

FOR THE ESTABLISHMENT OF AN APPROVED LIST OF SERVICE PROVIDERS FOR THE PROVISION OF LEGAL SERVICES ON AN "AS AND WHEN" REQUIRED BASIS, FOR A PERIOD OF FIVE (5) YEARS.

RFP NUMBER TCC/2024/05/0001/65599/RFP

No	Clarification question	Response
1	May you kindly assist with advising if it is mandatory to supply information on Schedule 10: Job Creation Schedule if the NIPP obligations are not applicable to our firm?	No, it is not compulsory, and Respondents will not be disqualified or penalised.
2	Kindly refer to the correspondence (attached to the email sent with this clarification form) from the Legal Practice Council confirming that Fidelity Fund Certificates are only issued to individual practitioners and not firms. Kindly advise if the submission of the individual Fidelity Fund Certificates will suffice.	The Individual Fidelity Fund Certificates of the Director(s)/Partner(s) will be accepted.
3	led for the relevant/applicable period of their indicated experience." Could you please clarify how many legal projects must we provide Transnet with per service category?	3 references letters and at least 1 project per reference letter. Each letter must indicate the role and scope of the Bidder's engagement in the project done and the list of the relevant projects.
4	Kindly refer to Annexure B, Appendix 1, Item 1, which states: "The bidder should indicate the legal project(s)/or legal work that the Law Firm has done [consulted on and/or advised and/or completed] and	
	Can we use the letters of reference from Transnet	Yes.
	Do we need to duplicate the cv for every practitioner per category they will be participating in	Yes.
5	Page 15 - 17 deals with the discipline, Collections, Collections Management & Recovery, is it compulsory to answer if we are not choosing that category	No.
6	Page 26 on the table, Returnable documents, the last point is for collection management methodology, as we are not doing that area of discipline, meaning Collections, will we be qualified or lose points if we say No.	No.
7	Page 21 deals with DPIP - if it is not applicable to our firm, must we state Not applicable on that, if we state not applicable do we leave 2.3 -2.5 on pg 22 blank as well.	Yes, if Not applicable the bidders can state that it is not applicable, and they will not be penalised.

8	For clarity, is Mandatory documents to be loaded a) (the 4 documents required Annexure C, Valid Fidelity Fund Certificate, Letter of Good Standing, Certificate of Admission?	Yes.
9	Returnable Documents used for scoring on page 26 falls under the non-essential documents to upload, c) essential Returnable Documents is the documents to be uploaded under essential.	Yes.
10	With regard to the 3 reference letters required per category, please advise if the 3 letters have to be from 3 different clients or we can have for an example, 2 letters referring to different matters but from the same client in the same category?	The letters should be from 3 different clients.
11	On page 26, it states reference letter template as well as cv template but there are no templates for both, do we state no?	Transnet decided not to use a template, bidders can provide CVs in their own format but keep them relevant to the area of law applied for.
12	On page 15, under Evaluation Methodology for Collections, Collections Management & Recover, is that required by everyone or only those bidding for collections & collections management?	No, only those responding to collections should respond. Everyone else should state not applicable.
13	On page 26, under returnable documents, it states Key Personnel/Team (for each proposed key personnel/team), is that a typo kindly explain your requirement to that?	Yes, it is a typo, it should read for each category applied for.
14	Are we required to provide financial statements?-	Yes, Latest Financial Statements signed by your Accounting Officer or latest Audited Financial Statements plus 2 previous years
F15	Page 25 - Mandatory Documents: Fidelity Fund Certificates are not issued to law firms but rather to individual practitioners	The Individual Fidelity Fund Certificates of the Director(s)/Partner(s) will be accepted.
16	Page 26 - Is a blank reference letter template required for each area of discipline?	Reference letters should follow the required format specified in the Technical criteria.
17	Page 26 - is a blank CV template required for each personnel / team?	This error from Transnet
18	Attorney 2 has 15 years, Attorney 3 has 1 year experience. Do we combine these years and divide it by 3? Please clarify on how the average will be calculated.	The calculation will be 15 years for the attorney with the most experience. Calculations will not be cumulative.
19	This query relates to the Technical Evaluation (Appendixes 1-21) where the average relevant experience and expertise of the team is evaluated. How are the average years of the team calculated? Is it calculated as follows: Attorney 1 has 20 years, cont.	The calculation will be 20 years for the attorney with the most experience. Calculations will not be cumulative

