



**BID NO.** : **IRBA003/2019/RFT**  
**CLOSING DATE** : **6 DECEMBER 2019 AT 12H00**  
**COMPULSORY BRIEFING SESSION** : **22 NOVEMBER 2019 AT 13H30**

**BID DESCRIPTION: APPOINTMENT OF A PANEL OF LEGAL FIRMS FOR THE PURPOSE OF PROVIDING LEGAL SERVICES TO THE IRBA**

1. Bidders are invited to submit their proposals for the supply of the abovementioned services, according to the attached Terms of Reference and conditions, as outlined in the tender document.
2. This bid is subject to the General Conditions of Contract (GCC) and, where applicable, any other special conditions of contract.
3. Kindly note that the bid offers should be submitted as follows:
  - **Via hand delivery** and they should be deposited in the tender box on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609.
4. Failure by the bidder to attend the compulsory briefing session will result in their bid response not being considered.
5. No bids forwarded via email, fax or similar medium will be considered.
6. No late bids will be accepted.

**DIRECTOR: OPERATIONS**

**DATE:** .....  
*Albaich*

# TENDER DOCUMENT: APPOINTMENT OF A PANEL OF LEGAL FIRMS

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## 1 SECTION 1: GENERAL CONDITIONS OF THE BID

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The Independent Regulatory Board for Auditors (IRBA) would like to invite suitably qualified law firms to apply for appointment into the IRBA panel of legal firms for the purpose of providing legal services to the IRBA, for a period of **five (5) years**.

## SECTION 1: GENERAL CONDITIONS OF THE BID

### 1. Proprietary Information

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The IRBA considers this Request for Tender (RFT) and all related information, either written or verbal, which 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 related information to any third party without the prior written consent of the IRBA.

### 2. Enquiries

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

#### Technical Enquiries

Rebecca Motsepe

Tel: (087) 940-8800

E-mail address: [rmotsepe@irba.co.za](mailto:rmotsepe@irba.co.za)

#### RFT Enquiries

Samantha Berry

Tel: (087) 940-8800

E-mail address: [sberry@irba.co.za](mailto:sberry@irba.co.za)

2.2 All bidders must attend a compulsory briefing session scheduled for Friday, 22 November 2019, at 13h30 at the IRBA offices, on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609. **Failure by the bidder to attend the briefing session will result in their bid response not being considered.**

2.3 Enquiries in relation to this RFT will not be entertained after the 29<sup>th</sup> of November 2019.

2.4 The enquiries will be consolidated and the IRBA will issue one response that will be posted, within two days after the last day of enquiries, on the IRBA website ([www.irba.co.za](http://www.irba.co.za)) under tenders.

2.5 The IRBA may, in its absolute discretion, respond to any enquiry in its absolute discretion 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 inability to resolve ambiguities.

### 3. Bid Validity Period

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Responses to this RFT received from bidders will be valid for a period of 145 days, counted from the bid closing date.

## 4. Background

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- 4.1 The 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.

## 5. Minimum Requirements for a Bid

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- 5.1 Interested firms must comply with the minimum conditions below, if they would like their proposals to be evaluated on functionality. Failure to submit or comply will render the bid non-compliant.
- 5.2 Interested firms are required to complete and submit **appropriately signed** Standard Bid Documents (SBDs), **failing which their bid responses will be disqualified. These documents are as follows:**
- 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 PPPFA, 2011.
  - SBD 8: Abuse of Supply Chain Management System.
  - SBD 9: Certificate of Independent Bid Determination.
  - Certified copy of the firm's BEE Certificate.
  - IRBA Supplier Information Form.
- 5.3 **B-BBEE:** Only firms with a stipulated **B-BBEE level 4 and higher rating** will be considered for the bid.
- 5.4 **Joint Ventures:** A consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate and an Original Tax Clearance Certificate, or a pin allocated by the South African Revenue Service (SARS), together with their tenders. Each participating party needs to complete the SBD 4 document.
- 5.5 **National Treasury – Central Supplier Database (CSD):** Suppliers must submit confirmation of the company or individual registration on the CSD. The IRBA will not award any contract to a supplier that is not registered as a prospective supplier on the CSD, as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 4 of 2016/2017. The CSD registration requirement applies to all companies/individuals, including joint ventures and subcontracted companies. Bidders may register on the CSD register through the National Treasury website ([www.csd.gov.za](http://www.csd.gov.za)).

