

**APPOINTMENT OF ATTORNEY FIRMS TO THE IRBA PANEL OF
ATTORNEYS FOR THE PURPOSE OF PROVIDING LEGAL SERVICES
FOR A PERIOD OF FIVE YEARS**

BID NO.: IRBA/01/2025/RFT

CLOSING DATE: 26 May 2025 at 12h00 (South African Time)

COMPULSORY VIRTUAL

BRIEFING SESSION: 12 May 2025 at 11h00 (South African Time)

BID DESCRIPTION: Bidders are hereby invited to submit their proposals for the supply of the abovementioned services, according to the Terms of Reference and conditions that are outlined in this tender document.

- This bid is subject to the General Conditions of Contract and, where applicable, any other special conditions of contract.
- Kindly note that the bid offers should be submitted as follows:
 - Via hand delivery and be deposited in the tender box on the Ground Floor of Building 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609.
- No bids forwarded via email, fax or a similar medium will be considered.
- Late bids will not be accepted.

MARIUS FOURIE

DIRECTOR: OPERATIONS

DATE: 

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PROCUREMENT POLICY FRAMEWORK ACT OF 2022**

SECTION A: GENERAL CONDITIONS OF THE BID

The Independent Regulatory Board for Auditors (IRBA) is pleased to invite suitably qualified attorney firms to submit proposals for consideration for the appointment of attorney firms to our Panel of Attorneys, to provide legal services to the IRBA for a period of five years on an “as and when” required basis. This Request for Tender (RFT) is issued to identify and select experienced and competent legal practitioners who can provide a broad range of legal services to support our regulatory and oversight functions ensuring the proper execution of our mandate.

1. PROPRIETARY INFORMATION

The IRBA will consider this Request for Tender (RFT) and all related information, either written or verbal, that 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 the related information, to any third party, without the IRBA’s prior written consent.

2. ENQUIRIES

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

RFT Enquiries

Phyllis Mualusi

Email address: pmualusi@irba.co.za

- 2.2. Enquiries in relation to this RFT will not be entertained after 16h00 on **13 May 2025**.
- 2.3. All enquiries will be consolidated and the IRBA will then issue one response that will be posted on **15 May 2025** on the IRBA website (www.irba.co.za), under the section on tenders.
- 2.4. The IRBA may, in its absolute discretion, respond to any enquiry; 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 the inability to resolve ambiguities.

3. COMPULSORY VIRTUAL BRIEFING SESSION

All bidders must attend the compulsory virtual briefing session that is scheduled as follows:

Venue: *Microsoft Teams*

Teams Link: [Join the meeting now](#)

Meeting ID: 375 344 759 175 5

Passcode: aM7Jg3ej

Date: 12 May 2025

Time: 11h00 to 13h30 (South African Time)

Failure to attend the briefing session and failure to complete the attendance register will result in the disqualification of the bidder.

4. BID VALIDITY PERIOD

Responses to this RFT from bidders will be valid for a period of 120 days, from the bid closing date.

5. OVERVIEW OF THE IRBA

The IRBA was established in terms of Section 3 of the Auditing Profession Act, No. 26 of 2005, as amended (the Act). The primary mandate of the IRBA is to protect the financial interests of the public by ensuring that only suitably qualified individuals are admitted to the auditing profession, and that registered auditors deliver services of the highest quality and adhere to the highest ethics and professional standards. As part of its legislative functions, the IRBA is required to investigate and take appropriate action against registered auditors in respect of improper conduct¹.

6. PURPOSE OF THE RFT

The IRBA's Legal department is dedicated to delivering objective, value-adding, and innovative legal services to the IRBA. This department plays a crucial role in managing the organisation's legal risks, thereby minimising exposure to litigation and financial losses. Key responsibilities include facilitating disciplinary proceedings initiated against registered auditors, inclusive of the prosecution of the charges; managing all litigation involving the IRBA; and providing internal support on various legal aspects. Occasionally, the department needs to engage external attorneys to assist it in fulfilling its

¹ Section 4 (1)(a) of the APA

duties. Consequently, this RFT aims to establish a panel of attorneys to provide legal advisory or representation services to the IRBA on an "*as and when required*" basis.

The IRBA intends to solicit proposals from qualified attorney firms with demonstrated experience and expertise in areas of law pertinent to the IRBA's regulatory activities. The selected firms will be expected to provide comprehensive legal services that meet the organisation's diverse needs and support its strategic objectives.

7. SCOPE OF THE WORK

- 7.1. The IRBA seeks to appoint a panel of reputable attorney firms to provide legal services to the organisation on an "*as and when required basis*".
- 7.2. 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.
- 7.3. Knowledge of the auditing and accounting legal framework, inclusive of the relevant standards, as well as the IRBA Code of Professional Conduct for Registered Auditors will be considered advantageous to the bidder's proposal
- 7.4. Successful bidders will be required to commence with services from 01 September 2025 and will provide the services for a period of five years, on an "*as and when required basis*", subject to an annual review of the service provider's performance.
- 7.5. Work will be distributed to firms on a rotational basis and according to, inter alia, availability of work and budget; competencies necessary for the work to be allocated; and IRBA's risk assessment in relation to the work to be allocated.

8. AWARD STRATEGY

Only the top scoring firms in each firm category (as classified in paragraph 21.1.2 below) will be eligible for appointment into the IRBA panel of attorney firms (i.e. three small firms, five medium firms and four large firms).

Should the number of firms that qualify to be appointed into a specific category be less than the required number, the IRBA reserves the right to appoint additional qualifying firms from other categories. The appointments will be based on the scoring in Price & Specific Goal.

