

**INVITATION TO REGISTER ON IRBA DATABASE
PANEL OF ATTORNEYS**



BID NUMBER: IRBA 001/2010

DESCRIPTION: INVITATION TO REGISTER ON IRBA DATABASE PANEL OF
ATTORNEYS

BRIEFING SESSION: NO

CLOSING DATE: 10 SEPTEMBER 2010

CLOSING TIME: 12H00

**TERMS OF REFERENCE FOR SUPPLIER DATA-BASE REGISTRATION:
PANEL OF ATTORNEYS**

1. BACKGROUND TO INDEPENDENT REGULATORY BOARD FOR AUDITORS

The Independent Regulatory Board for Auditors (IRBA) is established in terms of Section 3 of the Auditing Profession Act (Act No. 26 of 2005), (“the Act”) which had an effective date of 1 April 2006. The objects of the Act as set out in section 2 of the Act are as follows:-

- To protect the public in the Republic by regulating audits performed by registered auditors;
- To provide for the establishment of an Independent Regulatory Board for Auditors;
- 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;
- To set out measures to advance the implementation of appropriate standards of competence and good ethics in the auditing profession; and
- To provide for procedures for disciplinary action in respect of improper conduct.

2. BACKGROUND TO THIS INVITATION TO REGISTER ON THE DATA BASE

The Legal Department of the IRBA is responsible for the provision of legal services to the organisation. It is predominantly occupied with the prosecution of disciplinary proceedings against registered auditors. The need arises for the IRBA to engage external attorneys to assist with these functions.

3. OVERALL OBJECTIVE

IRBA would like to invite suitable legal firms to apply for inclusion on its panel of attorneys, the “preferred service providers”.

4. CONTRACT PERIOD

The period of appointment to the panel is initially for a period of five (5) years which may be renewed and extended by IRBA, for further periods of five years, should the services prove to be acceptable.

5. SCOPE OF SERVICES

The preferred service providers will be expected to render, among other, the following services:-

- drafting of charge sheets for disciplinary prosecution of registered auditors and prosecution of cases before the Disciplinary Committee, including providing advice on evidence and interviewing witnesses.

[In this regard we strongly urge parties who are responding to this invitation to read a selection of the Disciplinary Committee Judgements to be found in our newsletter IRBA News which is available electronically at www.irba.co.za, or on request, in order to appreciate the complexity of this work].

- civil litigation support
- advice on regulatory matters (opinion work)
- assistance in labour disputes
- debt collection

6. REQUIRED ATTRIBUTES

- a working knowledge of auditing and accounting standards and procedures would be advantageous
- knowledge and application of Magistrate's and High Court civil procedure, the South African Constitution and an excellent knowledge of administrative and regulatory law
- knowledge of general litigation and debt collection
- an ability to work in both English and Afrikaans
- a fast turnaround time and ability to learn quickly
- conformance to exceptional quality and standard of work, and meticulous attention to detail

7. SELECTION CRITERIA FOR THE PREFERRED SERVICE PROVIDERS

- historic disadvantaged individual (HDI) status
- functionality factors, being:
 - track record in the identified field for example similar clients;
 - experience and qualifications of the lawyers in question;
 - ability to provide the services adequate institutional support;
 - current proposed fee structure; and
 - an assignment to be performed as a part of the evaluation process.

[In this regard parties who are considering applying for consideration as “approved service providers” will be required to perform an assignment, and render an indication of what that assignment would have cost, had it been an instruction].

8. ADDITIONAL DOCUMENTS TO BE SUBMITTED

- Vendor accreditation form (Annexure B)
- Valid tax clearance certificate
- Declaration of interest (SBD-4) (Annexure A)
- Copy of your fidelity fund certificate
- Three (3) printed copies of your documents for the evaluation committee

9. ENQUIRIES

For further information contact:

Jane O'Connor: 087 940 8803 joconnor@irba.co.za on technical questions

Xolisa Gugushe: 087 940 8817 xgugushe@irba.co.za on matters in point 8 above

10. SUBMISSION DETAILS

All proposals should reach the IRBA's Office by: 12pm on 31 August 2010

A hard copy of the proposals must be submitted to:

The Supply Chain Officer
Independent Regulatory Board for Auditors
Building 2, Greenstone Hill Office Park
Emerald Boulevard
Modderfontein

Or post to:

P O Box 751595
Garden View
2047

SBD-4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state*, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-

- The bidder is employed by the state; and/or
- The legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:
.....

2.2 Identity Number:
.....

2.3 Position occupied in the Company (director, shareholder etc):
.....

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

* "State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / shareholder/ member:

.....
Name of state institution to which the person is connected:

.....
Position occupied in the state institution:

.....

Any other particulars:

.....
.....
.....

2.8 Did you or your spouse, or any of the company's directors / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....
.....
.....

2.10 Are you, or any person connected with the bidder, **YES / NO**

aware of any relationship (family, friend, other) between the bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

.....
.....
.....

2.11 Do you or any of the directors /shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES / NO

2.11.1 If so, furnish particulars:

.....
.....

