

<b>Attention</b>	:	Prospective Bidders
<b>From</b>	:	Supply Chain Management
<b>Date</b>	:	25 April 2024
<b>Bid Number</b>	:	RFP2023/32/NYDA
<b>Bid Title</b>	:	APPOINTMENT OF A PANEL OF LEGAL PRACTITIONERS FOR THE PROVISION OF LEGAL SERVICES TO NYDA FOR A PERIOD OF THREE (3) YEARS.

**YOU ARE HEREBY ADVISED OF THE ADMINISTRATIVE REGULATIONS AND PROCEDURES**

- o Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms if it is between parties in a horizontal relationship and if it involves collusive Bidding (or Bid rigging). Collusive Bidding is a per se prohibition meaning that it cannot be justified under any grounds. It undermines the fair determination of a supplier, corruptly eliminating free and open competition. Therefore, it is not allowed.
- o **Bidders are required to complete the price schedule annexured hereto and marked "B" and "c"**

**1. QUESTIONS AND ANSWERS DURING THE COMPULSORY BRIEFING SESSION HELD ON THE 18<sup>th</sup> of APRIL 2024 AT 10H00**

1.1	<b>Question</b>	:	On the pricing schedule provided by the NYDA -do the prices include VAT?
	<b>Answer</b>	:	The prices do not include VAT
1.2	<b>Question</b>	:	Do we need a proof of location to render services in another province/ location?
	<b>Answer</b>	:	Yes. Bidders are required to have proof of offices in the location they are bidding for.
1.3	<b>Question</b>	:	On the pricing schedule there are prices already. Do we accept the pricing, or do we propose new pricing?
	<b>Answer</b>	:	NYDA have provided a guideline in line with the High Court fee tariffs. Bidders may accept our pricing by completing the pricing schedule in line with the guide or propose new pricing. However, Rates for services rendered under this panel of legal services shall be negotiated with all successful bidders, with the intention of achieving standard rates across all parties.
1.4	<b>Question</b>	:	Regarding the pricing schedule -is the Attorney and candidate section tariff charged per 15 minute', and for the General section is it charged per page?
	<b>Answer</b>	:	Yes, except for the bill of costs and executions.

1.5	<b>Question</b>	: With regards to Testimonials, will a letter of appointment suffice?
	<b>Answer</b>	: No. Letters of appointment are different from testimonials.
1.6	<b>Question</b>	: Please clarify section 6.5
	<b>Answer</b>	The bidders must submit a detailed approach and methodology describing: <ul style="list-style-type: none"> <li>• How the bidder will render the legal services</li> <li>• The types of cases handled by the bidders in their area of practice</li> <li>• Their ability to meet deadlines, especially on a short-time frame, and give examples of how past tight deadlines have been successfully met.</li> <li>• Details of procedure to ensure quality and risks standards will be held and professional association of your organization.</li> </ul>
1.7	<b>Question</b>	: Does the 'Professional indemnity' cover required if we are not a law firm but we do provide services in chairing?
	<b>Answer</b>	: We strictly require law firms and entities which are registered with the Legal Practice Council.
1.8	<b>Question</b>	: If a company has 2 offices countrywide, e.g. Limpopo and Gauteng. Do we need to submit one document and indicate the locations we are bidding for, or do we submit two separate documents?
	<b>Answer</b>	: Bidders are required to submit one original hardcopy submission, and a softcopy/electronic version in PDF-Format digital copied versions of the original in a USB and indicate that they are bidding for both the provinces and the respective areas.
1.9	<b>Question</b>	: NYDA mentioned there was an error in the BBBEE requirements in relation to the pricing. Please clarify.
	<b>Answer</b>	: Stage three evaluation will be done using price and specific goals as per SBD 6.1, not price and B-BBEE.
1.10	<b>Question</b>	: Pricing in relation to debt recoveries. Do we provide our own price because there is no guideline when it comes debt recovery?
	<b>Answer</b>	: Yes. However, Pricing for debt recovery would be in accordance with the tariff which will be agreed upon.
1.11	<b>Question</b>	: With regards to Debt recovery, we do not have a Fidelity fund certificate. So, if we do not have the certificate, do we sub-contract?
	<b>Answer</b>	: Yes, sub-contract or joint venture to a law firm.
1.12	<b>Question</b>	: If we do not have offices nationwide, can we use a correspondent attorney to render the service?.
	<b>Answer</b>	: No.
1.13	<b>Question</b>	: On Page 16, the professional indemnity of Fidelity cover will be in addition to the fidelity fund?
	<b>Answer</b>	: Yes, bidders must provide proof of professional indemnity or fidelity cover and valid Fidelity Fund Certificate for the firm and proof of registration of the legal practitioners of the firm, with the Legal Practice Council.
1.14	<b>Question</b>	: What do we mean by saying we need registration with LPC and Letter of good standing with LPC?
	<b>Answer</b>	: As part of the functionality criterion under leading Attorney requirement, bidders must submit attorney's proof of admission with the high court and registration with the LPC <b>or</b> letter of good standing

