

The following questions were received by the Financial Sector Conduct Authority (FSCA) on bid FSCA2024/25-T007 and are responded to accordingly:

NO.	QUESTION	RESPONSE
1.	Please indicate if the above tender is a national tender and open to all law firms based in South Africa?	Yes
2.	I wanted a little clarity on completing the Bid Document, its says we should complete it using a Pen or can we complete it Electronically?	Yes, the bid document may also be completed electronically and signed by the bidder in blue or black ink. This is in line with paragraph 8.1 of the published ToR.
3.	3.1. Please advise how many brief matters and how many documents (notices/pleadings) are required for proof attendance under Section D for each category.	. For each of the legal service categories selected, the bidder must submit proof of the specific matters dealt

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		with. <table><tr><td rowspan="3">D. Proof of specific matters dealt with</td><td>D.1.A record of the attendance and a brief summary of instructions/cases attended to/handled by the lead attorney(s) under the identified service categories) in the last ten (10) years prior to the date of this bid closing. Note: Proof of such attendance may include notices of set down, pleadings, formal notices and other documents showing that the law firm was instructed and attended to the matters. In addition to the proof of attendance, bidders must</td><td>D.1.1. The bidder did not submit a record of the attendance and a summary of the instructions/cases</td><td>0</td></tr><tr><td></td><td>D.1.2. The bidder submitted a record and summary of at least one but less than 3 instructions/cases per service category that meet all the requirements</td><td>1 – 3</td></tr><tr><td></td><td>D.1.3. The bidder submitted a record and summary of 3 instructions/cases per service category that meet all the requirements</td><td>4</td></tr></table> Friday, 06 December 2024 CA TITLE TOR FSCA202425-T007 PANEL OF FIRMS-LEGAL SERVICES [PUBLISHED] INITIAL HERE → 24/25-T007 OF FIRMS: LEGAL SERVICES F Firms Search <table><tr><th>ITEM</th><th>DESCRIPTION</th><th>DETAILED DESCRIPTION/EVIDENCE</th><th>RATING</th></tr><tr><td></td><td>submit a brief summary of the matters/cases to which they attended.</td><td>D.1.4. The bidder submitted a record and summary of 4 or more instructions/cases per service category and satisfies or exceeded all the requirements</td><td>5</td></tr></table> Refer to section D of the ToR as setout above for the guidelines (Each bidder can select up to a maximum of 3 legal service categories)	D. Proof of specific matters dealt with	D.1.A record of the attendance and a brief summary of instructions/cases attended to/handled by the lead attorney(s) under the identified service categories) in the last ten (10) years prior to the date of this bid closing. Note: Proof of such attendance may include notices of set down, pleadings, formal notices and other documents showing that the law firm was instructed and attended to the matters. In addition to the proof of attendance, bidders must	D.1.1. The bidder did not submit a record of the attendance and a summary of the instructions/cases	0		D.1.2. The bidder submitted a record and summary of at least one but less than 3 instructions/cases per service category that meet all the requirements	1 – 3		D.1.3. The bidder submitted a record and summary of 3 instructions/cases per service category that meet all the requirements	4	ITEM	DESCRIPTION	DETAILED DESCRIPTION/EVIDENCE	RATING		submit a brief summary of the matters/cases to which they attended.	D.1.4. The bidder submitted a record and summary of 4 or more instructions/cases per service category and satisfies or exceeded all the requirements	5
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3.2.	How many team members CVs of each category is required? In each category, we have a lead attorney, a senior attorney (Director) , an Associate and CA	Please refer to paragraph 32 item C1 The bidders should submit the CVs of all the professionals within their firm who will undertake the work of the FSCA.																		