9. MINIMUM REQUIREMENTS FOR A BID

- 9.1. Interested bidders must comply with the minimum conditions set out below, for their proposals to be evaluated on functionality. Failure to submit or comply will render the bid non-compliant.
- 9.2. Interested bidders must attend the scheduled compulsory briefing session and complete the attendance register to be provided at the virtual session. **Failure to attend the session and complete the register will result in the disqualification of the bidder.**
- 9.3. The IRBA maintains independence from the registered auditors it regulates. As such, no bids will be considered from any entity or person that it regulates, including network firms, as defined in the IRBA Code of Professional Conduct for Registered Auditors. In view of this, bidders must be free from any relationship that could result in any undue influence from auditors and audit firms that the IRBA regulates.
- 9.4. Interested bidders are required to complete and submit the following appropriately signed (by authorised signatories) Standard Bid Documents (SBDs), failing which their bid responses will be disqualified:
 - a) SBD 1: Invitation to Bid.
 - b) SBD 3.3: Pricing Proposal.
 - c) SBD 4: Declaration of Interests Form.
 - d) SBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Policy Framework Act, 2022.
- 9.5. **National Treasury – Central Supplier Database (CSD):** Bidders must submit confirmation of the company or individual registration on the CSD. The IRBA will not award any contract to a bidder that is not registered as a supplier on the CSD, as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 9 of 2017/2018. The CSD registration requirement applies to all companies/individuals. Bidders may register on the CSD through the National Treasury website (www.csd.gov.za).
- 9.6. Bidders are required to complete and submit the compulsory Financial Proposal (**Annexure D**), without changing the structure. **Failure to complete it in the prescribed manner and with unauthenticated alterations will result in the disqualification of the bid.**

- 9.7. The IRBA reserves the right to verify the validity of any information or documentation submitted in the bid proposal for the Functionality Evaluation stage.

10. INSTRUCTIONS ON THE SUBMISSION OF BIDS

- 10.1. The IRBA requires **two** copies – one original hard copy and one soft copy (USB) – of the complete bid documentation that support the criteria, as stated in Section B of this document. The IRBA reserves the right to make additional copies, if required, for the evaluation.
- 10.2. The Pricing Schedule (**Annexure D: Financial Proposal**) and SBD 3.3 form must be submitted in a separate sealed envelope, along with the printed copies of the bid documentation.
- 10.3. The bid document must be hand-delivered and placed in the bid box on the Ground Floor of Building No. 2, Greenstone Hill Office Park, Emerald Boulevard, Modderfontein, 1609, by no later than 12h00, South African time, on the **26 May 2025**.
- 10.4. The bid register, which is located where the tender box is, must be signed by the person making the delivery.
- 10.5. The bid closing date, bidder's name and the return address must also be reflected on the envelope.
- 10.6. No bid response received by email, fax or similar medium will be considered.
- 10.7. Any bid response that is not in the bid box at the bid closing date and time will be regarded as a late bid. It is the IRBA's policy not to consider late bids for tender evaluations.
- 10.8. 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

11. PREPARATION OF THE BID RESPONSE

- 11.1. All documentation submitted in response to this RFT must be in English.
- 11.2. The bidder is responsible for all costs that they shall incur regarding the preparation and submission of the bid document.
- 11.3. 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.

- 11.4. The bid documents must be paginated to ensure easy reference.
- 11.5. The bidder should check the numbering of the pages on their bid to satisfy themselves that no pages are missing or duplicated.
- 11.6. The information required in paragraphs 9.4 – 9.6 above must be included in the bid response.
- 11.7. In responding to the Functional Requirements Specifications, the bidder must complete **Annexures A1 to A4** and **Annexures B1 to B4**.

12. REQUIREMENT TO CONCLUDE A CONTRACT

This bid document, along with all the attached documentation and the proposal in response thereto, the General Conditions of Contract issued in accordance with Chapter 16A of the Treasury Regulations, and any applicable special conditions of contract, will form the foundation for formal contracts to be negotiated and concluded between the IRBA and the successful bidders awarded the contract.

13. CONTRACT PERIOD

- 13.1. The contract shall be for a period of five years, on an “as and when” required basis, subject to an annual performance review of the service provider.
- 13.2. Notwithstanding the expiry of the contract period set out in 13.1 above, where the appointed firms are already on brief in respect of certain matters, they will be required to finalise those matters. In such cases, the 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.
- 13.3. The successful bidders shall, upon receipt of a written notification of an award, be required to conclude a Service Level Agreement (SLA) with the IRBA. The SLA will serve as a tool to measure, monitor and assess the service provider’s performance and ensure an effective delivery of the services, quality and value-add to the IRBA’s business.

14. ASSIGNMENT OF OBLIGATIONS, CONFLICT OF INTEREST AND INDEPENDENCE

- 14.1. The successful bidder(s):
 - a) May not assign their own obligations.
 - b) Shall conduct their business from the Republic of South Africa.
 - c) May not, while at liberty to accept any person, firm, department, company or organisation as a client, act against the IRBA in any matter; and, similarly, the IRBA will not appoint the successful bidder to act against their clients and other connected persons. To this end,

successful bidders must, at the commencement of their appointment, disclose to the IRBA, all audit firms contracted to them and against which they cannot act.

- d) Shall, in rendering the services to the IRBA, maintain independence and must not have any conflicts of interest.
- e) Shall ensure that the credentials of the individuals presented to the IRBA are in line with the proposals submitted, and that these individuals are not substituted without the prior approval of the IRBA.