- 5.6 **VAT:** Service providers must submit price quotations that are inclusive of VAT (if applicable) with their proposals.
- 5.7 **Tax Clearance:** A valid tax clearance certificate or a pin (obtainable from SARS) must be included in the bid response; alternatively, include proof of application that is endorsed by SARS in this regard.

## 6. Instructions on the Submission of Bids

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- 6.1 The IRBA requires three (3) printed copies – one (1) hard copy original and two (2) additional copies – of the complete bid documentation supporting the criteria as stated in section 2 of the document. Bidders should also submit an electronic copy in a flash drive. The IRBA reserves the right to make additional copies, if required, for the evaluation.
- 6.2 The SBD 3.3, Financial Proposal, must be submitted in a separate sealed envelope.
- 6.3 The tender document must be hand-delivered and placed in the tender box on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609, by no later than 12h00 South African time on **6 December 2019**.
- 6.4 The bid register located where the tender box is must be signed by the person making the delivery.
- 6.5 The bid closing date, bidder name and the return address must also be endorsed on the envelope.
- 6.6 No bid response received by email, fax or similar medium will be considered.
- 6.7 Where a bid response is not in the bid box at the time of the bid closing, such a bid document will be regarded as a late bid. It is the IRBA's policy not to consider late bids for tender evaluation.
- 6.8 Amended bids may be sent in an envelope marked "Amendment to bid" and should be placed in the bid box before the closing date and time.

## 7. Preparation of the Bid Response

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- 7.1 All the documentation submitted in response to this RFT must be in English.
- 7.2 The bidder is responsible for all the costs that it shall incur related to the preparation and submission of the bid document.
- 7.3 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.
- 7.4 The bidder should check the numbering of the pages of its bid to satisfy itself that none are missing or duplicated. No liability will be accepted by the IRBA in regard to anything arising from the fact that pages of a bid are missing or duplicated.
- 7.5 A list of all references (a minimum of three (3), as per the Functional Evaluation Criteria set out in section 2 of the RFT) must be included in the bid response.
- 7.6 A copy(ies) of valid and current certificates from the professional organisations/bodies that the bidder is affiliated to or a member of must be included in the bid response.

## **8. Requirement to Conclude a Contract**

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- 8.1 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, shall form the basis for a formal contract to be negotiated and concluded between the IRBA and the successful law firm to whom the IRBA will award the bid, either in whole or in part.

## **9. Contract Period**

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- 9.1 The contract shall be for a period of five (5) years, on an "as and when required basis", subject to an annual review of the service provider's performance.
- 9.2 Notwithstanding the expiry of the contract period set out in 9.1 above, the appointed firms, where already on brief in respect of certain matters, will be required to see those matters to finality. 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.
- 9.3 The successful bidder(s) shall, upon receipt of written notification of an award, be required to conclude a contract, inclusive of a Service Level Agreement (SLA) with the IRBA, and this will form an integral part of the contract. The SLA will serve as a tool to measure, monitor and assess the service provider's performance and ensure effective delivery of service, quality and value-add to the IRBA's business.
- 9.4 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.

## **10. Assignment of Obligations, Independence and Conflict of Interest**

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- 10.1 The successful firms:
- 10.1.1 May not assign their own obligations;
  - 10.1.2 While they may accept any person, firm, department, company or organisation as a client, the firms may not act against the IRBA in any matter; and, similarly, the IRBA will not appoint the firms to act against their clients and other connected persons;
  - 10.1.3 Shall, in rendering services to the IRBA, maintain independence and avoid any conflict of interest;
  - 10.1.4 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;
  - 10.1.5 Must advise the IRBA immediately 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 the service; and

10.1.6 Shall restrict the use of the IRBA information and documentation for the purpose for which such information and documentation was disclosed to the firm by the IRBA. Specifically, the firm may not use the IRBA information in representing any of its current or future clients or for the purpose of acting against the IRBA, either during the term of their contract or on termination or expiry of their contract with the IRBA.

## **11. Reporting**

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11.1 The successful law firms shall meet with the IRBA team to discuss reporting and account queries, as and when requested by the IRBA.

