



INVITATION TO REGISTER ON THE IRBA PANEL OF ATTORNEYS' DATABASE

BID NUMBER: IRBA 002/2016

DESCRIPTION: INVITATION TO REGISTER ON THE IRBA PANEL OF
ATTORNEYS' DATABASE

BRIEFING SESSION: NO

CLOSING DATE: 5 APRIL 2016

CLOSING TIME: 12H00

TERMS OF REFERENCE FOR SUPPLIER DATABASE REGISTRATION: PANEL OF ATTORNEYS

1. BACKGROUND TO THE INDEPENDENT REGULATORY BOARD FOR AUDITORS

The Independent Regulatory Board for Auditors (IRBA) was established in terms of Section 3 of the Auditing Profession Act, No.26 of 2005 (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:

- 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 DATABASE

The Legal Department of the IRBA is responsible for the provision of legal services to the organisation. Its main focus is prosecuting and conducting disciplinary proceedings against registered auditors. The department also provides legal support to the investigations process.

From time to time, a need arises for the IRBA to engage external attorneys to assist with these functions.

The total spending per year for legal services is about R8 million.

3. OVERALL OBJECTIVE

The IRBA would like to invite suitably qualified legal firms to apply for inclusion to its panel of attorneys' database.

4. CONTRACT PERIOD

Firms that get appointed to the panel will be on the database for three years.

5. SCOPE OF SERVICES

The service providers will be expected to render the following services, among others:

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

[In this regard, we strongly urge parties responding to this invitation to read a selection of the Disciplinary Committee judgements in our newsletter, the *IRBA News*, which is available electronically at www.irba.co.za or on request.]

- Civil litigation support, including High Court reviews.
- Advice on regulatory matters.

6. REQUIRED ATTRIBUTES

- Awareness of the auditing and accounting standards, and the IRBA Code of Professional Conduct.
- Experience in Magistrates’ Court and High Court civil procedures and the leading of evidence.
- An excellent knowledge of administrative, regulatory and constitutional law.
- Experience in general litigation.
- Exceptional quality and standard of work, and meticulous attention to detail.
- Advocacy and cross examination skills and experience.
- Firms that are included to our panel are prohibited from acting against the IRBA in any matter.

Please indicate in which language/s your firm is proficient.

7. DOCUMENTS TO BE SUBMITTED

- Vendor Accreditation Form.
- Valid Tax Clearance Certificate (Refer to SBD 2: Tax Clearance Certificate Requirements).
- B-BBEE Certificate of Measured Entity (if no certificate is received, a score of zero will be allocated for evaluation purposes).
- Proof of banking details.
- Copy of your company/entity registration certificate (if applicable).
- Current Fidelity Fund Certificate.
- SBD 1: Invitation to Bid.
- SBD 4: Declaration of Interests Form.
- SBD 8: Abuse of Supply Chain Management System.
- SBD 9: Certificate of Independent Bid Determination.

8. SELECTION CRITERIA TO THE PANEL OF ATTORNEYS

As the evaluation will be based on the criteria listed below, adequate information should be included in the proposal.

Criteria	Points
Experience and qualifications of the lawyers in question	40
Ability to provide the services and adequate institutional support	20
Fee structure of the lawyers in question	20
Pro-active B-BBEE measures	20
Total	100

Each firm that scores a minimum of 60 points in total and a sub-minimum of 50% in each category will be included to the panel of attorneys for the IRBA.

This, however, does not guarantee any legal work for any specific year.

9. SCORING REQUIREMENTS FOR THE ABOVE CRITERIA

For us to allocate the scores effectively, please provide the following:

9.1 Experience and Qualifications of the Lawyers in Question

- A professional CV of each person on the team that will provide services to the IRBA in terms of this tender.
- A list of cases that each person has argued and details of the court or tribunal where this took place.
- An opinion provided by a member or members of the team on an administrative, regulatory, procedural or constitutional matter.
- Experience in legal work involving auditing or accounting matters.

9.2 Ability to Provide the Services and Adequate Institutional Support

- Years in business.
- Turnover fees for the past two to three years.
- Professional staff numbers.
- Reference letters, if relevant.

9.3 Fee Structure of the Lawyers in Question

Indicate the fees that will be charged in the first year of engagement for each of the categories stipulated below, in rand per hour.

Partner level 5 – >15 years’ experience	Partner level 4 – >8 years’ experience	Associate level 3 – >5 years’ experience	Prof assistant level 2 – <5 years’ experience	Candidate Attorney – Level 1
R...	R...	R...	R...	R...

9.4 Proactive B-BBEE Measures

This is split into the following two aspects and scored as indicated below.

- B-BBEE Status Level

B-BBEE Status Level	Number of Points
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Noncompliant contributor	0

- Composition of the Team

Percentage of Blacks in the Team	Number of Points
100%	10
90%	9
80%	8
50%	5
40%	4
30%	3
20%	2
10%	1
Non-black	0

“**Black people**” is a generic term that refers to Africans, Coloureds and Indians.

10. ENQUIRIES

For further information, contact:

- Jane O’Connor: (087) 940-8803 or joconnor@irba.co.za for technical enquiries.
- Xolisa Gugushe: (087) 940 8817 or xgugushe@irba.co.za for matters that relate to point 7 above.

11. SUBMISSION DETAILS

Proposals should be forwarded to the IRBA offices and the details are as follows:

- Closing Date: **5 April 2016**
- Closing Time: **12h00**
- Address: The Supply Chain Officer
Independent Regulatory Board for Auditors
Operations Department
Building 2, Greenstone Hill Office Park
Emerald Boulevard
Modderfontein
1609