

MTK 14/2026-PROVISION OF LEGAL SERVICES PANEL FOR THE PERIOD OF THREE (3) YEARS.ADDENDUM 01

ADDENDUM NO. 01

This Addendum is issued in terms of the Tender Data and must be read in conjunction with and shall be deemed to form part of the Tender Document. The Revised tender document will be issued in conjunction with this Addendum

The following items form part of ADDENDUM NO. 01

- Clarifications to tenderers' enquiries,
- Tender Closing Date Extension
- Tender Document

Part 1: RESPONSE TO TENDER'S ENQUIRIES.

No.	ENQUIRY	RESPONSE
1.	Team Composition: We have directors, who are not partners. Are we permitted to include them as part of our team?	• Yes (But this must not impact on the pricing)
2.	Number of Directors: Is there a limit to the number of directors/Partners we may include in the team, or may we add as many directors as are relevant?	• There is no limit.
3.	40-Point Requirement: Could you please clarify whether adding associates with 5–7 years of experience would have any impact on our eligibility for, or allocation of, the 40 points?	• The criteria are corrected (refer to the amended tender document)
4.	We would like to inquire about today's tender briefing session. On the first page of the tender document, the briefing is indicated as non-compulsory. However, under the mandatory requirements, a certificate of attendance is listed as a requirement.	• The tender briefing is non-compulsory. Please refer to the amended tender document.

5.	Paten's Prosecution – Proof of Registration The tender document states, under the Mandatory Pre-Qualification Requirements, that bidders must submit evidence confirming that the firm is registered to provide such services, together with proof of the relevant registration. Our firm is not registered for Paten's Prosecution services and, consequently, does not possess the required registration. We therefore kindly request clarification as to whether the absence of this registration will result in our firm being disqualified from the tender altogether, or whether we may still submit a bid for the other categories of legal services for which our firm meets the applicable requirements.	No, you won't be excluded. Proof of registration is only required for Category A, which is patent, commercialisation and tech transfer. (refer to the amended tender document)
6.	Under Phase 2: Mandatory Pre-Qualification, the RFP requires a bidder to be registered as a legal practice in terms of the Legal Practice Act, 28 of 2014, and requires, as supporting documentation, "Proof of registration with the Legal Practice Council (LPC)". In seeking to comply with this requirement, we contacted the LPC to obtain confirmation of the firm's registration. We were advised by the LPC that it no longer issues separate letters confirming that a law firm is registered with the LPC and that, for this purpose, the firm's registration particulars are reflected on the Fidelity Fund Certificate issued by the LPC. We note in this regard that the current Fidelity Fund Certificate issued by the LPC contains, on its associated-firm page, an "Associated Firms" section which identifies the legal practice with which the practitioner is associated and reflects the firm's LPC firm number. In our instance, the certificate identifies Mngadi Attorneys Inc. and reflects Firm Number 16544. In light of the above, and particularly the position communicated to us by the LPC regarding the form of proof presently available to legal practices, kindly confirm that submission of the current Fidelity Fund Certificate, together with the associated-firm information reflecting the firm's name and LPC firm number, will constitute sufficient proof of the bidder's registration as a legal practice with the LPC for purposes of the mandatory pre-qualification requirement.	A valid Fidelity Fund Certificate is sufficient to satisfy this requirement.