15. CANCELLATION OF THE CONTRACT

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

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

15.2. The IRBA may, in its sole discretion, resolve that for a specified period it will not consider any bid from a bidder whose contract has been cancelled for fraud, dishonesty or contravention of supply chain management legislation. If the IRBA is satisfied that any person is or was a shareholder or a director of an entity or company, which in terms of paragraph 15.1 is one

from which no bid will be favourably considered for a specified period, it may also decide that no bid from such a person, entity or company shall be favourably considered for a specified period.

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

15.4. The IRBA reserves the right to unilaterally terminate the contract with the successful bidder on at least one month's notice, in the event of circumstances beyond the IRBA's control and those that render continuation with the contract undesirable or unnecessary.

16. SUPPLIER PERFORMANCE MANAGEMENT

The IRBA views supplier performance management as a critical component in ensuring high quality, in as far as the acquisition of services and the maintenance of good relations between the IRBA and all its service providers are concerned.

17. SUPPLIER DEVELOPMENT

The IRBA promotes supplier development. In this regard, successful bidders may be required to mentor small attorney firms appointed into the IRBA panel of attorney firms to assist the IRBA in its endeavour to support and enhance the capabilities of its smaller attorney firms. The implications of such an arrangement(s) will be subject to negotiations between the IRBA and the successful bidder/s.

18. SKILLS TRANSFER

Successful bidder(s) may be required to assist the IRBA in building internal capacity and/or transfer skills to the IRBA Legal Department. The implications of such an arrangement(s) will be subject to negotiations between the IRBA and the successful bidder/s.

19. DISCLAIMER

19.1. 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.

19.2. The IRBA reserves the right to not appoint any bidder that does not comply with the conditions of this bid, or if it obtains information about the bidder that could put the IRBA at risk.

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

20. ABSENCE OF OBLIGATIONS

- 20.1. No legal or other obligation shall arise between the bidder and the IRBA, unless and until the formal appointment, contract and SLA have been signed.
- 20.2. The IRBA is not obliged to proceed with any submitted bids.

21. EVALUATION CRITERIA AND POINTS ALLOCATION

Bids shall be evaluated in terms of the process and conditions that are detailed below.

21.1. PHASE ONE: ELIGIBILITY CRITERIA/MANDATORY REQUIREMENTS

During this phase, bid responses will be reviewed for the purposes of assessing compliance with the RFT requirements, which includes the general bid conditions, firm categories and the service categories. ***Failure to comply with the requirements assessed in this phase will lead to the disqualification of a bid and the bidder will not be considered for further evaluation.***

21.1.1. Administrative Requirements

- a) **National Treasury – Central Supplier Database:** Service providers must submit confirmation of their company or individual registration on the CSD or provide a CSD registration summary report.
- b) **Tax Compliance Status:** A valid tax clearance certificate or pin issued by the South African Revenue Service.
- c) **Consortiums and Joint Ventures:** If the bid is from a joint venture (JV) or a collaborative partnership (including a newly formed company) that does not have a joint track record, the individual entities that make up the tendering unit/JV should each provide all the mandatory requirements. Should all the requirements in respect of the tendering unit or the individual entities (as the case may be) not be met, then the JV will be disqualified. It is recognised that a bidder may wish to form a consortia or a JV to provide the services. In that case, the bidder must submit the JV agreement that has been signed by all parties.
- d) **Pricing:** Bidders must complete and submit the compulsory Pricing Proposal (**Annexure D**), without changing the structure. Furthermore, bidders must ensure that any alterations

to the quoted prices on the Pricing Schedule are signed off by the authorised signatory as proof of authentication. Failure to complete it in the prescribed manner and with unauthenticated alterations to the prices may result in the disqualification of the bid.

- e) **Compulsory Virtual Briefing Session** - All bidders are required to attend the compulsory virtual briefing session. It is mandatory to complete the attendance register during the session. Please note that failure to attend the session and complete the attendance register will result in the disqualification of the bidder from consideration in this bid process.
- f) **Standard Bid Documents:** The completion and submission of all of the following SBDs, as noted in paragraph 4.3 above:
- 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 the Preferential Procurement Policy Framework Act, 2022.
- g) **Declaration of Independence:** Bidders must complete and submit *Declaration of Independence form (Annexure C)* confirming, that they are independent of the auditing profession in that:
- The bidder is not an audit firm;
 - The bidder is not employed by an audit firm and/or a network firm; and
 - The bidder, while at liberty to accept any person, firm, department, company or organisation as a client and bill for services rendered, does not share, directly or indirectly, in any profits or interests of a registered auditor, an audit firm and/or any person related to a registered auditor and/or an audit firm.

The IRBA reserves the right to perform a verification of the declarations made.

The Standard Bid Documents and Declaration of Independence form must be completed, signed and submitted. The IRBA does reserve the right to request information/additional documents if there are any missing from the bidder(s) submission.

21.1.2. Firm Categories

- a) IRBA promotes the transformation and development of small firms in the legal industry; and, as such, will endeavour to appoint firms in each of the categories listed below. Bidders will be categorised into the firm categories as defined below.
- b) ***The bidder must indicate, in the table below with a tick (✓), the relevant category which the firm falls within.***

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:

As proof of the firm category selected:

- a) *Bidders that are required to be audited in terms of the Companies Act, No 71 of 2008, must submit its latest audited financial statements as proof of its annual turnover, or a letter from its auditors that confirms the annual turnover relating to the latest financial period.*
- b) *Bidders, that are not required to be audited in terms of the Companies Act, No 71 of 2008, must provide a letter from their auditors confirming the annual turnover relating to the latest financial period as evidence for the applicable categories.*

21.1.3. Service Categories:

- a) The legal services sought have been categorised into four service categories. ***The bidder must indicate, in the table below with a tick (✓), the categories for which the bidder is bidding.***
- b) Small firms must be able to offer services in at least two of the service categories.
- c) Medium and large firms must be able to offer services in at least three of the service categories.