DECLARATION

I, THE UNDERSIGNED
(NAME)

.....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2.1 TO 2.11.1 ABOVE IS CORRECT. I ACCEPT THAT THE PRINCIPAL MAY ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



VENDOR QUALIFICATION FORM

Introduction

- Completion of this form does not mean that the IRBA has accepted your business entity as a vendor.
- Qualifying as a vendor does not necessarily mean that the IRBA will invite your business entity to tender every time the IRBA puts out tenders or requests for quotations.
- The IRBA will use the information that you fill on this form to pre-qualify your business entity in terms of the criteria stipulated below. This will apply for both existing and new vendors.
- The IRBA will treat all the information that you supply with strict confidentiality.
- The IRBA reserves the right to request additional information or documents regarding answers you provide in this form.
- The IRBA reserves the right to perform an audit to confirm or check any of the answers that you supply.
- Please make sure that your CEO or relevant responsible person of the business entity puts his/her signature to this application before you return it to the IRBA.
- Please respond to all questions in the application as incomplete forms will not be processed.

FOR OFFICE USE ONLY	VENDOR NUMBER:.....
SERVICE TO BE RENDERED:
Application processed by: _____	Date captured: _____
Name of IRBA Official	

A. GENERAL INFORMATION

Name of Business Entity

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Trading name of entity

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Core Business Activity

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Postal Address of business entity (To which all correspondence must be sent)

Physical Address of business entity (For Inspection Purposes)

Contact details for your business entity

Web address :	
Tel. (Office)	
Fax (Office)	

Registrations: (Please provide Proof of Registration)

	Yes	No	Registration Number
Registration number of Business Entity			
SARS – Business entity tax number			
SARS – VAT number			

B. EQUITY OWNERSHIP

Ownership	Percentage owned
Equity ownership by persons who had no franchise in the national elections	%
Equity ownership by women	%
Equity ownership by disabled persons*	%

“Historically Disadvantaged Individuals (HDI’s)” means a South African citizen

- (1) Who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) (“the interim Constitution”); and or
 - (2) Who is a female; and/or
 - (3) Who has a disability.
- Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI.

Type of firm/ Company (please tick)

	Partnership		Manufacturer
	Sole Proprietor		Supplier
	Close Corporation		Professional service provider
	Company		Other (Specify)
	Other(specify)		

Please submit proof on the above if relevant

Total number of years the ENTITY has been in business?

List all shareholders by Name, Position, Identity Number, Citizenship, HDI status and ownership, as relevant.

SURNAME AND INITIALS	IDENTITY NUMBER	CITIZENSHIP	*HDI Status(YES/NO)			% of business/enterprise owned
			PDI	Women	Disabled	

C. FINANCIAL INFORMATION

Kindly indicate your business entity’s turnover over the past 3 years

Previous Financial Year (Specify Period):	
Last Financial Year (Specify Period):	
This Financial Year (Specify Period):	

Kindly furnish your business entity’s banking details below (Please attach cancelled cheque)

Name of Bank					
Name of Branch					
Account Number					
Branch Code					
Account holder					
Type of Account	Current / Cheque	Transmission	Savings	Other(specify)	

List your business entity’s main customers

Name of Business entity	Name of Contact Person	Telephone Number
a)		
b)		
c)		

D. HUMAN RESOURCES

What is the total full-time staff complement of your business entity?

Management	Skilled	Semi-skilled	Unskilled	Total	Employees with Disabilities (already included in Total)

Provide demographical breakdown of your work force as per table below

	Black		Asian		Coloured		White		Total		TOTAL
	M	F	M	F	M	F	M	F	M	F	
Permanent Employees											
Consultants/Contractors											
Top Management/ Directors											
Middle Management											
Lower Level											
Physically Handicapped											

E. QUALITY MANAGEMENT

Is your business entity ISO 9001/2:1994 / 9001/2000 listed?

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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If YES, please provide details below

If in the process of obtaining listing, please indicate the planned date of ISO implementation

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F. PROCUREMENT

**List the Main Range of Products/Services your business entity can offer the IRBA
(Please attach own list if space provided is inadequate)**

G. DECLARATION

<p>I hereby declare that the above information is correct at the time of completion. I certify that I have the appropriate authority to furnish the above-mentioned information on behalf of my employer.</p>	<p>Respondent's Signature</p> <p>.....</p> <p>On behalf of: (Business entity's name)</p> <p>.....</p> <p>Date</p>
Respondent's Name:	Respondent's Title/Position
Business entity Stamp	
<u>Contact Information for your business entity:</u>	
Name of person:	
Designation of person:	
Telephone number:	
Fax number:	
E-mail address:	

CHECKLIST OF DOCUMENTS ATTACHED	YES	NO	N/A
1) Copy of business entity's registration documents: <ul style="list-style-type: none"> • <u>For Close Corporations</u> – a copy of the CIPRO report showing the owners of the cc • <u>For Pty Ltd</u> – a copy of the CIPRO report as well as a copy of the shareholders agreement or a letter from your auditors confirming the shareholding of the company 			
2) Current business entity original Tax Clearance Certificate			
3) A copy of your BEE status verification certificate(Where applicable)			
4) Cancelled cheque			