		with LPC and, _concise CVs/ Biography with at least three (3) contactable references.
1.15	<b>Question</b>	: Do the bidders prices have to include VAT?
	<b>Answer</b>	: When billing the NYDA, you need to add VAT to your final pricing.
1.16	<b>Question</b>	: If we provide our rates, are they used for information purposes only or will they be used for Point-scoring purposes?
	<b>Answer</b>	: Price and specific goals will be used for to allocate points.
1.17	<b>Question</b>	: In terms of proof of office, which is more suitable lease agreement or Rates and taxes bill.
	<b>Answer</b>	: A lease agreement or utility bills will be accepted in the company name.

## 2. QUESTIONS AND ANSWERS AFTER THE COMPULSORY BRIEFING SESSION HELD ON THE 18th of APRIL 2024 AT 10H00

2.1	<b>Question</b>	: What is proof of professional indemnity or fidelity cover?
	<b>Answer</b>	: Proof of professional indemnity or fidelity cover refers to documentation provided by an insurance company to demonstrate that a law firm has insurance coverage for professional liability or fidelity risks.
2.2	<b>Question</b>	: In the case where we render services to individuals and not companies, on which letterhead must the testimonials be written or is there an alternative?
	<b>Answer</b>	: NYDA will only consider signed testimonial letters from companies not individuals.
2.3	<b>Question</b>	: In terms of clause 11.7 in the compliance/eligibility table, can the same lawyer work in more than one practice area if we are a small team? and
	<b>Answer</b>	: Yes
2.4	<b>Question</b>	: Are candidate attorneys who are awaiting their right of appearance from the LPC be included?
	<b>Answer</b>	: Yes, provided they are registered with the relevant practice council
2.5	<b>Question</b>	: Is there a limit (minimum and maximum number) to the number of team members/members of staff that would be considered sufficient to bid for this tender?
	<b>Answer</b>	: At least one (1) leading attorney and at least six (6) team members
2.6	<b>Question</b>	: Are practicing advocates eligible to bid?
	<b>Answer</b>	: No
2.7	<b>Question</b>	: Kindly advise whether the bid is open to both practicing advocates and attorneys, or if it is restricted to practicing attorneys only?
	<b>Answer</b>	: The tender is open to <b>any law firms</b> that meet our evaluation requirements
2.8	<b>Question</b>	: I would like to ask about page 13 of the bid document, are we allowed to choose more than 1 area of practice. For instance, if I choose Gauteng province can I tick Tshwane, Johannesburg, and Ekurhuleni? Or I need to tick one area of practice in one province?
	<b>Answer</b>	: Yes. Provided that you have offices in the different areas. No travel will be paid for in the event that you bid for an area and claim for travel from outside that area.
2.9	<b>Question</b>	: I just went through the tender documents, and I come to realize that there's no conveyancing in it, I would like to know is this tender only for litigation?

	<b>Answer</b>	:	Because the NYDA does not require the services of a conveyancer.
2.10	<b>Question</b>	:	With regards to the briefing session that was held this morning. Due to unforeseen circumstances our firm was not able to join in. I write this email to kindly request if we can still be considered to submit a tender?
	<b>Answer</b>	:	No, the briefing was compulsory.
2.11	<b>Question</b>	:	The prices that will be used as a guideline on the pricing schedule do not include VAT, however bidders are to insert prices that are VAT inclusive. Our 1st concern is that, will bidders who are not VAT registered also insert prices that include VAT and further, once we include VAT in our pricing will that not seem as if our prices are much higher or pricier than the ones that will be used as a guideline by the NYDA.
	<b>Answer</b>	:	Pricing must be VAT exclusive.
2.12	<b>Question</b>	:	For entities that are not law firms, should they subcontract under a law firm or do a joint venture with a law firm - will they be disqualified if the law firm they subcontract with/do a joint venture with did not attend this compulsory briefing session?
	<b>Answer</b>	:	No, as long as one party joined the compulsory briefing and registered their names in the teams chat.

### 3. ANNEXURES

<b>3.1</b>	Presentation	Annexure A
<b>3.2</b>	Price Schedule Part 1	Annexure B
<b>3.3</b>	Price schedule part 2	Annexure C

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