Failure to select AND indicate the minimum number of service categories bidders are required to bid for in accordance with the firm size in the table below, will result in the bid being disqualified and not considered further.

No	Service Categories	Please Tick (✓)	Annexures to be completed
1.	Chairing and/or prosecution of disciplinary hearings and provision of related services. <i>Note: This refers to:</i> 1.1.1.1. <i>Disciplinary hearings initiated by the IRBA, in terms of the Auditing Profession Act, against registered auditors, excluding investigations against registered auditors in terms of Section 48 of the APA.</i> 1.1.1.2. <i>Prosecution and/or chairing of disciplinary hearings involving employees, including services rendered in assisting clients to preparing for these hearings, excluding investigations conducted in relation thereto.</i>		A1, B1
2.	Representation of the IRBA in civil litigation and/or tribunals as well as the provision of related services.		A2, B2
3.	Conducting investigations. <i>Note: These include forensic investigations in general and investigations conducted as part of any disciplinary processes involving employees.</i>		A3, B3
4.	Provision of legal advisory and/or services. <i>Note: These include areas of law relating to Public Law, Administrative Law & Regulatory Law, Commercial Law, Procurement Law, Contractual Law, Interpretation of Statutes, Intellectual Property Law, Constitutional Law and Governance</i>		A4, B4

21.2. PHASE TWO: MANDATORY TECHNICAL REQUIREMENTS

To be evaluated in this phase, bidders must comply with the requirements as set out in phase one above. Qualifying bids will then be evaluated for compliance with the requirements as set out in **Section B – Functional Requirements Specification** of the TOR. ***Failure to comply with the mandatory technical requirements evaluated in this phase will lead to the disqualification of the bid*** and the bidder will not be considered for further evaluation in Phase Three.

21.3. PHASE THREE: FUNCTIONALITY EVALUATION REQUIREMENTS

To be evaluated in this phase, bidders must comply with the requirements set out in phase two above. Qualifying bids will then be evaluated for compliance with the requirements as set out in **Section B – Functional Requirements Specification** of the TOR.

The functionality evaluation phase will have a threshold, and bidders must score an overall minimum of 70 points. In addition, bidders must meet the minimum qualifying score for each individual criterion.

Note: Failure to achieve the minimum scores in each individual criterion will result in a disqualification, even if the overall minimum total score is 70 points and above.

The following criteria is applicable to each firm category.

No	Element	Minimum Points	Maximum Points
1.	Company profile, systems of quality and level of exposure.	6	10
2.	Case Management Overview and/or Litigation Strategy	10	15
3.	Relevant qualifications of the Proposed Team	7	10
4.	Cumulative years of experience of the Proposed Team	10	15
5.	Details of relevant transactions/matters	30	40
6.	Reference letters	7	10
	Total Points	70	100

21.4. PHASE FOUR: SPECIFIC GOALS AND PRICING

All bids that achieve the minimum qualifying scores for Functionality (acceptable bids) under Phase Three will be shortlisted for each firm category and will be evaluated further on the 90/10-point system basis as follows:

Criteria	Points
Specific Goals	10
Pricing	90
Total Points	100

21.4.1. Specific Goals

A maximum of 10 points will be awarded to a bidder for the specific goals in relation to people who were historically disadvantaged by unfair discrimination, based on the following:

Specific Goal Allocated Points in terms of this Tender	Points Allocated (90/10 system)
Enterprise with ownership of 51% or more by person/s who are black	5
Enterprise with ownership of 51% or more by person/s who are women	2
Enterprise with ownership of 51% or more by person/s who are youth	2

Enterprise with ownership of 51% or more by person/s with disability	1
Total	10

To qualify for preference points for specific goals, the bidder must submit proof of the documents set out below, together with the proposal for the 90/10 evaluation criteria. While failure to submit the supporting documentary proof will not disqualify the bidder, it will result in the allocation of zero points for the respective specific goals. The documents required for the verification of the points allocation are:

Procurement Requirement		Proof Documents
A.	Black people/ownership	CSD Report/Black Economic Empowerment (BEE) Certificates/Sworn Affidavit/Share Certificates
B.	Women	CSD Report/BEE Certificates/Share Certificates
C.	Youth	CSD Report/BEE Certificates/Share Certificates
D.	Disabled (living with a disability)	CSD Report/Medical Certificate/Report
The CSD Report will be used to verify the ownership percentage		

21.4.2. Pricing

Note: Bidders must refer to **Annexure D: Financial Proposal** and **SBD 3.3 form**, attached to this document, for the required format in which the proposal must be provided.

- a) Bidders are required to submit an all-inclusive quote on an official company letterhead, using the Pricing Schedule format attached as annexure B. This schedule must cover the cost for all of the expected elements linked to any of the specified deliverables as per the scope of work, for the duration of the contract.
- b) Bidders must submit price quotations that are inclusive of Value-Added Tax (VAT).
- c) The submission of the Pricing Schedule is compulsory, and service providers must ensure that it is completed without changing the structure. Furthermore, bidders must ensure that any alterations to the quoted prices on the Pricing Schedule are signed off by the authorised signatory as proof of authentication. Failure to complete same in the prescribed manner and with unauthenticated alterations to the prices may result in the disqualification of the bid during the financial evaluation process.
- d) The quoted rates in the Pricing Schedule must be fixed and firm for the duration of the contract and must be inclusive of the yearly increases, where applicable.