20	There is no Annexure B in the Attachments. Kindly advise where it is if I am overlooking it	Annexure B has 21 Appendices which represent the various categories.
21	Do we have to submit a methodology for every Appendix tendered for? Or only for collection and collection management (referring to page 15 and 17 of the RFP)	No, methodology is only for collection and collection management.
22	Please clarify what the technical questionnaire entails and where we can find it	There is a Technical Evaluation and Questionnaire for every Category applied for.
23	And what is the minimum required value for security as set out in Clause 24 of "Annexure E - Transnet General Bid Conditions"?	No security required, the Fidelity Fund Certificate will suffice.
24	And what is the minimum required value for security as set out in Clause 24 of "Annexure E - Transnet General Bid Conditions"?	No security required, the Fidelity Fund Certificate will suffice.
25	Kindly advise if it is a mandatory requirement to furnish information under section 10, if our response to the NIPP obligation box is NO and if this would affect the weight of our proposal?	No, it is not compulsory, and Respondents will not be disqualified or penalised.
26	May we use the same client as a reference for different category of legal services for which are applying, if we have serviced the same client in various areas of law.	Yes.
27	Are there any specific time limits within which the reference letters must have been issued?	Refer to the Technical evaluation documents for each Category. The current reference letters should be for work done in the selected practice areas or category in the past five (5) years.
28	Kindly confirm whether clause 2.5 is applicable to this legal tender? Furthermore, would it be prejudicial to our bid should we not have compliance with same?	Compliance with the National Railway Safety Regulator Act, 16 of 2002 is not compulsory and respondents will not be penalised if they don't comply with this requirement.
29	The pricing schedule does not make provision for disbursements related to travel, such as kilometers travelled or accommodation expenses for out-of-town work. Should we include such costs in our pricing schedule?	Pricing should strictly comply with the schedule and notes provided.
30	Please advise whether the NIPP obligation is applicable to this legal services tender, and if so, how should this be addressed in our bid?	No, it is not compulsory, and Respondents will not be disqualified or penalised. Respondents should state "not applicable"
31	Can we use Transnet as a reference?	Yes.

32	I intend to apply under the Collections category only. My company is a debt collecting company registered with the council of Debt Collectors (CDC). >In have a professional indemnity cover and a letter of good standing under South African Institute of Accountants (SAIPA). > Will this disqualify me as i do not have a Fidelity Fund Certificate and Letter of good standing with the Legal Practice Council. I don't have a Certificate of Admission of all attorneys assigned to the Transnet account.	This Requirement is strictly limited to law firms.
33	In terms of the reference letters required by Annexure B - can more than one reference letter (of different category) be obtained from the same contactable reference, if the bidder has done work in different categories?	Yes.
34	In terms of the reference letter required by Annexure B - can reference letters from Transnet be obtained?	Yes, where applicable.
35	In terms of the average relevant experience required by Annexure B - how will the designated teams' collective average be calculated?	The average experience will be limited to the experience of the most experienced attorney/ director. Calculations will not be cumulative.
36	Mandatory Returnable Documents: A copy of a valid Letter of Good Standing with the Legal Practice Council of SA of attorneys of the entity - are bidders required to submit certificates of Good Standing from the LPC for ALL attorneys of the firm, or just for the proposed attorneys assigned to the Transnet account?	The certificates of Good Standing should be limited to the proposed attorneys assigned to the Transnet account.
37	All returnable sections, as indicated in the header and footer of the relevant pages, must be signed, stamped, and dated by the respondent - are bidders required to sign ALL submission documents, including the proposals, annexures and supporting documents, or do we just sign, stamp and date the RFP documents sections?	All documents submitted should be signed and dated.
38	Please sign documents {sign, stamp, and date the bottom of each page} before uploading them on the system. The person or persons signing the submission must be legally authorised by the respondent to do so - can bidders complete and sign the RFP document and forms DIGITALLY, or must it be completed and signed in INK? Or do we have the option to use ink and/or digital?	Digitally signed documents will be acceptable.
39	Respondents must complete and submit Annexure B: Appendix 1 to 20, including a Technical questionnaire for each discipline they are tendering for. Each discipline will be evaluated separately. Respondents are required to submit supporting evidence for each discipline they are tendering for. What sections in the appendixes must be completed? As we note that only "Appendix 8 Technical Evaluations for Project Finance" has sheets/sections for completion (8.2 Reference letter and 8.3 Key personnel sections)? or do we only submit the appendixes together we the proof required?	Only the Appendix applicable to the category applied for should be submitted. 8.2 Reference letter and 8.3 Key personnel sections are not required. This was an error from Transnet.
40	Each discipline will be evaluated separately. Respondents are required to submit supporting evidence for each discipline they are tendering for. Do we submit a separate response. And of the Prequalification Criteria documents, do we attach it separately, or do we include it under each discipline we are tendering for?	Evidence should be applied for each category of discipline. Bidder can upload the prequalification criteria's under Mandatory tab.
41	Page 26, section b - Returnable documents used for scoring: in the table bidders are required to submit a "reference letter template" (for each Area of Discipline tendering for)" Are we required to submit the template used when requesting letters from clients as well as the actual signed letters on the client letterhead?	No, Bidder must submit a signed reference letter from a client.