## **12. Cancellation of the Contract**

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12.1 The IRBA may, in its sole discretion, and without limitation to any of its other rights elsewhere in law, cancel the contract if the IRBA 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 firm):

- Is executing a contract with the IRBA unsatisfactorily;
- 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;
- Has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract;
- Has in any manner influenced or attempted to influence the awarding of the IRBA's bid process;
- Has, when advised that their proposal has been accepted, given notice of their inability to execute or sign the contract;
- Has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from quoting for this contract, or relating to the bid to be submitted by either party; and/or
- 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.

12.2 The IRBA may, in its sole discretion, resolve that no bid from a bidder whose contract has been cancelled for fraud, dishonesty or contravention of supply chain management legislation, would be considered by the IRBA for a specified period. If the IRBA is satisfied that any person is or was a shareholder or a director of a firm or company, which in terms of paragraph 12.1 is one from which no bid will be favourably considered for a specified period, the IRBA may also decide that no bid from such a person, firm or company shall be favourably considered for a specified period.

12.3 Any restriction imposed upon any person/firm shall apply to any other person/firm with which such a person/firm is associated.



12.4 The IRBA reserves the right to unilaterally terminate the contract with the successful firm on three (3) months' notice, in the event of circumstances beyond the IRBA's control and those that render continuation with the contract undesirable or unnecessary.

### 13. Supplier Performance Management

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13.1 Supplier Performance Management is viewed by the IRBA as a critical component in ensuring value for money in as far as the acquisition of services and the maintenance of good relations between the IRBA and all its service providers are concerned.

### 14. Service Provider Development

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14.1 The IRBA promotes enterprise development. In this regard, successful bidders may be required to mentor small legal firms appointed into the IRBA panel of legal firms and/or assist the IRBA in building internal capacity. The implications of such an arrangement(s) will be subject to negotiations between the IRBA and the successful bidder/s.

### 15. Disclaimer

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15.1 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.

15.2 The IRBA reserves the right to not appoint any bidder that does not comply with the conditions of this bid, or if information that could put the IRBA at risk is obtained by the IRBA about a bidder.

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

### 16. Absence of Obligation

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

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

16.3 The IRBA reserves the right to request changes to any proposed consortia.

### 17. Evaluation Criteria and Points Allocation

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Bids shall be evaluated in terms of the following process and conditions:

17.1 **Phase 1 – Initial screening:** During this phase, bid responses will be reviewed for the purposes of assessing compliance with RFT requirements, including the general bid conditions that include the following:

- Submission of a valid and original Tax Clearance Certificate or a pin (obtainable from SARS), as referenced in 5.7 and 5.4 above.
- BEE Status Certification, as referenced in 5.2 above and 5.3 above.
- Proof of CSD registration as referenced in 5.5 above
- Completion of all Standard Bidding Documents and other requirements, as reflected in 5.2 above, including the following:
  - Section 2: Functional Requirements Specifications; and
  - Section 3: Various annexures.

Failure to comply with the requirements assessed in Phase 1 (compliance) may lead to the disqualification of bids.

## **17.2 Phase 2: Technical/functional evaluation**

Bid responses will be evaluated in accordance with the Functional criteria as follows:

### **17.2.1 Mandatory functional/technical requirements**

All bid responses that do not meet the Mandatory Functional Requirements will be **disqualified** and will not be considered for further evaluation on the Non-Mandatory Functional Requirements. The Mandatory Functional Requirements are stated in paragraph 4 of section 2 of this RFT document.

Failure to comply with the Mandatory Functional Requirements assessed in this Phase 2 will lead to the disqualification of bids.

### **17.2.2 Non-Mandatory functional/technical requirements**

With regard to the Non-Mandatory Functional Technical Requirements, the following criteria (set out in more detail in section 2 of this RFT document) and the associated points will be applicable:

**NB: The following criteria is applicable to each firm category.**

Element	Points
Company profile, systems of quality and level of exposure	10
Relevant qualifications and legal experience of the bidder's team	30
Litigation strategy	10
Recommendations/Reference letters	10
Demonstrable relevant work experience of the bidder in the service category for which the bidder is biddings	40
<b>Total Points</b>	<b>100</b>

**Note: The Non-Mandatory Functional criteria will be evaluated in two (2) stages.**

**(a) Stage 1 will consider only the following elements:**

Element	Points
Company profile, systems of quality and level of exposure	10
Relevant qualifications and legal experience of the bidder's team	30
Litigation strategy	10
Recommendations/Reference letters	10
<b>Total Points</b>	<b>60</b>

Bidders are required to achieve a minimum score of 40 points, out of the 60, during this stage of the evaluation process to be considered further for shortlisting.

