidder is bidding. • Proof of the relevant qualifications of the bidder's team. 	Min Points	Max Points
	22	30
Small Firms		
<p>Qualifications</p> <p>The bidder must submit, as a minimum, proof of a Bachelor of Laws (LLB) or an equivalent qualification for each individual legal practitioner in the team that will be providing services to the IRBA in respect of each service category it is bidding for (which must be a minimum of three categories).</p> <p>Points will be allocated as follows:</p> <p>No proof of qualifications submitted; or qualifications submitted for the legal practitioner(s) who will be rendering services in each service category the bidder is bidding for are lower than the required LLB or equivalent qualification = 0</p> <p>Proof of an LLB or equivalent qualification for the legal practitioner(s) who will be rendering services in each service category the bidder is bidding for = 6</p> <p>Proof of postgraduate certificates, diplomas, masters or doctorate qualifications for any of the legal practitioner(s) who will be rendering services in any of the service categories the bidder is bidding for = 9</p> <p>(Note: For each additional relevant type of qualification over and above the minimum of an LLB or equivalent, one point will be awarded to an overall maximum of nine points, with the base being points already allocated for an LLB or equivalent).</p>	6	9

<p><i>Years of Experience</i></p> <p>The bidder must propose at least one legal practitioner per service category who demonstrates a minimum of three years of post-admission experience in each service category for which the bidder is bidding. Then, the bidder's team must collectively have a minimum of 10 years' post-admission experience.</p> <p>The bidder may propose the same practitioner for more than one category of service.</p> <p>Points will be allocated as follows:</p> <p>Legal practitioner(s) across the service categories the bid is for have less than three years' relevant post-admission experience; or the bidder's team collectively have less than 10 years' post-admission experience; or no relevant post-admission experience = 0</p> <p>Legal practitioner(s) across the service categories the bid is for have three years' relevant post-admission experience and the bidder's team collectively have between 10 and 20 years' relevant post-admission experience = 6</p> <p>Legal practitioner(s) across the service categories the bid is for have more than three years' relevant post-admission experience and the bidder's team collectively have more than 20 years' relevant post-admission experience = 9</p>	<p>6</p>	<p>9</p>
<p><i>Projects/Matters Dealt with and the Clients Served</i></p> <p>Details of relevant transactions/matters that individual legal practitioners in the bidder's team handled in each service category that it is bidding for and in respect of which the legal practitioner will be rendering services for (which must be a minimum of three categories).</p> <p>Points will be allocated based on the manner in which the matters were dealt with by each legal practitioner, and this shall be based collectively on the number of matters provided and the complexity thereof.</p> <p>No matters submitted = 0</p> <p>Submission of one matter handled by the legal practitioner(s) in each service category the bidder is bidding for = 3</p> <p>Submission of two to four matters handled by the legal practitioner(s) in each service category the bidder is bidding for = 10</p> <p>Submission of five and more matters handled by the legal practitioner(s) in each service category the bidder is bidding for = 12</p>	<p>10</p>	<p>12</p>

Medium and Large Firms		
<p>Qualifications</p> <p>The bidder must submit, as a minimum, proof of an LLB or equivalent qualification for each individual legal practitioner in its team and who will be providing services to the IRBA in respect of each service category the bidder is bidding for (which must be a minimum of four categories).</p> <p>Points will be allocated as follows:</p> <p style="padding-left: 40px;">No proof of qualifications submitted; or qualifications submitted for the legal practitioner(s) who will be rendering services in each service category the bidder is bidding for are lower than the required LLB or equivalent qualification = 0</p> <p style="padding-left: 40px;">Proof of an LLB or equivalent qualification for the legal practitioner(s) who will be rendering services in each service category the bidder is bidding for = 6</p> <p style="padding-left: 40px;">Proof of postgraduate certificates, diplomas, masters or doctorate qualifications for any of the legal practitioner(s) who will be rendering services in each of the service categories the bidder is bidding for = 9</p> <p><i>(Note: For each additional relevant type of qualification over and above the minimum of an LLB or equivalent, one point will be awarded to an overall maximum of nine points, with the base being points already allocated for an LLB or equivalent.)</i></p>	6	9
<p>Years of Experience</p> <p>The bidder must propose at least one legal practitioner per service category who demonstrates a minimum of five years of post-admission experience in each service category for which it is bidding. Then, the bidder’s team must collectively have a minimum of 15 years’ post-admission experience.</p> <p>The bidder may propose the same practitioner for more than one category of service.</p> <p>Points will be allocated as follows:</p> <p style="padding-left: 40px;">Legal practitioner(s) across the service categories the bid is for have less than five years’ relevant post-admission experience; or the bidder’s team collectively have less than 15 years’ post-admission experience; or no relevant post-admission experience = 0</p> <p style="padding-left: 40px;">Legal practitioner(s) across the service categories the bid is for have five years’ relevant post-admission experience and the bidder’s team</p>	6	9

