



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

BID NO.: IRBA/01/2025/RFT

CLOSING DATE: 26 MAY 2025 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.

RESPONSE TO QUESTIONS RECEIVED POST ADVERTISEMENT OF THE BID

Question 1: With reference to paragraph 10.2 of the tender document, kindly confirm if the Annexure D: financial proposal and SBD 3.3 forms should be submitted in one separately sealed envelope or whether each of the forms should be submitted in its own envelope (meaning Annexure D: financial proposal in one separate sealed envelope and SBD 3.3 in another separate sealed envelope).

Answer 1: The Pricing Schedule (Annexure D: Financial Proposal) and the SBD 3.3 forms should be submitted in one sealed envelope.

Question 2: What is the minimum number of service categories or areas of practice a small firm is permitted to bid for?

Answer 2: Small firms must bid for a minimum of two categories. Bidders may apply for all categories should they possess the relevant experience in the required areas.

Question 3: Does the reference letter need to include specific dates for services rendered, or is a general statement like 'has been a service provider for a number of years' acceptable?

Answer 3: The reference letter must clearly specify the period during which the service/s were rendered. The dates are required to clarify whether the services rendered fall within the requested three-year period.

Question 4: How can we obtain the attendance register for this compulsory briefing session, since attendance is mandatory?

Answer 4: Please note that bidders are not required to submit proof of attendance for the compulsory briefing session, as the IRBA has maintained an official attendance register. Attendance of the bidding firms will be verified against this register.

Question 5: Under Category 4 – Legal Advisory Services, does a firm need to have experience in all the listed areas of law, or would experience in specific areas such as commercial and contractual law, and interpretation of law, be sufficient?

Answer 5: Bidders are required to demonstrate experience in a minimum of one area of law.

Question 6: Are we required to submit certified copies of the relevant qualifications of the proposed team?

Answer 6: Bidders are not required to submit certified copies of the relevant qualifications at the time of bid submission.

Question 7: Are we allowed to submit a typed document in respect of Annexures A and B or must it be handwritten?

Answer 7: With respect to Annexures A and B, typed submissions are acceptable. It is, however, imperative that all information provided is clear, accurate, and aligns with the requirements set out in the tender document.

Question 8: With regards to the level of detail requested under Element 5, there a potential conflict between providing such information and maintaining confidentiality or legal privilege? How can we balance the need for disclosure in respect of protecting our clients' sensitive information?

Answer 8: The IRBA acknowledges and respects confidentiality obligations and therefore bidders are not required to disclose the name of their clients.

Question 9: Could you please confirm whether the Legal Practice Council certificate, which should not be older than three months, applies to all team members or only to the lead attorney?

Answer 9: Firms are required to submit a certificate of good standing for all team members that will form part of the team.

Question 10: In respect of the Award strategy, could you clarify the method or process you will use if, for example, 20 firms qualify and there are firms that tie in scoring? How will you scale it down to 12?

Answer 10: The selection process will be based on the outcome of final scores on pricing and specific goals for each firm category. For example, the highest scoring bidders on pricing and specific goals will be ranked accordingly. In the event of a tie when we reach positions #5 and #6, and both firms have identical scores in pricing and specific goals, and we are only able to appoint one more firm to the panel, we will revert to the applicable regulations by conducting a drawing of lots to determine the winning bid. This will apply to each Firm category.

Question 11: Could you please clarify the validity period of the Fidelity Fund Certificate and whether it must be valid at the time of the tender closing?

Answer 11: The Fidelity Fund certificate must be issued for the period between 1 January 2025 to 31 December 2025

Question 12: Does a reference letter need to be on the client's letterhead? If so, how should this be handled in cases where the client is a private individual who does not have a letterhead?

Answer 12: Bidders must ensure that the reference letters meet all required criteria as outlined in Element 6 of the evaluation criteria.

Question 13: What type of proof is required to demonstrate services rendered in relation to investigations conducted as part of disciplinary processes involving employees? Additionally, do employment agreements qualify as acceptable evidence of service in relation to the handling of disciplinary hearings?

Answer 13: Bidders are requested to complete Annexure B3 in respect of all investigations conducted. Furthermore, where a bidder is bidding for service category 3 (Investigations), the bidder will have to provide reference letters confirming that the firm has conducted investigations.