(b) Stage 2 will consider only the following element:

Element	Points
Demonstrable relevant work experience of the bidder in the service categories for which the bidder submitted a bid.	40

Bidders are required to achieve a minimum score of 30 points, out of the 40, during this stage of the evaluation process to be considered further for the B-BBEE and Pricing evaluation.

### 17.3 Phase 3: B-BBEE and Pricing

All bids that achieve the minimum qualifying scores for Functionality (acceptable bids) and are shortlisted for each firm category under stage 2 of Phase 2, per above, will be evaluated further in terms of B-BBEE and Pricing, as follows:

Criteria	Points
B-BBEE	10
Pricing	90
<b>Total Points</b>	<b>100</b>

**Note:** Please refer to **SBD 3.3**, annexed to this document, for the format in which the required proposal must be provided.

Pricing evaluations will be done in accordance with the firm categories within which the bidder is classified [refer to section 2, paragraph 2.5] and, as such, bidders will only be competing against bidders in the same firm category.

**NB:** Only the top five (5) scoring firms in each firm category will be eligible for appointment into the IRBA panel of legal firms. Therefore, the IRBA will endeavour to appoint a maximum of 15 firms on its panel of legal firms, and this number may be apportioned equally within the different firm categories.

## 2 SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATIONS

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## SECTION 2: FUNCTIONAL REQUIREMENTS SPECIFICATIONS

### 1. Background to the RFT

The IRBA's Legal Department is responsible for providing objective, value-adding and innovative legal advisory services to the IRBA. The department ensures that the organisation's legal risks are managed adequately in order to reduce the IRBA's exposure to litigation and financial losses. Its main functions include prosecuting and facilitating disciplinary proceedings against registered auditors, managing all litigation instituted by or against the IRBA and providing legal support internally to the IRBA. From time to time, a need arises for the Legal Department to engage external attorneys to assist it in carrying out its functions. Therefore, the purpose of this RFT is to appoint a **panel of legal firms** that shall be engaged on an "*as and when required basis*" to provide legal advisory or representation services to the IRBA.

### 2. Scope of the Work

- 2.1. The IRBA seeks to appoint a panel of legal firms of good standing within the legal fraternity to provide legal services to the organisation on an "*as and when required basis*".
- 2.2. 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.
  - e) Advocacy skills.
- 2.3. Knowledge of the auditing and accounting legislative framework, standards, as well as the IRBA Code of Professional Conduct will be considered advantageous to the bidder's proposal.
- 2.4. The legal services sought have been categorised into six (6) service categories, as reflected below. The bidder must indicate, in the table below and with a **tick (✓)**, the category for which the bidder is bidding.

Service Category		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	Debt collection	
4	Conducting investigations <i>Note: Excluding investigations against registered auditors, in terms of Section 48 of the Auditing Profession Act.</i>	
5	Prosecution and chairing of disciplinary hearings <i>Note: These relate to LRA processes.</i>	

Service Category		Please Tick (✓)
6	Provision of legal advisory and/or services in respect of the following areas of law:	
6.1	Public Law, Administrative Law & Regularity Law	
6.2	Commercial Law, including auditing and/or accounting standards or requirements	
6.3	Procurement Law	
6.4	Contractual Law	
6.5	Interpretation of Statutes	
6.6	Intellectual Property Law	
6.7	Labour Law Employment	
6.8	Constitutional Law	
6.9	Governance	

**Note:**

- a) Each category has its own evaluation criteria. The bidder must ensure that they provide the required response/information to the evaluation criteria for each service category for which the bidder is bidding.
- b) Please note that small firms must be able to offer services in at least three (3) of the service categories mentioned above, while medium and large firms must be in a position to offer services in at least five (5) of the service categories.
- c) Notwithstanding the above, the IRBA may request legal services outside of the above categories, should the need arise.

2.5. The IRBA would also like to promote the transformation and development of Small Firms in this industry; and, as such, will appoint firms in each of the categories listed below. The bidder must indicate, in the table below and with a **tick (✓)**, the relevant category.