42	Page 2 (Paragraph 2) Please specify what information you require and how this relates to legal services.	If not applicable, respondents should indicate as such, they will not be penalised.
43	Please also advise if there should be a separate paragraph for RISK.	No.
44	Page 25 - Fidelity Fund Certificates are not issued to law firms but rather to individual practitioners.	The Individual Fidelity Fund Certificates of the Director(s)/Partner(s) will be accepted.
45	Page 26 - Is a 'blank' reference letter template required to be submitted for each area of discipline?	No, reference letters should only be submitted for the category applied for. The reference letter template was an error from Transnet.
46	Page 26 - is a 'blank' CV template required to be submitted for each personnel/team?	No, reference CVs should only be submitted for the category applied for. The CV template was an error from Transnet.
47	1. The above matter refers. I need clarification on the submission of the bid document. Since we have to submit a proposal for each service category, do we also have to submit a bid document for each category? Or is it just one bid document for all the categories?	No, only one bid document should be submitted.
48	Do we need to strictly adhere to the required information laid out in the Appendices 1-21 listed in terms of the reference letters, even if we use older Reference letters we currently have on record (within the 5-year timeframe)	Older reference letters will not be considered.
49	Is it permissible to include matters managed on behalf of Transnet under "matters managed	Yes, where applicable.
50	For the "Matters Managed for" section, could you please clarify whose matters we should include? Should we provide: a) Matters managed for only the lead Partner, or b) Matters managed for both the lead Partner and the broader team? c) We want to understand is the matters per law category, or is the matters per team member per law category?	Matters managed by the bidder/respondent should be included.
51	Under "Designated leading director/partner" is it permitted to nominate more than one leading Partner in our submission, alternatively do we only propose one lead and the rest of the team falls under "Designated team"?	The designated leading director with authority to sign the bid documents should be nominated.
52	Team years of experience: Does this mean the team members' proposed years all count together to a 15 year or more total, or will it be the average years of the team proposed amounting to 15 years in total?	Number of years of experience will be calculated using the years of experience of the most experience attorney. Calculations will not be cumulative.

53	On "Section 10: Job Creation Schedule", it is rather difficult to project detail for 5 years' ahead, can we note to say we will discuss this Section at award stage and as the project runs, provide more detailed information with each year being on the panel?	Bidder can submit at an award stage.
54	When is the estimate commencement date should the firm be awarded on the panel?	This will be communicated on the letter of award post evaluations and negotiations.
55	May we propose non-lawyers in the team, for example in the Tax category we have non-lawyers, i.e. Chartered Accountant and therefore do not have LPC certificates, can we provide their degrees/memberships? Or will only practicing attorneys be considered?	Only practicing attorneys covered by the Fidelity Fund will be considered. Attorneys may use internal consultants for tax matters but remain responsible for the work produced.
56	Can we fill in the tender document electronically and sign with an electronic signature as the submission is electronically??	Yes.
57	RE: Annexure C – Pricing Schedule: Please confirm if we may submit two rate cards (reflecting maximum rates) for: • Matters requiring highly specialised expertise or out of the ordinary panel matters (Specialist Matters). • Ordinary course panel matters.	Only one rate card should be submitted. Deviation from the pricing schedule will result in a bid being declared nonresponsive.
58	Alternatively, please confirm if we may, under the Director/Partner resource level, add in additional rows to include maximum rates for each area of law we are tendering for. The reason for our clarification request is that hourly rates for Directors/Partners will vary across the various areas and we would like to include these.	No. Deviation from the pricing schedule will result in a bid being declared nonresponsive.
59	Please confirm that we may include assumptions on hourly rates at the bottom of Annexure 3, or alternatively on a separate tab in the document.	No. Deviation from the pricing schedule will result in a bid being declared nonresponsive.
60	Will reference letters issued by Transnet be accepted?	Yes, where applicable.
61	Will matters from Transnet be accepted?	Yes, where applicable.
62	Do all annexures/returnable to the submission need to be signed and stamped, or only the Transnet RFP document where provision is made for?	Yes, all documents submitted need to be signed.
63	Regarding the reference letters, may the reference letters be in the name of either the bidder (i.e. the firm name), or in the name of the leading partner or practitioner?	Reference letters should be in the name of the Bidder.