- e) Pricing evaluations will be done in accordance with the firm categories within which the bidder is classified ***[refer to paragraph 21.1.3]*** and, as such, bidders will only be competing against bidders in the same firm category.
- f) The pricing proposal must be submitted in a separate sealed envelope at the time of submitting the bid response as Returnable Schedule.
- g) The execution of this contract will be governed by the rates quoted, unless otherwise stated.

SECTION B: FUNCTIONAL REQUIREMENTS SPECIFICATIONS

- 1. IMPORTANT INFORMATION IN PREPARATION OF THE BIDDER'S RESPONSE TO THE EVALUATION CRITERIA.**
- 1.1.** Bidders must ensure that they complete the applicable Annexures in respect of each service category bidden for.
- 1.2.** The Bidder must propose legal practitioner(s) for each of the service categories bidden for. For each of the legal practitioner(s) proposed, the Bidder must provide the requested information as per the Evaluation Criteria. Failure to provide the required information as per the relevant Annexures for each of the proposed legal practitioner(s) may result in disqualification.
- 1.3.** All Annexures must be completed as follow:
 - a) The Annexures must be filled out using the exact format provided in the TOR.
 - b) Where a bidder requires additional space to collate information, you are welcome to continue adding details, however it is absolutely essential that the format remains unchanged. Each section and heading should be followed precisely as per the provided Annexures.
 - c) If more space is required to justify compliance to the Evaluation Criteria, the bidder must ensure that the substantiation is clearly cross-referenced to the relevant requirement in the Annexure.

2. EVALUATION CRITERIA

2.1. Phase Two: Mandatory Technical Requirements (for all Firms)

Bidders must indicate their compliance/non-compliance to the following requirements and provide copies of the valid certificates and/or proof of registration to substantiate their response.

Bids that do not comply with all the Mandatory Technical Requirements will be disqualified and will not be considered for evaluation in Phase Three.

1. Certificate of Good standing with the Legal Practice Council (LPC) of South Africa	Comply	Not comply
<p>Bidders must provide a certificate of Good Standing from the LPC for each legal practitioner listed in Tables A1 to A4 not older than three months on the closing date of the bid.</p> <p>Where a Bidder has applied and not received a certificate, proof of application from the LPC must be provided to the IRBA.</p> <p><i>Note: Should the Bidder meet the minimum qualifying scores, the Bidder will be required to submit the certificate of Good Standing to the IRBA on completion of Phase Three evaluations, for consideration of further evaluation. Bidders will be contacted by the IRBA and must submit the certificates within three days of request. Failure to submit the certificate will disqualify the bidder from advancing to the next phase.</i></p>		

2. Fidelity Fund Certificate	Comply	Not comply
<p>Bidders must provide proof of a valid Fidelity Fund Certificate for the firm and/or legal practitioners who are directors/partners of the firm to be assigned to the IRBA matters.</p>		

2.2. Phase Three: Functionality Evaluation Requirements

To qualify in this phase, the Bidder must achieve a minimum of 70 points, whilst still meeting the minimum score requirement in each individual element.

Failure to achieve the minimum threshold of 70 points in this phase will result in the disqualification of the bid.

Failure to achieve the minimum scores for each criterion in this phase will result in disqualification from further consideration, even if the overall minimum threshold of 70 points has been achieved.

Bids will be evaluated on the following criteria:

Element 1: Company profile, systems of quality and level of exposure		Scoring Points	
		Maximum 10	
		Min Points	Max Points
<p>The Bidder must provide a document titled <i>“Company profile, systems of quality and level of exposure”</i> that deals with the following elements:</p> <ol style="list-style-type: none"> 1. Exposition of the establishment, history and constitution of the firm. 2. The Firm’s professional staff complement and areas of specialisation. 3. Details of how the bidder identifies and manages conflicts of interest that may arise as a result of being appointed to the IRBA’s panel of attorneys. 4. Details of how the bidder manages the performance of its teams to be assigned to the IRBA’s cases to ensure effective service delivery is achieved. 5. The Bidder may show notable awards and achievements received from accredited/recognised institutions/organisations. 6. Clients previously and/or currently serviced. 		6	10
<p><i>Points will be allocated as follows based on information/evidence provided in the company profile:</i></p> <p>No company profile submitted, and/or the company profile does not outline four of the required elements. = 0 points</p> <p>Company profile submitted outlines four required elements = 6 points</p> <p>Company profile submitted outlines five required elements = 8 points</p> <p>Company profile submitted outlines all of the requirement elements = 10 points</p>			

Element 2: Case Management Overview or Litigation Strategy	Scoring Points Maximum 15	
<p>The Bidder must submit a detailed, but no more than three-page case management overview or litigation strategy, outlining the firm's general approach to effective case/litigation management, which must include but may not be limited to how the firm:</p> <ol style="list-style-type: none"> 1. Evaluates case management or litigation outcomes, 2. Mitigates the probability of adverse outcomes, 3. Ensures the swift finalisation of matters; and 4. Effectively manages litigation related costs for clients. 	Min Points	Max Points
	10	15
<p>Points will be allocated as follows:</p> <p>Case management or litigation strategy not provided and/or only adequately addresses less than three required elements = 0 points</p> <p>Case management or litigation strategy adequately addresses three required elements = 10 points</p> <p>Case management or litigation strategy adequately addresses all four required elements = 12 points</p> <p>Case management or litigation strategy outlines additional strategic initiatives over and above the four required elements = 15 points</p>		