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: The bidder must submit its latest Financial Statements as proof of its annual turnover. The IRBA will endeavor to appoint a maximum of 15 firms to its panel of legal firms, and this number may be apportioned equally among the firm categories.**

### 3. Project Timelines

The appointed service provider(s) will be required to start immediately after signing the contract and provide the services for a period of five (5) years, on an "as and when required basis", subject to an annual review of the service provider's performance.

#### 4. Mandatory Technical Requirements (for all Firms)

The bidder must indicate its compliance/non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

##### 4.1 All firms

4.1.1 Registration and good standing with the Legal Practice Council (previously Law Society)	Comply	Not comply
The firm must be registered and in good standing with the Legal Practice Council. <i>Proof of a certificate of Good Standing from the Legal Practice Council must be provided.</i>		
<b>Substantiate/Comments</b>		

4.1.2 Fidelity Fund Insurance	Comply	Not comply
The legal firm(s) must provide proof of the Fidelity Fund Insurance Cover and the level of cover (in rand value). <i>Proof of a valid Fidelity Fund Certificate to be provided.</i>		
<b>Substantiate/Comments</b>		

4.1.3 Minimum service categories	Comply	Not comply
Small Firms must have demonstrable experience in at least three (3) of the service categories.		
Medium and Large Firms must have demonstrable experience in at least five (5) of the service categories.		
<b>Note:</b> The bidder must provide details of two (2) recent matters (not older than three years) handled by the bidder for each service category for which the bidder is bidding. Please refer to <b>Table A of Annexure 1</b> of this document for the format in which the required information must be provided.		
<b>Substantiate/Comments</b>		

#### 5. Non-Mandatory Technical Requirements

The bidder must indicate its compliance/non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify

compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

5.1. Company profile, systems of quality and level of exposure	Comply	Partially comply	Not comply
<p>All bidders must provide a document titled <b>“Company profile, systems of quality and level of exposure”</b> that deals with the following:</p> <ul style="list-style-type: none"> <li>• Exposition of the establishment, history and constitution of the firm.</li> <li>• Professional staff component of the firm and areas of specialisation.</li> <li>• System of identifying and managing conflicts of interests that may arise.</li> <li>• Systems in place for staff performance monitoring and management of <b>all</b> staff.</li> <li>• The bidders may show notable awards and achievements received from accredited/recognised institutions.</li> <li>• Noteworthy clients previously or currently serviced.</li> </ul>			
<p><b>Substantiate/Comments, if any:</b></p>			

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

5.2. Relevant qualifications and legal experience of the bidder’s team	Comply	Partially comply	Not comply
<p>The bidder must have in its current employ legal practitioner(s) who have experience in the service categories for which the bidder is bidding.</p> <p>The bidder must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> <li>• List of legal practitioner(s) in the current bidder’s employ. <i>Please refer to <b>Table B in Annexure 1</b> of this document for the format in which the required information must be provided.</i></li> <li>• Abridged CVs of the legal practitioner(s) in the bidders’ employ, which CVs must clearly highlight qualifications, areas of experience/competence relevant to the legal services for which the bidder is bidding.</li> </ul>			
<p><b>Substantiate/Comments, if any:</b></p>			



5.3. Litigation Strategy	Comply	Partially comply	Not comply
The firm must provide a document outlining how the bidder prepares a litigation strategy and how will such approach assist the IRBA in achieving its mandate and ensuring cost efficiency.			
<b>Substantiate/Comment, if any:</b>			

5.4 Recommendations/Reference Letters	Comply	Partially comply	Not comply
<p>The bidder must provide a minimum of three (3) positive reference letters from clients where the bidder provided services for each service category for which the bidder is bidding.</p> <p><b>Note:</b> The reference letters provided must NOT be older than three (3) years.</p>			
<b>Substantiate/Comments</b>			