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	Please assist and advise if we may submit a separate pricing proposal to the pricing schedule provided in the bid document.	No pricing proposal is required. This is a rate-based tender, and bidders must take note of Table 2 in the tender which sets out the maximum hourly rates..
4.	Kindly assist and clarify which documents do we need to provide to indicate annual turnover for group 2: turnover below R35 million pg.18 paragraph 31.1.2.	Bidders are requested to indicate the relevant category for their annual turnover as indicated in paragraph 4.2 of the SBD 6.1. Bidders may submit any form of verifiable documentation such as annual audited financial statements of the firm/affidavit/ valid BBBEE certificate/ CIPC etc.
	Kindly assist and clarify if we may submit 1 proposal for all 3 categories chosen or would it be preferable to submit separate proposals for each category.	Bidders may submit 1 bid proposal which contains the relevant annexures / supporting documents (up to three legal service categories) as evidence of the firm's experience, expertise and knowledge of attending to the matters related to the legal service categories selected.
5.	Kindly provide clarity on whether the reference letters required in SECTION B must correspond with the proof of attendance required in cases under section D or reference letters can be for any matters/cases done by the firm for clients in respect of the specific categories bid for.	There is no requirement for the reference letters required under Section B to correspond to the proof of the specific matters dealt with under Section D. However, the reference letters must serve as proof of the firm's track record of having attended to matters that correlate to the legal service categories selected.
	Under item B, Functional Evaluation, the reference letters must it contain matters that are only finalized or also ongoing matters as well	The requirement under Section B for reference letters refers specifically to the firm's track record; and therefore refers to the services that were delivered by the firm to their clients

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6.	I wanted to know if the only use to complete the bid document is using Pen and not using a computer to re-type This is written on Page 8 of the document	Yes, the bid document may also be completed electronically and signed by the bidder in blue or black ink. This is in line with paragraph 8.1 of the published ToR.
7.	We seek clarity with regards to the bid document because there are two different bid documents with different dates for the briefing session and for the closing dates. I wanted to know which bid document is the correct one.	In terms of the erratum issued on 15 January 2025 both bid documents will be accepted for evaluation purposes as the terms and conditions of the ToR remain the same The non-compulsory briefing session was held on 13 December 2024 as well as on 16 January 2025 and the bid closing date was extended to 11 February 2025  ERRATUM (15012025)(final).pdf
8.	I was checking the e-procurement documents attached, both these documents were downloaded from different website. The other document was downloaded on the www.fsca.co.za and the other document was downloaded on the http://tenderbulletin.co.za. My concern is both these documents have different Briefing date and Closing date, but it is the Same Tender No. Which tender is valid for closing date is it the 30th of January 2025 or the 11th of February 2025.?	In terms of the erratum issued on 15 January 2025 both bid documents will be accepted for evaluation purposes as the terms and conditions of the ToR remain the same The non-compulsory briefing session was held on 13 December 2024 as well as on 16 January 2025 and the bid closing date was extended to 11 February 2025  ERRATUM (15012025)(final).pdf

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9.	9.1. I was asking if my firm chooses category 1 do we also need to provide proof of annual turnover?	Bidders are requested to indicate the relevant category for their annual turnover as indicated in paragraph 4.2 of the SBD 6.1. Bidders may submit any form of verifiable documentation such as annual audited financial statements of the firm/affidavit/ valid BBBEE certificate/ CIPC etc..
	9.2. And also on page 36 of 38 since my firm is choosing category 1 must I tick NO on the part of category 2 where it says YES OR NO or it is fine if I leave it blank and not tick anything as its for people bidding for category 2?	Yes
10.	Please clarify if the abovementioned tender is still open and when the non-compulsory briefing session is scheduled? The dates provided in the attached document do not match those listed on your website. Your prompt assistance with this matter would be greatly appreciated, as a briefing session is planned for tomorrow, and we need to know if it is still taking place.	In terms of the erratum issued on 15 January 2025 both bid documents will be considered for evaluation purposes. The briefing session was held on 13 December 2024 as well as on 16 January 2025 and the bid closing date was extended to 11 February 2025.  ERRATUM (15012025)(final).pdf .
11.	On the briefing of the legal services tender last year on the 13th of December I raised an issue with regards to the tender document that there are two different bid documents both for legal services which had different closing dates. Please find the attached document that says the tender is due on the 11th of February 2025.	In terms of the erratum issued on 15 January 2025 both bid documents will be considered for evaluation purposes. The briefing session was held on 13 December 2024 as well as on 16 January 2025 and the bid closing date was extended to 11 February 2025.

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12.	XX company has a strict policy regarding conflict checks which are circulated amongst all lawyers on receipt of each and every new instruction. Given our large and divergent client base, we may represent clients in unrelated matters where FSCA is the counter party (including litigious matters, commercial negotiations and other matters of an adversarial nature). If we are appointed to FSCA's panel and find ourselves on any matter where interests may be adverse to FSCA's, we will disclose this immediately. Please confirm this is in order and that you will accept our response to the RFP.	Yes, we confirm that this is in order. Conflicts of interest matters will be dealt with separately