64	Do bidders need to submit reference letters per practice area, or can they be combined?	Yes, reference letters should be submitted per category or discipline.
65	Regarding the reference letters, must the type of project be described in the reference letter, or is it sufficient to state the area of law, and should bidders also provide a list of projects in addition to the reference letters that would prove experience as a firm?	Yes. The project must be described in each reference letter.
66	How many projects per practice area should bidders include?	3 reference letters and 1 Project for each reference letter per category
67	In respect of the legal disciplines, do bidders need to print annexure B for all the legal disciplines bid for?	Yes.
68	If bidders are bidding for a number of categories, and the bidders' practitioners work across multiple areas, do the practitioners need to repeat their CVs in all the disciplines' proposals?	Yes.
70	Is there a maximum or minimum number of matters to be listed on the CVs?	Refer to the guideline on the Technical Evaluation Criteria.
71	May you kindly provide me with the recording of the virtual briefing for the above-mentioned tender.	Transnet cannot provide the recording. If the session was physical, there would not be any recording. The same applies. Transnet will publish the briefing session presentation on the NT portal and Transnet e-tender portal.
72	Mngadi attorneys Inc is currently listed as a legal service provider on the panels of Transnet and the public investment corporation, however these two states - owned entities do not issue reference letters to attorneys. Would it be sufficient for us to submit a deposition in the form of an affidavit that confirms Transnet and PIC as clients and outline all the work we have completed for them?	No, Reference letters are strictly required.
73	May we kindly find out, is an extension on this RFP possible?	Only when there is a valid reason.
74	How many projects per reference letter must be listed? Can the same reference letter be used for more than one panel if the reference letter reflects work done for different panels?	3 reference letters and 1 Project for each reference letter per category
75	Kindly refer to Annexure B, Appendix 1, Item 1, which states: "The bidder should indicate the legal project(s)/or legal work that the Law Firm has done [consulted on and/or advised and/or completed] and led for the relevant/applicable period of their indicated experience."	

	Could you please clarify how many legal projects must we provide Transnet with per service category?	3 reference letters and 1 Project for each reference letter per category
76	Given that points in this tender are awarded 90/10, the tender appears to award zero points to an entity that is BB-BEE compliant but not a level 1-2. Is it correctly understood that a B-BBEE level 3 complaint entity will therefore be awarded Zero points out of the only Ten point dealing with B-B BEE? It I understood that in accordance with the Preferential Procurement Regulations,2002, it is not permitted to award Zero to an entity that is B-BBEE compliant. Please provide clarity on the manner in which an entity that its not a level one or two will be awarded B-BBEE point.	Section 2(1) of the PPPFA provides that an organ of state must determine its preferential procurement policy. Transnet will allocate preferential procurement points to level 1 and 2 contributors and other specific goals based on the market analysis. It is correct that B-BBEE level 3- 8 will score zero for this transaction for B-BBEE level specific goal, but they will score points if they are 51% black owned.
77	And what is the minimum required value for security as set out in Clause 24 of "Annexure E - Transnet General Bid Conditions	No security required, the Fidelity Fund Certificate will suffice.
78	And what is the minimum required value for security as set out in Clause 24 of "Annexure E - Transnet General Bid Conditions"?	No security required, the Fidelity Fund Certificate will suffice.
79	In relation to "Annexure E - Transnet General Bid Conditions", which refers to the provision of security in Clause 24 (page 7) and Clause 30(1)(b) (page 8), would insurance suffice as security in this case?	Yes, the Fidelity Find Certificate should suffice.
80	Must a CV be submitted for every Appendix (Area of Discipline) for each attorney working under that particular discipline, as it was stated that each selected Area of Discipline will be assessed separately?	Yes.
81	Please clarify if one standard bid document is to be submitted. Or should each proposal accompany a copy of the bid document as same is to be evaluated by different evaluators	One bid document should be submitted accompanied by the responses to each category applied for.
82	Can a law firm use their debt collection sister company without a JV as they have an arrangement with them?	Joint Venture submissions should be submitted as such.
83	In what instances would security be required?	No.
84	Regarding the section that deals with the technical evaluation of the different categories, Appendix 5, the item that deals with reference letters are under the company experience and track record, there is a requirement there that the reference letters must indicate the level of satisfaction. It would seem that, although your bid document does not refer to any rating as a major of expression of satisfaction, during the briefing session the was some suggestion on the part of Transnet that the letters should contain ratings with scoring. This means that a letter contains a portion similar to where client says: " As an entity we are extremely happy and satisfied with the services provided by the service provider" may not be seen to be in compliance with your requirements. This is going to cause a lot of	As part of performance, Transnet requires the reference letter to indicate the level of satisfaction.

	confusion and was actually a very contraventional issue when the current bid that was awarded previously because although letters would contain a phrase were clients had expressed that were satisfied, bidders were scored lesser purely because there was no rating from scale 1-5.	
85	Regarding the section that deals with technical evaluation, Appendix 5, item that deals with average relevant experience of the teams, there are requirements to be complied with in as far as cvs and capacity statement are concerned although from a simple reading of the requirements the team leader and the team must, presumably in their cvs, include matters managed, the quantum involved and the outcomes of such relevant cases. Must this information be in the cvs or it be summarised in the capacity statement of the team.	Number of years of experience will be calculated using the years of experience of the most experience attorney. Calculations will not be cumulative.