**Stage 2: The bidder must provide the required information for each service category for which the bidder is bidding.**

5.5. Bidder's experience	Comply	Partially comply	Not comply
<p>The bidder must have demonstrable work experience in the service categories for which they are bidding.</p> <p>The bidder must provide details of the recent transactions/matters [not older than three (3) years] they have handled for each service category. Please refer to <b>Table C of Annexure 1</b> of this document for the format in which the required information must be provided.</p> <p>Where the bidder is applying for the provision of legal advisory and/or support services as per 2.4 above, relevant supporting opinions previously provided by a member or members of the bidder's team must be provided.</p> <p><b>Note:</b> <i>The matters referred to above are NOT per service category that the firm bids for; however, the matters provided should demonstrate the bidder's experience in each service category for which the bidder bids. Therefore, one matter can depict the bidder's experience in more than one service category. The outcome of the matters submitted for consideration will not be considered in the evaluation process, only the quality and the manner in which the matters were dealt with will be taken into account.</i></p>			

Substantiate/Comments, if any:

## 6. Evaluation Criteria

### 6.1 Pre-qualification criterion

A proposal that fails to meet the pre-qualifying criterion, as set out in paragraph 17.1 above, will be deemed unacceptable and will not be further evaluated in terms of functionality.

### 6.2 Mandatory requirements

Proposals will be subjected to the responsiveness criteria to determine which responses are compliant or non-compliant with the mandatory requirements, as stipulated by the IRBA in paragraph 4 above.

Mandatory Requirement	Comply	Not comply
Registration and good standing with the Legal Practice Council (previously Law Society)		
Fidelity Fund Insurance		
Minimum Service Categories		

**Note:** Failure to comply with the Mandatory Functional Requirements assessed in this Phase 2 will lead to the disqualification of bids.

### 6.3 Non-mandatory requirements evaluation of technical/functional requirements: Stage 1 and Stage 2

Proposals will be evaluated, in accordance with the requirements listed in point 5 above, against the criteria and points for functionality as depicted in the tables below.

#### Stage 1: 60 Points

6.3.1 Element	Scoring Points
Company profile, systems of quality and level of exposure	<b>Maximum of 10</b> based on information/evidence provided in the company profile.

<b>Company profile, systems of quality and level of exposure</b>			
All bidders must provide a document titled <b><i>“Company profile, systems of quality and level of exposure”</i></b> that deals with the following:			
• Exposition of the establishment, history and constitution of the firm.		2	

• Professional staff component of the firm and areas of specialisation.	1	
• System of identifying and managing conflicts of interest that may arise.	2	
• Systems in place for staff performance monitoring and management of all staff.	2	
• The bidders may show notable awards and achievements received from accredited/recognised institutions/organisations.	1	
• Noteworthy clients previously or currently serviced.	2	

6.3.2 Element		Scoring Points		
<b>Relevant qualifications and legal experience of the bidder's team</b>		<b>Maximum of 30</b>		
Qualifications	LLB or equivalent – 3 <i>[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 6 points]</i>			
Projects/matters worked on, and clients serviced	Evidence of experience in service categories offered/applied for = 10 max <i>[Points will be allocated at the discretion of the evaluators, and this shall be based collectively on the number of matters provided and the complexity thereof.]</i>			
Years of experience	4-6 = 3	7-20 = 6 max	20-50 = 10 max	50+ = 14

*Note: The evaluation of qualifications and legal experience of the bidder's team will be done collectively, and not per team member. Refer to Table B of Annexure 1.*

6.3.3 Element	Scoring Points
<b>Litigation strategy</b>	<b>Maximum 10</b>
• Litigation strategy document	2
• Analysis for prospect of success	2
• Quantum and costs analysis	2
• Evaluation for the possibility of settlement	2
• Cost saving plan	2
<b>Note: Maximum points will only be provided where the document furnished outlines the development of a litigation strategy that includes a merits, quantum and costs analysis, over and above an exploration of possible settlement and the provision of a litigation cost saving plan.</b>	

6.3.4. Element		Scoring Points	
<b>Positive reference letters confirming the bidder's experience in the service categories for which the bidder is bidding.</b>		<b>Maximum 10</b>	
3 = 3	4 = 4	5-8 = 8 max	8+ = 10 max

**Minimum threshold for stage 1 to qualify for stage 2 = 40**

## Stage 2: 40 Points

6.3.5 Element		Scoring Points
The bidder's demonstrable work experience in all service categories for which the bidder is bidding or offering.		Maximum of 40
<b>Small firms</b>	Four (4) matters = 7	
	Five (5) to seven (7) matters= 10 max	
	Above eight (8) matters = 20 max	
<b>Medium and large firms</b>	Six (6) matters = 7 points.	
	Eight (7) to 10 matters= 10 points	
	Above 11 matters = 20 points	