<p>collectively has between 15 and 35 years' relevant post-admission experience = 6</p> <p>Legal practitioner(s) across the service categories the bid is for have more than five years' relevant post-admission experience and the bidder's team collectively have more than 35 years' relevant post-admission experience = 9</p>		
<p><i>Projects/Matters Dealt with and the Clients Serviced</i></p> <p>Details of relevant transactions/matters that each individual legal practitioner in the bidder's team handled in each service category that it is bidding for and in respect of which the legal practitioner will be rendering services for (which must be a minimum of four categories).</p> <p>Points will be allocated based on the manner in which the matters were dealt with by the legal practitioner(s), and this shall be based collectively on the number of matters provided and the complexity thereof.</p> <p>No matters submitted or less than two matters submitted for each service category the bidder is bidding for = 0</p> <p>Submission of two matters handled by the legal practitioner(s) in each service category the bidder is bidding for = 3</p> <p>Submission of three to five matters handled by the legal practitioner(s) in each service category the bidder is bidding for = 10</p> <p>Submission of six and more matters handled by the legal practitioner(s) in each service category the bidder is bidding for = 12</p>	<p>10</p>	<p>12</p>

Element 3: Litigation Strategy	Scoring Points Maximum 10	
<p>The bidder must submit, as part of its proposal, a detailed litigation strategy that is not more than three pages, outlining the firm’s general approach to effective litigation management. This strategy should include, but may not be limited to, how the firm: (1) evaluates potential litigation outcomes; (2) mitigates the probability of adverse outcomes; (3) ensures the swift finalisation of matters; and (4) effectively manages litigation-related costs for its clients.</p>	Min Points	Max Points
	6	10
<p>Points will be allocated as follows:</p> <p>Litigation strategy not provided; or it only adequately addresses less than two of the elements required to be included in the strategy = 0</p> <p>Litigation strategy adequately addresses only two of the elements required to be included in the strategy = 4</p> <p>Litigation strategy adequately addresses only three of the elements required to be included in the strategy = 6</p> <p>Litigation strategy adequately addresses all four of the elements required to be included in the strategy = 8</p> <p>Litigation strategy outlines additional strategic initiatives over and above the required four elements, to support effective litigation management = 10</p>		

Element 4: References		Scoring Points Maximum 10	
<p>The bidder must provide positive references from clients where it provided services for each service category for which it is bidding. A reference letter may specify services rendered for more than one service category. The reference letters provided must NOT be older than three years. To be valid, each client reference letter must be signed and:</p> <ul style="list-style-type: none"> • Clearly indicate the name of the bidder; • Specify the services rendered; • Indicate when the services were rendered, which must be within three years of the closing date of the bid; and • Contain the name(s) of the contact person(s) and their details (phone numbers/email addresses). <p>The IRBA reserves the right to verify the information provided.</p>		Min Points	Max Points
Small Firms	No or less than two positive reference letters; or reference letters not submitted for the minimum of three service categories the bid is for; or reference letters submitted do not meet the above required criteria = 0		
	Two reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 3		
	Three reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 6		
	Four to eight reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 8		
	More than eight reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 10		
Medium and Large Firms	No or less than three positive reference letters; or reference letters not submitted for the minimum of four service categories the bid is for; or reference letters submitted do not meet the above required criteria = 0		
	Three reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 3		
	Five reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 6		
	Six to 10 reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 8		
	More than 10 reference letters that collectively demonstrate experience in all the service categories the bid is for, and which meet the above required criteria = 10		

5.3.2 Stage Two of the Functionality Evaluation Phase

Bidders are required to achieve a minimum threshold score of 30 points out of 40 in this stage of the evaluation to be considered further in Phase Four: Specific Goals and Pricing. Failure to achieve the minimum threshold will result in the disqualification of a bid.

