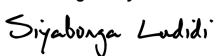




RFB: 05 2023: APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES TO THE INFORMATION REGULATOR FOR A PERIOD OF THREE (03) YEARS

QUESTIONS RECEIVED FROM PROSPECTIVE BIDDERS

Question	Bidder's Question	Information Regulator's Response
1	We seek clarity with regards to information required for the Financial Proposal. - Are we required to submit SBD 3.3 as part of the Technical Proposal or Financial Proposal? - Furthermore, the SBD 3.3 form refers to additional relevant pricing schedule annexure, while page 55 indicates that pricing schedule includes Annexure A and B. Is Annexure A and B the last two pages of the RFB document written as Annexure 1 and 2 and is the submission of required under the financial proposal?	The SBD 3.3 must be submitted as part of the financial proposal. The bid documents at page 10 of 57 incorrectly recorded a reference to Templates 1 and 2. As such it is <i>pro non scripto</i> and should not be considered. Further the Annexures at pages 56 and 57 of the bid documents are Annexures 1 and 2. The references to Annexures A and B on page 55 are incorrect and should not be considered.
2	We would like to enquire whether the above-mentioned tender includes employment and labour law services.	At page 41 of the tender document, "Any other legal or litigation service as may be instructed by the Regulator" is recorded. This may include employment and labour law services.
3	We do have a few clarification questions that are essential in guiding our decision to participate in this tender. 3.1 Paragraph 3.2.2 (b) states that the letter of OEM (Original Equipment Manufacturer) is a "mandatory returnable document". As we are a regulated law firm, OEM accreditation is not applicable to us as we provide professional services. Please confirm whether law firms will	3.1 The OEM is not applicable to law firms, and should not be submitted.

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	be exempted from submitted this document as a part of their tender response. 3.2 Please note that Standard Bidding Document 5 'National Industrial Participation' form will not be applicable as this is in relation to a request of imported goods. Please confirm whether law firms will be exempted from submitted this document if they do not meet the threshold requirements of the NIPP obligations. 3.3 Annexure 1 'Reference Letter' refers to paragraph 13.1.3 of the RFP tender document. Please note that paragraph 13.1.3 is not present in the RFP. Please could you clarify whether the reference letters should be made with reference to the law firm <u>only</u> or whether individual reference letters are required for the lead partner and the proposed core team? This is important as the evaluation criteria table specifies that bidders must furnish reference letters from previous employers with contact references. We understand the reference to "employers" to mean clients of the law firm. 3.4 Paragraph 3.2.1(b) of the RFP requires a copy of a B-BBEE Verification certificate to be submitted. Please note that our law firm's current Level 1 B-BBEE certificate has expired, and the verification agency and auditors are presently in the process of undertaking verification for purposes of issuing a new B-BBEE certificate. Please confirm whether it would be acceptable for a signed letter or affidavit from our verification agency (i.e. an authorised body or person) to be	3.2 The Standard Bidding Document 5 is not applicable to law firms and should not be submitted. 3.3 The reference in Annexure 1 to paragraph 13.1.3 is incorrect and should have read paragraph 20.3.1 instead. The required reference letters from clients should address the experience and qualifications of the lead partner and the proposed core team. 3.4 Only sworn affidavits in respect of small enterprises confirming the law firm's current B-BBEE status will be accepted. In respect of large enterprises B-BBEE certificates will be accepted. Law firms whose B-BBEE sworn affidavits or B-BBEE certificates have expired will not earn points when being evaluated.

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Question	Bidder's Question	Information Regulator's Response
	submitted (along with the expired Level 1 B-BBEE certificate if required) explaining the status of the verification process in order to comply with the requirement in terms of 3.2.1(b) 'Administrative Returnable Documents' of the RFP document?	
4	We are writing to enquire whether it is mandatory for bidders applying for the abovementioned tender to be law firms. We are a legal consultancy firm that provides legal services to various clients, including state entities. While we are not a law firm in the traditional sense, we have extensive experience in the technology law field where we have successfully completed compliance work and internal policy development projects for our clients. We would appreciate clarification on whether our status as a legal consultancy would meet the requirements set by the tender committee, given that we do not have certain documents required for the tender as we are not a law firm.	Only law firms will be considered for the bid.
5	Please kindly inform the writer if it is mandatory to use the provided SBD 3.3 (PRICING SCHEDULE) form on pages 10-11 or we could use our own format.	Bidders must complete SBD 3.3 and may submit their own format for consideration.
6	Kindly assist in the following, I noticed there is a mention of Annexure A and B under Pricing but those are not part of the document instead there's annexure 1 & @ 2? Please clarify the confusion for me.	The bid documents at page 10 of 57 incorrectly recorded a reference to Templates 1 and 2. As such it is <i>pro non scripto</i> and should not be considered. Further the Annexures at pages 56 and 57 of the bid documents are Annexures 1 and 2. The references to Annexures A and B

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Question	Bidder's Question	Information Regulator's Response
		on page 55 are incorrect and should not be considered.
7	We kindly request you to elaborate on what would constitute 3 valid certificates referred to in Item 1 of Section 20.3.1 on page 44.	The three required certificates are: 1. the admission certificates of the proposed attorneys; 2. the certificates of rights of appearance in the High Court for the proposed attorneys; 3. the certificate confirming the attorneys' membership with the Legal Practice Council of South Africa.
8	We have reviewed the documentation provided and would like to gain some clarity on the scope of work. In particular, kindly clarify whether in respect of providing legal services for the discharge of the Information Regulator's duties in terms of POPIA, it is envisaged that cyber/information security assurance and data protection services will form part of the scope.	Please refer to paragraph (d) on page 41 for the areas of law to be covered in the scope of work, including "Any other legal or litigation service as may be instructed by the Regulator". It is envisaged that cyber / information security law and data protection laws will form part of the scope of work.

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Siyabonga Ludidi

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