	Should Mintek require any alternative or additional form of proof of registration, kindly identify the particular document or confirmation that will be accepted for purposes of satisfying this mandatory requirement.	
7.	Minimum Functionality Threshold: 70 or 80 Points. We note that the RFP contains references to both 70 points and 80 points as the minimum functionality threshold. Kindly confirm the applicable minimum functionality score that a bidder is required to achieve in respect of each category tendered for to proceed to the price and specific-goals evaluation.	• 70 points for functionality
8.	Minimum Experience of the Law Firm. The functionality criteria state that the service provider “must have 10 years' experience and above”, while the scoring methodology nevertheless allocates points to firms with 6–8 years and 3–5 years of experience. Kindly clarify whether 10 years' experience constitutes a mandatory minimum requirement for eligibility or whether 10 years and above represents the experience required to obtain the maximum allocation of 30 points. We further note that the scoring bands appear to proceed from 6–8 years directly to 10 years and above, without providing a score for a bidder with nine years' experience. Kindly clarify the score applicable to a bidder with nine years' relevant experience.	• Refer to the amended tender document.
9.	Reference Letters We note that certain provisions of the functionality criteria require three reference letters for similar work “within 5 years”, whereas the five-year qualification does not appear to be stated consistently across all categories. Kindly confirm whether the three reference letters submitted in respect of each category must relate to services rendered within the preceding five years and, if so, the date from which the five-year period is to be calculated.	• Refer to the amended tender document.
10.	Kindly further confirm whether the same client reference letter may be relied upon in more than one category, where the letter expressly confirms that the bidder has satisfactorily rendered services falling within each of the relevant categories.	• You may submit if the reference is relevant to the category.

1.	Key Staff Experience and Qualifications The functionality criteria provide for the allocation of points based upon the experience and qualifications of key staff/company employees. Kindly clarify whether the relevant experience score will be determined by reference to: the lead/key legal practitioner nominated for the particular category; Each individual practitioner forming part of the proposed team; or The experience of the proposed team considered collectively.	Refer to the amended tender document. Experience of the team will not be evaluated collectively.
2.	Pricing Methodology and Total Tender Price MTF 02 requires bidders to provide charge-out rates for various professional categories, including candidate attorneys, associates, senior associates, partners, senior partners and directors. MTF 01 and MTF 02 nevertheless also require a single "Total Tender Price/Total Cost of Ownership". Given that the tender concerns the establishment of a panel of external legal service providers and that legal instructions will be allocated on an ad hoc and case-by-case basis, kindly clarify how bidders are expected to calculate a Total Tender Price in the absence of predetermined hours, quantities or volumes of legal work.	The bidder must sign and not include the total bid price as this tender is rates based.
3.	Kindly further clarify the methodology that Mintek intends to apply in calculating the 80 points allocated to price where bidders submit different charge-out rates for the respective professional categories.	The criteria have been removed since this is a panel. Refer to the amended tender document.
4.	Professional Fee Escalation During the 36-Month Contract. Kindly confirm whether the professional charge-out rates tendered are required to remain fixed for the entire 36-month contract period, or whether provision will be made for annual escalation. If annual escalation is permissible, kindly advise what escalation mechanism, percentage or formula will apply.	Fixed rates for the entire duration.

5.	Inconsistent Allocation of Points for Specific Goals We note what appears to be an inconsistency between the specific-goals table contained in the evaluation section of the RFP and the allocation contained in SBD 6.1. The former appears to allocate the 20 specific-goal points on a 10/5/3/2 basis, whereas SBD 6.1 provides an allocation of 4/8/4/2/2, which additionally includes South African ownership as a specific goal. Kindly confirm which specific-goals criteria and corresponding points allocation will apply for purposes of evaluating Tender MTK 14/2026.	Bidder must complete SBD 6.1 for completeness but indicate n/a for specific goal as it not applicable at this stage.
6.	We note that the RFP records that it is a generic tender document used for different types of goods and services and that certain provisions may therefore not apply to the present tender. The RFP nevertheless contains requirements relating, inter alia, to occupational health and safety plans and registration under the Compensation for Occupational Injuries and Diseases Act. Kindly confirm whether these requirements apply to law firms seeking appointment to Mintek's panel of external legal service providers.	Please complete section which are applicable to the type of service the law firm is providing.
7.	Where any such generic requirement does not apply to legal service providers, kindly confirm whether the relevant portion of the tender documentation may be marked "Not Applicable" without adversely affecting the responsiveness of the bid.	Yes
8.	Under mandatory requirement there is a criteria that state that Law firm must submit Partens. Is that applicable to all the categories or only those applying for category A	It only applicable for Category A that the category that deals with IP and commercialization. (Refer to the amended tender document.)
9.	Fidelity Fund certificates of the relevant practitioners are required. Should the bidders also provide the relevant practitioner certificate of good standing or only fidelity fund certificate	Valid Fidelity fund certificate will be sufficient
10.	Our firm operates as a firm of mediators and does not practice as a law firm. Accordingly, we do not have separate proof of registration of the firm with the Legal Practice Council (LPC).	Mintek is looking for a practicing law firm registered with LPC