Also, it must be noted that a minimum qualifying score per criteria must be met, as set out in the evaluation criteria. Failure to achieve the minimum score for each element will result in a disqualification for further consideration, even if the overall minimum total score has been achieved.

Note: The IRBA acknowledges that the bidder might not have previously provided services to the organisation or in relation to registered auditors. Where this is the case, the bidder should demonstrate experience in similar areas of law or processes.

Bids will be evaluated on the following criteria:

Element 5: Demonstrable Relevant Work Experience in the Service Categories for which the Bidder Submitted a Bid	Scoring Points Maximum of 40	
<p>The bidder must have demonstrable work experience in the relevant service categories for which it is bidding, and the transactions/matters must align with the scope of those categories.</p> <p>It must provide details of the recent transactions/matters (not older than three years) it has handled for each service category. Please refer to Table C of Appendix A for the format in which the required information must be provided. The bidder must indicate every service category to which each transaction/matter relates.</p> <p>Where the bidder is applying for the provision of legal advisory and/or support services, as per item 5 in paragraph 3.4 above, relevant supporting opinions previously provided by any member of the bidder's team must be provided (the redaction of client names and other personal information is allowed).</p> <p>Bidders must submit a minimum of six qualifying transactions/matters to achieve the minimum threshold points of 30 for further evaluation. For the transactions/matters to qualify, the following applies:</p> <ul style="list-style-type: none"> • <i>Small Firms: Each transaction/matter must cover a minimum of three aspects of the criteria listed below.</i> • <i>Medium to Large Firms: Each transaction/matter must cover a minimum of four aspects of the criteria listed below.</i> 	<i>Min Points</i>	<i>Max Points</i>
	30	40

Element 5: Demonstrable Relevant Work Experience in the Service Categories for which the Bidder Submitted a Bid	Scoring Points Maximum of 40	
<p>Criteria 1. Complexity of Matters/Transactions</p> <ul style="list-style-type: none"> • Nature of the matter/transaction. • Volume of evidence. <p>Criteria 2. Success and Outcomes</p> <ul style="list-style-type: none"> • Results Achieved: An evaluation of the outcomes of the cases or transactions. • Impact of the outcomes on clients and the significance of the cases. <p>Criteria 3. Client and Sector Diversity</p> <ul style="list-style-type: none"> • Types of clients involved in the matters, including public sector entities, regulatory bodies or corporate clients; thus, demonstrating experience in the bidder's capabilities to render services to an organisation such as the IRBA. • An evaluation of the bidder's experience in various sectors relevant to the services for which it is bidding. <p>Criteria 4. Methodology and Approach</p> <ul style="list-style-type: none"> • Approach and methodology used in handling the matters, including any structured and strategic approaches applied in dealing with the matters. • Problem-solving Skills: How the bidder addressed and solved issues in relation to the relevant transactions/matters, including any unique strategies and problem-solving techniques employed. <p>Criteria 5. Innovation and Adaptability</p> <ul style="list-style-type: none"> • Innovation: Any innovative solutions or approaches used in the transactions/matters. • Adaptability: How the bidder adapted to changing circumstances or legal developments in its cases. <p><i>The points will be allocated as follows:</i></p> <ul style="list-style-type: none"> • Zero to five qualifying transactions/matters = 0 • Six qualifying transactions/matters = 30 (max) • Seven qualifying transactions/matters = 35 (max) • Eight qualifying transactions/matters = 40 (max) 		

Notes:

- *The transactions/matters referred to above **do not** have to be per service category that the bidder bids for, but need to demonstrate its experience in each service category for which it is bidding.*
- *Therefore, one transaction/matter can depict the bidder's experience in more than one service category.*
- *The outcome of the transactions/matters submitted for consideration will not be a determining factor in the evaluation process; rather, the quality and the manner in which they were dealt with will carry more weight.*
- *Firms that provide less than the required minimum number of transactions/matters in their portfolio of evidence, i.e. **Table C of Appendix A**, will be disqualified and not eligible for further evaluation.*
- *Where the bidder is restricted by confidentiality and, therefore, cannot disclose the client's name, it may omit that detail.*

5.4. Phase Four: Specific Goals and Pricing

All bids that achieve the minimum qualifying score for functionality (acceptable bids) under Phase Three, per above, will be shortlisted for each firm category they have submitted a bid for and evaluated further in terms of Specific Goals and Pricing, as set out in paragraphs 19.4.1 and 19.4.2, on the 90/10 point system, as follows:

Criteria	Points
Specific Goals	10
Pricing	90
Total Points	100

SUPPORTIVE INFORMATION

The information provided underneath must support the bidder's bid in respect of all Service Categories for which it submitted a bid.