Element 3: Relevant qualifications of the Proposed Team	Scoring Points	
	Maximum 10	
<p>The Bidder must provide the following information for each legal practitioner listed in Annexures A1 – A4:</p> <ol style="list-style-type: none"> 1. Abridged CVs, which CVs must clearly highlight qualifications, areas of experience/competence relevant to the legal services for which the Bidder is bidding. 2. Proof of relevant qualifications. <p><i>The Bidder must submit, as a minimum, proof of LLB or equivalent qualification.</i></p>	Min Points	Max Points
<p><i>Points will be allocated as follows:</i></p> <p>Proof of LLB or equivalent qualification not submitted for each of the legal practitioner(s) = 0 points</p> <p>Proof of LLB or equivalent qualification submitted for each of the legal practitioner(s) = 7 points</p> <p>Proof of Postgraduate Certificate or Diploma/Masters/Doctorate qualifications for any of the legal practitioner(s) in addition to the LLB or equivalent qualification submitted for each of the legal practitioner(s) = Max 10 points</p> <p><i>Note: For every additional postgraduate certificate or diploma provided one point will be awarded with an overall maximum of 10 points.</i></p>	7	10

Element 4: Cumulative years of experience of the Proposed Team	Scoring Points Maximum 15	
Small Firms:		
<p>The bidder must propose at least one legal practitioner for each service category. The legal practitioner(s) must have a minimum of three years post-admission experience. Collectively, the bidder's team must have a minimum of 10 years' post admission experience.</p> <p>Points will be allocated as follows:</p> <p>The legal practitioner(s) have less than three years post-admission experience each and collectively, have less than ten years post-admission experience = 0 points</p> <p>The legal practitioner(s) with a minimum of three years post-admission experience each and collectively, the team has between ten and twenty years of post-admission experience = 10 points</p> <p>The legal practitioner(s) with a minimum of three years post-admission experience each and collectively, the team has more than twenty years of post-admission experience = 15 points</p>	10	15
Medium to Large Firms:		
<p>The bidder must propose at least one legal practitioner for each service category. The legal practitioner(s) must have a minimum of five years post-admission experience. Collectively, the bidder's team must have a minimum of 15 years' post admission experience.</p> <p>Points will be allocated as follows:</p> <p>The legal practitioner(s) have less than five years post-admission experience each and collectively, have less than fifteen years post-admission experience = 0 points</p> <p>The legal practitioner(s) with a minimum of five years post-admission experience each and collectively, the team has fifteen and thirty-five years of post-admission experience = 10 points</p> <p>The legal practitioner(s) with a minimum of five years post-admission experience each and collectively, the team has more than thirty-five years of post-admission experience = 15 points</p>	10	15

Element 5. Details of relevant transactions/matters	Scoring Points	
	30	40
<p>The Bidder must submit a minimum of four qualifying transactions/matters, not older than three years.</p> <p>The Bidder must complete the details of the transactions/matters handled for each service category bidden for, in Annexure B1 - B4.</p> <p>To qualify each transaction/matter must cover:</p> <p>Small Firms: A minimum of three aspects of the criteria listed below.</p> <p>Medium to Large Firms: All four aspects of the criteria listed below.</p> <p>The Bidder must provide details of each transaction/matter in accordance with the criteria set out below:</p> <p>Criteria 1: A description and/or nature of the transaction/matter.</p> <p>Criteria 2: Commencement date and completion date (if completed).</p> <p>Criteria 3: Success and Outcomes:</p> <p>3.1 Results achieved – an assessment of the outcomes of the transactions/matters</p> <p>3.2 Impact of the outcomes and the significance of the transaction/matter on the client.</p> <p>Criteria 4: Client and Sector Diversity:</p> <p>Types of clients involved in the transaction/matter, i.e. public sector entities, regulatory bodies, or corporate clients.</p> <p>Criteria 5: Methodology and Approach:</p> <p>5.1. The structure and strategic approach, in terms of which the transaction/matter was handled.</p> <p>5.2. An assessment of how the bidder addressed and resolved issues, including any unique strategies and problem-solving techniques employed.</p> <p>Criteria 6: Innovation and Adaptability</p> <p>6.1. Innovative solutions and/or approaches used.</p> <p>6.2. Adaptation to changing circumstances or legal developments in the transaction/matter cases.</p>		
<p>The points will thus be allocated as follows:</p> <p>0 to three qualifying transactions/matters = 0 points</p> <p>Four to five qualifying transactions/matters = 30 points</p> <p>Six to seven qualifying transactions/matters = 35 points</p> <p>Eight or more qualifying transactions/matters = 40 points</p>		

Notes:

1. *One transaction/matter can depict the Bidder's experience in more than one service category. However, the Bidder will still need to reflect the transaction/matter in each of the respective Annexures.*
2. *Where the bidder is applying for the provision of legal advisory and/or support services, the bidder must provide a minimum of two (2) opinions previously rendered in respect of the area of law.*
3. *A successful outcome of a transaction/matter does not impact the evaluation process.*
4. *Where the Bidder is restricted by confidentiality and cannot disclose the client's name, the Bidder may omit the name of the client.*
5. *The IRBA undertakes to keep the information provided herein confidential and use same solely for the purposes of evaluating the bidder's proposal*