	The LPC registration documentation available to us is proof of registration for our director. Could you please confirm whether the director's LPC proof of registration will suffice for the purposes of this requirement?	
1.	Fidelity fund certificate we only get them for directors of firm and Mintek also want the fidelity fund for practioners. Please confirm if fidelity fund for directors will suffice. Can the practioners submit the letter of good standing form the LPC	If the directors have the valid fidelity fund certificate, the firm can submit it.
2.	On Page 26, state that the bidder can bid for a minimum of two categories. We can only bid on one category. If we bid for one, would we be disqualified	No, bidders can bid for one or more categories. Refer to the amended tender document.
3.	Regarding the bank form can we attached the bank confirmation will it suffice	Yes, you can submit the bank confirmation letter and stipulate the relevant annexure that is attached.
4.	Confirm when evaluating functionality are we not also have to methodology.	Methodology does not form part of the evaluation criteria so you will not be scored when you submit it.
5.	We kindly request clarification regarding the evaluation criteria for Key Staff and Qualifications when bidding for Category B. Our proposed team consists of a Director, Senior Associates and Associates, with the following levels of experience: Director – 10 years' experience Senior Associates – 7 years' experience Associates – 5 years' experience Could you please clarify whether the experience requirement is assessed based on: The experience of one nominated key resource only; or The experience of the entire proposed team. If the assessment is based on the entire team, could you please clarify how the experience will be scored where the team members have different levels of experience? For example, where the Director has 10 years' experience, the Senior Associates have 7 years' experience and the Associates have 5 years' experience.	The evaluation criteria has been amended. Refer to the amended tender document.

6.	If a bidder is not bidding for Category A, will failure to submit patent registration result in disqualification?	Yes, as patent registration is a mandatory requirement.
7.	If one reference letter covers work performed under two categories, can the same letter be used for both?	Yes. One reference letter may be used, provided that the information contained in it supports the relevant categories. Evaluators will read the reference letters and assess the information provided.
8.	Does a Specialised IP law firm have to bid for at least two categories?	No. A bidder may bid for one, several, or all four categories. A Specialised IP firm may therefore bid only for Category A.
9.	How should the value of a contract be completed where there is no fixed overall contract value?	N/A.
10.	Is the question regarding an owner/management officer working in another business applicable to partners?	Yes, the form asks bidders to identify owners or management officers who are employees or have duties in another business enterprise.
11.	What should bidders do with standard-form questions that are not applicable to their firm?	They should write "Not Applicable" rather than leaving the field blank.
12.	Why must firms list equipment, plant and vehicles when this is a legal services tender?	This is a standard form used across tenders. Bidders should complete it as not applicable, only include vehicles owned by the firm.
13.	How should reference letters be structured and what information should they contain?	The tender document specifies the requirements. For example, the reference must be on the client's official letterhead, fall within the required period and confirm satisfactory performance for work similar to the relevant category.
14.	Are the charge-out rates on the pricing schedule hourly rates?	Yes. The rates are hourly rates for the various professional levels/categories.
15.	How should the total tender price be calculated when the actual number of hours/matters is unknown?	N/A

Part 2: Tender Closing Date Extension

- Please note that the tender closing date has been extended from **20 October 2026 to 05 November 2026 at 12pm.**
- The closing date for all tender related queries is 21 October 2026 at 3pm.
- No late submissions will be accepted.
- The revised tender document issued in conjunction with the addendum.