The forms provided herein below may be reproduced and the information typed in, but may not be amended through the deletion or addition of certain information or aspects.

Table A: Details in Support of the Minimum Number of Service Categories (SC)

The details required below are for what the bidder has submitted a bid for (please refer to 3.4 of Section B of this RFT document for the service category naming convention).

Service Category	Number of Years Specialising in the SC (Accumulated years of all the bidder's legal practitioners in rendering the relevant service)	Number of Service Specialists (Legal practitioners who are part of the bidder's team and will be rendering the services)	Number of Transactions/Matters in the SC Rendered by the Firm in the Last Financial Year (Incl. active matters)

Note: The information provided in this table will be verified against what is provided in Table B below and stage two, if the bidder progresses thereto.

Table B: Details of the Bidder’s Proposed Team of Lawyers for the Service Categories

The details needed below relate to what the bidder has submitted a bid for (please refer to paragraph 5.3.1 of Section B of this RFT document).

Name	Position/Designation	Qualifications	Relevant Experience: Projects/Matters Worked On and Clients Served			
			Name of the Matter/Transaction	Relevant SC	Description of the Matter and Related issues	Years of Experience

Table C: Details of the Bidder’s Current and Past Experience in the Service Categories

The details required below are in relation to what the bidder has submitted a bid for (please refer to paragraph 5.3.2 of Section B of this RFT document).

Relevant SC	Client’s Name/ Parties	Transaction/Case Description	Est. Transaction/ Claim Value	Project Period (Start and end dates)	Description of the Service Performed, Extent of Bidder’s Responsibilities and Outcome	Name, Title and Telephone Contact of Client

Note: Any matter provided herein shall not be older than three years. Where the bidder is restricted by confidentiality and, therefore, cannot disclose the client’s name, it may omit those details. Where the bidder is applying for the provision of legal advisory and/or support services in any of the SCs set out in item 5 of paragraph 3.4 above, it is required to provide a minimum of two opinions previously rendered. The names of the parties may be redacted in the opinions. **The IRBA undertakes to keep the information provided confidential and use it solely for the purpose of evaluating the bidder’s proposal in respect of the provision of legal services to the organisation.**

ANNEXURE A: DECLARATION OF INDEPENDENCE FROM THE AUDITING PROFESSION

The bidder must complete this declaration form. Please review the entire form thoroughly before affixing your signature to it; and also make sure that it is signed and dated by the appropriate authority within your firm.

1. Purpose of the Form

The Independent Regulatory Board for Auditors is a statutory body established in terms of Section 3 of the Auditing Profession Act 26 of 2005, as amended. It maintains independence from the registered auditors it regulates. As such, no bids will be considered from any entity or person that it regulates, including network firms, as defined in the IRBA Code of Professional Conduct for Registered Auditors.

Thus, any bidder with any direct or indirect financial or personal ties to an auditor or an audit firm that the IRBA regulates will be deemed ineligible to participate in the bidding process. So, bidders are required to declare and confirm that they are independent of the auditing profession in that:

- They are not employed by an audit firm and/or a network firm; and
- They do not 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.

To this end, all bidders are required to make this declaration in respect of the details required hereunder.

2. Bidder’s Declaration

By appending their signature herein below, the bidder’s signatory declares and confirms that their attorney firm is independent of the auditing profession in that:

- It is not employed by an audit firm and/or a network firm, as defined in the IRBA Code of Professional Conduct for Registered Auditors.
- It does not 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.

The bidder understands that any misrepresentation of its independence will result in a disqualification from the bidding process.

.....
Name	Position

.....
Entity Name	Date

ANNEXURE B: FINANCIAL PROPOSAL

Bidders must provide their pricing proposal in line with the SDB 3.3 form provided and the conditions herein below.