Element 6: References		Scoring Points	
		Maximum 10	
<p>The Bidder must provide client references for each service category bidding for.</p> <p>To qualify:</p> <p>Small firms must provide three reference letters.</p> <p>Medium to large firms must provide four reference letters.</p> <p>One reference letter may cover services rendered across multiple service categories.</p> <p>To be valid, each client reference letter must be signed and:</p> <ol style="list-style-type: none">1. Must NOT be older than three years from closing date of the bid.2. Clearly indicate the name of the bidder;3. Specify the service categories rendered;4. Specify when the services were rendered; and5. Contain the name(s) of the contact person(s) and their details (phone numbers/email addresses) of the client. <p>The IRBA reserves the right to verify the information provided.</p>		Min Points	Max Points
		7	10
Small firms	Less than three valid reference letters or where the bidder did not submit valid reference letters for each service categories bided for = 0 points		
	Three valid reference letters = 7 points		
	Four to eight valid reference letters = 8 points		
	More than eight valid reference letters = 10 points		
Medium and large firms	Less than four valid reference letters or where the bidder did not submit valid reference letters for each service category bided for = 0 points		
	Four valid reference letters = 7 points		
	Six to ten valid reference letters = 8 points		
	More than ten valid reference letters = 10 points		

2.3. Phase Four: Specific Goals and Pricing

All bids that achieve the minimum qualifying score for Functionality (acceptable bids) under Phase Three, per above, will be shortlisted for each firm category bid for and thus will be evaluated further in terms of Specific Goals and Pricing, as set out in paragraphs 21.4.1 and 21.4.2, on the 90/10-point system as follows:

Criteria	Points
Specific Goals	10
Pricing	90
Total Points	100

Annexure A

Details and information of the bidder's proposed team of legal practitioners in respect of each of the Service Categories which the bidder indicated in paragraphs 21.1.3 of Section A that they are bidding for.

Annexure A1: Service Category 1: Chairing and/or prosecution of disciplinary hearings and provision of related services

Legal Practitioner Name & Surname (practicing attorneys only)	Proof of letter of good standing with the LPC? (Yes/No)	Practitioner possesses an LLB or equivalent qualification? (Yes/No)	Description of postgraduate qualification relevant to the field, with an NQF 7 level or above (If any)	Number of years post-admission experience in the relevant field

Annexure A2: Service Category 2: Representation of the IRBA in civil litigation and/or tribunals as well as provision of related services

Legal Practitioner Name & Surname (practicing attorneys only)	Proof of letter of good standing with the LPC? (Yes/No)	Practitioner possesses an LLB or equivalent qualification? (Yes/No)	Description of postgraduate qualification relevant to the field, with an NQF 7 level or above (If any)	Number of years post-admission experience in the relevant field

Annexure A3: Service Category 3: Conducting Investigations

Legal Practitioner Name & Surname (practicing attorneys only)	Proof of letter of good standing with the LPC? (Yes/No)	Practitioner possesses an LLB or equivalent qualification? (Yes/No)	Description of postgraduate qualification relevant to the field, with an NQF 7 level or above (If any)	Number of years post-admission experience in the relevant field

Annexure A4: Service Category 4: Provision of legal advisory and/or services in respect of the relevant areas of law

Legal Practitioner Name & Surname (practicing attorneys only)	Proof of letter of good standing with the LPC? (Yes/No)	Practitioner possesses an LLB or equivalent qualification? (Yes/No)	Description of postgraduate qualification relevant to the field, with an NQF 7 level or above (If any)	Number of years post-admission experience in the relevant field

Annexure B: Transactions/matters worked on in respect of the Service Categories which the bidder indicated in paragraphs 21.1.3. of Section A that they are bidding for.

Annexure B1 – Service Category 1: Chairing and/or prosecution of disciplinary hearings and provision of related services.

Description and/or nature of the transaction/matter	Date of commencement to date of completion	Success and Outcomes	Client and Sector Diversity	Methodology and Approach	Innovation and Adaptability

Annexure B2 – Service Category 2: Representation of the IRBA in civil litigation and/or tribunals as well as the provision of related services

Description and/or nature of the transaction/matter	Date of commencement to date of completion	Success and Outcomes	Client and Sector Diversity	Methodology and Approach	Innovation and Adaptability

Annexure B3 – Service Category 3: Conducting investigations

Description and/or nature of the transaction/matter	Date of commencement to date of completion	Success and Outcomes	Client and Sector Diversity	Methodology and Approach	Innovation and Adaptability

Annexure B4 – Service Category 4: Provision of legal advisory and/or services in respect of the relevant areas of law

Description and/or nature of the transaction/matter	Date of commencement to date of completion	Success and Outcomes	Client and Sector Diversity	Methodology and Approach	Innovation and Adaptability

ANNEXURE C

The bidder must complete the declaration form. Please review the entire form thoroughly before affixing your signature to the form. Please make sure that the form is signed and dated by the appropriate authority within your firm.

DECLARATION OF INDEPENDENCE FROM THE AUDITING PROFESSION

1. Purpose of the Form

The Independent Regulatory Board for Auditors is a statutory body established in terms of Section 3 of the Auditing Profession Act 26 of 2005, as amended. It maintains independence from the registered auditors it regulates. So, no bids will be considered from any entity or person that the IRBA regulates, including network firms, as defined in the IRBA Code of Professional Conduct for Registered Auditors.

Thus, a bidder with any direct or indirect financial/personal ties to an auditor, audit firm and/or network firm that the IRBA regulates will be deemed ineligible to participate in the bidding process. Bidders are thus required to declare and confirm that they are independent of the auditing profession in that:

- The bidder is not an audit firm;
- The bidder is not employed by an audit firm and/or a network firm; and
- The bidder, while at liberty to accept any person, firm, department, company or organisation as a client and bill for services rendered, does not share, directly or indirectly, in any profits or interests of a registered auditor, an audit firm and/or any person related to a registered auditor and/or an audit firm.

Thus, all bidders are required to make this declaration in respect of the details required hereunder.