Question 14: How many firms does the IRBA intend to appoint through this tender process?

Answer 14: The IRBA intends to appoint 12 firms, which include 3 small firms, 5 medium firms and 4 large firm.

Question 15: Will a mandate signed by the client be accepted as a valid form of reference or evidence of service?

Answer 15: No.

Question 16: With reference to Annexure B – Service Categories, do you only require finalized matters, or would matters still in progress also be considered?

Answer 16: Nothing prohibits a bidder from providing pending matters, however please note that you may experience a challenge in completing Annexure B1 – B4, especially the column in “Success and Outcomes”.

Question 17: Are bidders permitted to attach proof of work done under the service categories for which they are bidding, in support of their submission?

Answer 17: While bidders may submit supporting documentation, it is important to note that the relevant tables and annexures must be fully completed with the necessary and relevant information, as per the tender requirements. Bidders should limit the submission of information that is not specifically required. The bid response should focus solely on providing the information requested in the tender documents.

Question 18: Could you clarify the IRBA’s expectations regarding the scope and format of skills transfer to the legal team, the role of larger firms in mentoring smaller firms (including any joint instructions), and the process for managing conflicts of interest if a firm represents a commercial client under investigation?

Answer 18: As part of its skills transfer objectives, the IRBA Legal Department may, in certain instances, co-prosecute matters with appointed attorneys. This collaborative approach is intended to build internal capacity, enabling IRBA to independently handle prosecutions in the future. To further promote capacity building, the IRBA may also pair large firms with small firms for the purpose of mentorship and skills development, particularly in relation to joint matters.

All bidders are required to disclose any actual or potential conflicts of interest. This includes, but is not limited to, instances where the bidding firm currently represents or has previously represented a client that is under investigation by the IRBA. In such cases, disclosure is mandatory, and firms are strictly prohibited from representing companies that are the subject of an active IRBA investigation.

Question 19: Must reference letters strictly list each service category, or can a single reference letter be applied across multiple service categories?

Answer 19: A single reference letter may be applied across multiple service categories. This means that one reference letter can cover more than one service category, provided it meets the necessary criteria outlined in the tender requirements.

Question 20: The SBD 1 form requires the total bid price per category, while the SBD 3.3 form states that we must provide a ceiling price. Could you please clarify how this should be completed in the context of a rate-based tender?

Answer 20: As this is a rates-based tender, bidders are required to complete the pricing schedule in full, reflecting hourly rates, professional level rates, item-specific rates, and escalation rates. These will be used to calculate pricing points for evaluation purposes. Total or ceiling prices are not applicable.

Question 21: With respect to pagination, should the entire bid document, including annexures, be paginated, or only the annexures? My understanding is that all documents submitted as part of the bid must be paginated.

Answer 21: Bidders are required to paginate the entire bid document, starting from the first page of the bid document and ensuring that all pages, including annexures, are numbered sequentially.

Question 22: What would be your recommendation to efficiently obtain reference letters for various service categories from a single client? It has been observed that clients may become frustrated when repeatedly asked for multiple reference letters, leading to delays that are beyond our control. How can we mitigate these challenges while ensuring compliance with the tender's requirements?

Answer 22: A single reference letter submitted, may contain more than one service category. It is the bidder's responsibility to ensure reference letters are received prior to the closing date of the tender.

Question 23: Can a small firm submit a bid in partnership with a larger firm as a joint venture under this tender?

Answer 23: While partnerships are permissible, it is imperative to note that all mandatory information for each partner involved in the joint venture must be submitted in full as part of the bidding process. Failure to provide such information may result in disqualification.

Question 24: If one transaction applies to multiple categories, should we submit it multiple times across Annexures B1–B4, or is it sufficient to cross-reference the transaction?

Answer 24: The transaction information for each service category must be included in the respective Annexure to which it pertains to. The different annexures can be included in a separate section, provided that each annexure is clearly indicated and referenced. While the annexures can be placed separately, they must still be clearly linked to the body of the document, with appropriate references to ensure clarity.

Question 25: Will reference letters issued by the IRBA be accepted as part of the bid submission?

Answer 25: Yes, reference letters issued by the IRBA will be accepted, provided they meet all the tender requirements outlined under Element 6.