### Note:

- The matters referred to above are NOT per service category that the bidder bids for; however, the matters provided should demonstrate the bidder's experience in each service category for which the bidder bids. Therefore, one matter can depict the bidder's experience in more than one service category.
- Scores obtained in line with the above scoring matrix will constitute the base score under stage 2, the residual of the points will be awarded during the evaluation of the cited matters and/or evidence submitted in line with Table C of Annexure 1.
- The outcome of the matters submitted for consideration will not be a determining factor in the evaluation process; the quality and the manner in which the matters were dealt with will carry more weight.
- One matter may illustrate the bidder's expertise in more than one service category.
- Firms that provided less than the required minimum number of transactions/ matters in their portfolio of evidence, i.e. Table C of Annexure 1, will be disqualified and not eligible for evaluation under this stage 2.

The minimum threshold for stage 2, and to qualify for phase 3, is 30 points, subject to a shortlisting in line with paragraph 17.2.2 (b) of this RFT.

## 6.4 Phase 3: B-BBEE and Pricing

All bids that achieve the minimum qualifying score for Functionality (acceptable bids) and are shortlisted for each firm category under stage 2 of phase 2, per above, will be evaluated further in terms of B-BBEE and Pricing, as follows:

Criteria	Points
B-BBEE	10
Pricing	90
<b>Total Points</b>	<b>100</b>

### **3 SECTION 3: ANNEXURE 1**

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The information provided under this section must support the bidder's bid in respect of all Service Categories (SC) for which the bidder is bidding.

*The forms provided herein below may be reproduced and information typed in.*

**Table A: Details in support of the minimum number of service categories (SC) for which the bidder is bidding (please refer to 2.4 and 4.1.3 of Section 2 of this RFT document)**

Service Category (SC)	Number of years specialising in SC [Accumulated years of all practitioners]	Number of specialists in SC	Number of transactions/cases in SC during the last financial year – incl. active matters

*Note: Information provided in this table will be verified against the information provided in Table B below and stage 2, in the event that the bidder progresses thereto.*

Table B: Details of the bidder's proposed team of lawyers (please refer to paragraphs 5.2 and 6.3.2 of section 2 of this RFT document)

Name	Position/Designation	Qualifications	Description of a Matter/Transaction	Relevant Experience: Projects/matters worked on and clients serviced		
				Relevant SC	Description of the matter and issues related thereto	Years of experience

Table C: Details of the bidder's current and past experience in the service categories (SC) for which the bidder is bidding (please refer to paragraphs 5.5 and 6.3.5 of section 2 of this RFT document)

Client's Name/Parties	Transaction/Case Description	Est Transaction/Claim Value	Project Period (Start and end dates)	Description of service performed, extent of bidder's responsibilities and outcome	Name, title and telephone contact of client

**Note:** Matters provided herein shall not be older than three (3) years. Where the bidder is restricted by confidentiality and, therefore, cannot disclose the client's name, the bidder may omit the name of the client. Where the bidder is applying for the provision of legal advisory and/or support services in any of the SCs set out in paragraph 2.4 above, the bidder is required to provide a minimum of two (2) 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 IRBA.**



#### **4 SECTION 4: SDB 3.3**

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The bidder must provide its pricing proposal in line with the SDB 3.3 form provided herein below.

### SBD3.3 – Financial Proposal

The bidder must complete the below Pricing proposal sheet. The pricing proposal must be submitted in a separate sealed envelope at the time of submitting the bid response as Returnable Schedule.

PRICING PROPOSAL FOR THE PANEL OF LEGAL SERVICES						
Description	Level 1	Level 2	Level 3	Level 4	Level 5	
Attorney/legal practitioner: Years of experience	>15 years post article experience	>7 years to 15 years post article experience	>3 years to 7 years post article experience	Less than 3 years post article experience	Candidate attorneys	Paralegal - if applicable
Proposed hourly rate						
<b>Specified Items</b>						
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						
<b>Other Pre-Determined Rates</b>						
Escalation rate, if any						
<b>NOTE: The preparation, sorting and arrangement of documents and briefs; paginating; filing; copies; faxing; printing; and other administrative tasks will be paid at a rate of a candidate attorney or paralegal.</b>						