2. Bidder's Declaration

By appending their signature herein below, the bidder declares and confirms that they are independent of the auditing profession in that:

- The bidder is not an audit firm;
- The bidder is not employed by an audit firm and/or a network firm, as defined in the IRBA Code of Professional Conduct for Registered Auditors; and
- The bidder, while at liberty to accept any person, firm, department, company or organisation as a client and bill for services rendered, does not share, directly or indirectly, in any profits or interests of a registered auditor, an audit firm and/or any person related to a registered auditor and/or an audit firm.

The bidder understands that any misrepresentation of their independence will result in a disqualification from the bidding process.

.....
Name

.....
Position

.....
Entity Name

.....
Date

ANNEXURE D: FINANCIAL PROPOSAL

Bidders must provide their pricing proposal in line with the SDB 3.3 form provided and conditions herein below.

- a) Bidders are required to submit an all-inclusive quote on an official company letterhead, using the Pricing Schedule format attached. This schedule must cover the cost for all of the expected elements linked to any of the specified deliverables as per the scope of work for the duration of the contract.
- b) Bidders must submit price quotations that are inclusive of Value-Added Tax (VAT) and any other applicable taxes.
- c) The submission of the Pricing Schedule is compulsory, and bidders must ensure that it is completed without changing the structure. Furthermore, bidders must ensure that any alterations to the quoted prices on the Pricing Schedule are signed off by the authorised signatory as proof of authentication. Failure to complete same in the prescribed manner and with unauthenticated alterations to the prices may result in the disqualification of the bid during the financial evaluation process.
- d) The quoted rates in the Pricing Schedule must be fixed and firm for the duration of the contract and must be inclusive of the yearly increases, where applicable. To this effect, the bidder must complete the SBD 3.3. form.
- e) Pricing evaluations will be done in accordance with the firm categories within which the bidder is classified [refer to paragraph 21.1.3] and, as such, bidders will only be competing against bidders in the same firm category.
- f) The pricing proposal must be submitted in a separate sealed envelope at the time of submitting the bid response as Returnable Schedule.
- g) The execution of this contract will be governed by the rates quoted, unless otherwise stated.

ANNEXURE D – FINANCIAL PROPOSAL

PRICING PROPOSAL FOR THE PANEL OF LEGAL SERVICE PROVIDERS					
Description	Level 1	Level 2	Level 3	Level 4	Level 5
Attorney/legal practitioner: Years of experience	Director or Legal Practitioner with more than 10 years post-admission experience	Senior Associate or Legal Practitioner with 5 to 10 years post-admission experience	Associate or Legal Practitioner with less than 5 years post-admission experience	Candidate legal practitioners	Paralegal - if applicable
Proposed hourly rate					
Specified Items					
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					
Other Pre-Determined Rates					
Escalation rate for Year 1, if any – %					
Escalation rate for Year 2, if any – %					

PRICING PROPOSAL FOR THE PANEL OF LEGAL SERVICE PROVIDERS					
Description	Level 1	Level 2	Level 3	Level 4	Level 5
Attorney/legal practitioner: Years of experience	Director or Legal Practitioner with more than 10 years post-admission experience	Senior Associate or Legal Practitioner with 5 to 10 years post-admission experience	Associate or Legal Practitioner with less than 5 years post-admission experience	Candidate legal practitioners	Paralegal - if applicable
Escalation rate for Year 3, if any –	%				
Escalation rate for Year 4, if any –	%				
Escalation rate for Year 5, if any –	%				
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.					

COMPLIANCE WITH PERSONAL INFORMATION PROCESSING LAWS

The Protection of Personal Information Act 4 of 2013 (POPIA) restricts the processing of personal information to circumstances that are lawful, legitimate, responsible and that comply with the provisions of the POPIA.

The IRBA will have to process certain personal information, which is owned or held by bidders; and thus, to comply with the POPIA, the IRBA must provide bidders, whose personal information is processed, with a number of details pertaining to such processing, prior to the information being processed, which details are housed under the IRBA Procurement Processing Notice found on the IRBA website: <https://www.irba.co.za/library/popi-act>. You are requested to download and read the Notice. Please note that most of your personal information, which we will be processing, is required for lawful purposes and, as a result, your consent to process will not be required. Where we do, however, require your consent, which is indicated in the Notice, the handing over of such personal information to the IRBA will be viewed as consent to the IRBA's processing of such personal information.

Where the IRBA's personal information is provided for processing, the IRBA consents to the processing thereof, provided that you or any other recipient who processes it undertakes to process all and any such personal information strictly in compliance with the POPIA, and subject further that where the IRBA's personal information is not processed in accordance with the POPIA, then the person handling such information indemnifies and holds the IRBA and/or any third parties that may be or will be affected by such non-compliance harmless against all and any liabilities, loss or damages, including pecuniary, non-pecuniary and/or aggravated damages, which the IRBA or any data subject or other person may incur in consequence of such non-compliance, such person (who is processing the personal information) agreeing to pay to the IRBA and/or any affected data subject/s or third party/ies all and any such damages which they may have incurred as a result of such non-compliance, on demand, and NO LIMITATION OF LIABILITY CLAUSES housed under this document or elsewhere WILL UNDER ANY CIRCUMSTANCES LIMIT THE ABOVEMENTIONED DAMAGES.

Where the IRBA provides personal information to you in terms of this document and you are tasked with processing it on behalf of the IRBA in your capacity as an "Operator", as defined under the POPIA, then in such case the provisions set out under the IRBA standard "Operator Agreement/Addendum" found on the IRBA website will apply to such processing, which terms will be incorporated into and read together with this document.