

QUESTIONS AND ANSWERS

RFP028/2025 - Appointment of Legal Transaction Advisors for the Renewable Energy IPP Procurement Programme Bid Window 7.5 and 8: RFP Design and Drafting, Evaluation of Bids Received, Appointment of Preferred Bidders and the Commercial and Financial Close Activities for a Period of 36 Months

	Topic	Clarification Question	Answer/Outcome
1.	Stage 1: Responsive Criteria for a valid certificate of registration and Good Standing from the LPC	How old can the LPC certificate be	<p>The RFP does not contain any restrictions on how old the certificate can be.</p> <p>It is at the election of each Bidder to decide if it wishes to submit an existing issued certificate or if it will apply to the relevant LPC for a new certificate, as long as it does so at its own risk and in time to accompany the Bid Response by the RFP Closing Date.</p> <p>It is also incumbent on each Bidder to ensure the LPC certificate it provides is valid and no circumstances have arisen between the issuance of the certificate and date of submission thereof as part of its Bid Response that could cause the LPC is not issue a Good Certificate.</p>

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2.	Valid certificate of registration with the Legal Practice Council ("LPC") in the name of the firm.	<p>We currently maintain Certificates of Good Standing (COGs) in our repository exclusively for our Executives. We have requested COGs for the Senior Associate, but have been informed that it may take up to 14 days for the LPC to issue them. This delay would cause us to miss the submission deadline.</p> <p>Would you be willing to accept proof of our request and allow us to submit the COG once it is received?</p>	<p>The RFP requirements for submission of an LPC certificate must be complied with at bid submission date and must accompany the bid response.</p> <p>Taking into account the public holidays in April and to afford all prospective bidders sufficient time to close out on any LPC requirements in time for bid submission, the RFP Closing Date is extended to 9 May 2025.</p>
3.	Fidelity Fund Certificates	<p>Fidelity Fund Certificates are issued exclusively to directors. However, we have included a Senior Associate and a Consultant, both of whom are admitted attorneys with the requisite experience.</p> <p>May we proceed to include them in the proposed team?</p>	<p>It is clarified in line with the requirements of the Legal Practise Act 28 of 2014, that the requirement for a valid Fidelity Fund Certificate applies to all directors who are part of the bid response project team. The team members who are not directors may still be included in the proposed team.</p>



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4.	Eligibility Criteria – Reference Letters	We note the number of projects required to be evidenced per criteria. Are the bidder's required to submit 1 reference letter per project, or is it sufficient to submit 1 reference letter from a client which lists the projects undertaken for the client and meets all the requirements set out in the RFP for the reference letters for each project to obtain the maximum weighting/score?	As long as the reference letter/s meeting all the RFP requirements for each relevant evaluation criteria speaks to each Project listed in Annexure A, one reference letter can be provided. Where a Project listed in Annexure A is not supported by a reference letter meeting the RFP requirements that Project will not be scored.
5.	Eligibility Criteria – Organogram of Team Part E, Terms of Reference & Project Brief, 8. Eligibility Criteria for BW 7.5 and BW 8 – Eligibility Criteria 1. requires the Bidder to provide an Organogram setting out the team, professional status of each resource as well as the roles allocated to each person	What is meant / required by the roles of each resource? Is it sufficient to just state the role of the resource (e.g Lead Advisor) or are we required to provide details of the activities which the team member will attend to (e.g drafting of RFP, Evaluation of Bid Responses ect)?	The bid response must indicate at a high level which phase/milestones they will be involved in e.g drafting of RFP, Evaluation of Bid Responses etc



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		Should the “Finalising the government support in the Government Support” and “Framework Agreement and the Implementation Agreement” deliverables be separated or does it form part of one deliverable?	It is combined however pricing must properly consider all required activities in section 3 under the scope of work as part of the development of the RFP and project agreements as well
7.	Paragraph 2 of the Responsive Criteria (Page 19) stipulate that “ for each admitted attorney forming part of the bid response project team provide a Fidelity Fund Certificate”	The Fidelity Fund Certificate are provided to Directors of Law Firms. We would like to enquire if the above-mentioned requirement applies to all the professionals who will be part of the bid, if yes, does that mean that all the professionals must only consist of Directors. Furthermore, would failure to provide the Fidelity Fund Certificate for a team member (who is not a director) lead to an automatic disqualification	The requirement for a valid Fidelity Fund Certificate applies to all Directors forming part of the bid response project team.



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8.	Paragraph 1 of the Eligibility Criteria (Page 44) stipulates that it needs a team leader and a team member	We would like to enquire if we would be evaluated in cases where only the team lead has Fidelity Fund Certificate, and the team members do not have the Fidelity Fund Certificate OR whereby the team lead has the Fidelity Fund Certificate and we submit a bid for only the team lead without team members.	<p>If none of the other team members is a Director the requirement for a valid Fidelity Fund Certificate will not apply and they will be evaluated for scoring purposes.</p> <p>The bid response must demonstrate sufficient resource capacity (per evaluation criteria 5 on page 47) to support the team lead to execute the deliverables.</p>
		we would like to enquire if either of the above-mentioned would lead to an automatic disqualification?	Yes, if the pre-qualifiers in stage 1 Responsiveness on page 19 are not complied with – as clarified above this will apply if a valid Fidelity Fund Certificate is not provided for all Directors forming part of the bid response project team.



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