- a) Bidders are required to submit an all-inclusive quote on an official company letterhead, using the Pricing Schedule format attached. This schedule must cover the cost for all of the expected elements linked to any of the specified deliverables, as per the scope of work, for the duration of the contract.
- b) Bidders must submit price quotations that are inclusive of Value-Added Tax and any other applicable taxes.
- c) The submission of the Pricing Schedule is compulsory, and service providers must ensure that it is completed without changing the structure. Failure to complete same in the prescribed manner and with unauthenticated alterations to the prices may result in the disqualification of a bid during the financial evaluation process.
- d) The quoted rates in the Pricing Schedule must be fixed and firm for the duration of the contract and be inclusive of yearly increases, where applicable. To this effect, the bidder must complete the SBD 3.3. form.
- e) Pricing evaluations will be done in accordance with the firm category within which the bidder is classified (refer to Section B, paragraph 2.5); as such, bidders will only be competing against those in the same firm category.
- f) The pricing proposal must be submitted in a separate sealed envelope at the time of submitting the bid response as a Returnable Schedule.
- g) The execution of this contract will be governed by the rates quoted, unless stated otherwise.

PRICING PROPOSAL FOR THE PANEL OF ATTORNEY FIRMS

Description	Level 1	Level 2	Level 3	Level 4	Level 5
Attorney/Legal Practitioner: Years of experience	Director/Legal Practitioner with more than 10 years' post-admission experience	Senior Associate/Legal Practitioner with five to 10 years' post-admission experience	Associate/Legal Practitioner with less than five years' post-admission experience	Candidate Legal Practitioners	Paralegal, if applicable
Proposed hourly rate					
Specified Items					
Taking instructions, irrespective of the nature thereof					
Travelling by vehicle per km					
Time spent travelling p/h					
Fax per page					
Printing per page					
Making photocopies per page					
Calls made per minute					
Other Predetermined Rates					
Escalation rate, if any					
NOTE: The preparation, sorting and arrangement of documents and briefs; paginating; filing; copying; faxing; printing; and other administrative tasks will be paid at the rate of a candidate attorney or paralegal.					

ANNEXURE C: COMPLIANCE WITH PERSONAL INFORMATION PROCESSING LAWS

The Protection of Personal Information Act 4 of 2013 (POPIA) restricts the processing of personal information to circumstances that are lawful, legitimate, responsible and that comply with the provisions of the POPIA.

The IRBA will have to process certain personal information, which is owned or held by bidders; and thus, to comply with the POPIA, the IRBA must provide bidders, whose personal information is processed, with a number of details pertaining to such processing, prior to the information being processed, which details are housed under the IRBA Procurement Processing Notice found on the [IRBA website](#). You are requested to download and read the Notice. Please note that most of your personal information, which we will be processing, is required for lawful purposes and, as a result, your consent to process will not be required. Where we do, however, require your consent, which is indicated in the Notice, the handing over of such personal information to the IRBA will be viewed as consent to the IRBA's processing of such personal information.

Where the IRBA's personal information is provided for processing, the IRBA consents to the processing thereof, provided that you or any other recipient who processes it undertakes to process all and any such personal information strictly in compliance with the POPIA, and subject further that where the IRBA's personal information is not processed in accordance with the POPIA, then the person handling such information indemnifies and holds the IRBA and/or any third parties that may be or will be affected by such non-compliance harmless against all and any liabilities, loss or damages, including pecuniary, non-pecuniary and/or aggravated damages, which the IRBA or any data subject or other person may incur in consequence of such non-compliance, such person (who is processing the personal information) agreeing to pay to the IRBA and/or any affected data subject/s or third party/ies all and any such damages which they may have incurred as a result of such non-compliance, on demand, and NO LIMITATION OF LIABILITY CLAUSES housed under this document or elsewhere WILL UNDER ANY CIRCUMSTANCES LIMIT THE ABOVEMENTIONED DAMAGES.

Where the IRBA provides personal information to you in terms of this document and you are tasked with processing it on behalf of the IRBA in your capacity as an "Operator", as defined under the POPIA, then in such case the provisions set out under the IRBA standard "Operator Agreement/Addendum" found on the IRBA website will apply to such processing, which terms will be incorporated into and read together with this document.