



APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES ON AN AS AND WHEN BASIS FOR THE CCMA FOR A PERIOD OF THIRTY -SIX (36) MONTHS

Briefing session on 04 October 2024 at 11:00

CCMA2023/09(A)-LEG

Questions and Answers

Question 1

- Confirm how many key matters do you require per person and per category to claim full points?
- Reference letters (Page 22) – Do bidders have to submit 5 or more reference letters in total to score the maximum points or does a bidder have to provide 5 or more reference letters per service category to get the maximum points?

Answer

- A minimum of three categories needs to be ticked. The bidder would need to demonstrate that it has Attorneys with experience and expertise in each of the categories ticked for which it is bidding.
- If the bidder provides 5 or more reference letter covering at least three specialised law service categories bid for, they will score the maximum points.

Question 2

- Do we ignore page 33 and/or mark it as 'not applicable' or remove the page completely since the tender prices are already pre-determined?
- Do the judgements have to be high court judgements, or can they be both high court and magistrate court judgements, where applicable?
- In terms of page 10, SARS does not automatically issue tax clearance certificates on request online but issue tax compliance status pins. Will it be a problem if the bidder only supplies the tax compliance status pin

Answer

- Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff.
- It can be Magistrate Court or High Court. The judgment must be finalised.
- Please refer to point 11.3.1 (page 8) of the bid document.
- The bidder may provide the expired tax clearance certificate and the new pin number

Question 3

- I came across the bidder on tender bulletins.co.za on 19 September 2024 and realized that the briefing had already been held.
- I would like to know if firms that missed the compulsory briefing because they were not aware of the tender until it advertised on tenders' bulletins on the 19th of September are disqualified to submit their bids.

Answer

- The addendum was published on e-tender and CCMA website to extend the closing date and there was a second briefing session on 04 October 2024 at 11:00. The briefing session was compulsory and only the bid document for those bidders that attended the compulsory briefing session will be accepted.

Question 4

- are also required to provide CVs

Answer

- No, Details of the bidders team experience must be captured per Table 4A

Question 5

- I was asking with regards to the SBD 3.3 as it says "to be enclosed in envelope 2" does this mean we have to take out the SBD3.3 from the rest of the bid and put it on its own envelope? Or there's no need for us to remove it and it put on its own envelope we just must include it with the rest of the bid response document in one envelope?
- And, still on SBD3.3 what kind of an amount are you guys looking for/ what kind of an amount are we supposed to put on point number 2 where it says "bidders must indicate a ceiling price bases on total estimated time..."
- Lastly are we required to submit CVs

Answer

- SBD3.3 is not applicable, as pricing is fixed, and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff
- Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff
- No, Details of the bidders team experience must be captured per Table 4A

Question 6

- Page 11 of the bid document speaks to the response format bidders must follow, the prescribed format require that we place the RFP document under schedule 1 and makes mention of Annexures (SBD Forms) under schedule 2. Kindly advise if we should separate the rest of the RFP document from the Annexures.
- Kindly advise what the “functional requirements” in terms of this RFP are, as there is a schedule prescribed but there is no clarification as to what might fall under said requirements.
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- Bidders are required to place the pricing schedule/tariffs in stage 3 “Mandatory Requirements” and stage 5 “tariffs of fees and disbursement” kindly advise if we should duplicate the tariffs acceptance form.

Answer

- We will be guided by the table of the contents where to locate that document
- Please refer to stage 4, which provides the two elements that will be taken into consideration for the purposes of functional evaluation criteria.
- Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff

Question 8

- Could you kindly indicate the maximum number of specialised law services categories we are allowed to bid for.

Answer

- The number is not capped. There is only a minimum condition of three.

Question 9

- The executive summary, kindly elaborate on what is required there.
- Are we required to attach an attendance certificate? In my case, I was not let into the meeting until it ended.
- Under Annexure B , do we attach our fees in our company letterhead or we attach the pricing schedule provided to us (SBD 3.3)?

Answer

- In terms of the executive summary, we require the bidder to give a high-level overview of the firm’s capacity to meet the bid requirements while demonstrating their strengths and value propositions. eg company overview, key expertise and services, team composition, and experience etc
- The bidder needs to attach the compulsory briefing certificate

- SBD3.3 is not applicable. Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff

Question 10

- Kindly note ANNEXURE A and ANNEXURE B is not present in the bid document.

Answer:

- Annexures are SBD documents

- Question 11

- With regards to providing judgements, is it acceptable if we hide parties' names and leave the case number only (for POPIA reasons)?

Answer

- With regards to POPIA, "**personal information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including, but not limited to
.....(h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Consideration must be given as to whether the information is contained in or derived from a public record.

Question 12

- I would like to enquire on the submission of the Tender, as stated that we need to submit 2 hard copies and 1 soft copy on a USB.
- My question would be on the hard copies if they both have to be originals or 1 could be a copy.

Answer

- 2 hard copies and one electronic copy on a USB.
- 1 original and one copy
- Question 13

- I refer you to the PREFERENCE POINT SYSTEM on page 42, are we required to work out the calculations and complete those blocks, please advise?
- With regards to SBD 3.3, since we have not received an instruction and do not know what it will entail, how do we respond to the ceiling price? or where there are uncertainties can one indicate that to be confirmed/depends on case by case

Answer

- The bidder needs to claim points as outlined and guided by the SBD 6.1
- Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff

Question 14

- **Reference Letters Requirements:** We understand that one of the requirements is for reference letters to be signed physically. However, most companies have transitioned to using electronic signatures for convenience. Could you provide an explanation for this decision?
- Electronic signature is acceptable, as provided for in the bid document under "reference letters", page 22.
- **Element 2B, Page 26:** Could you advise on which categories we should provide the two finalized judgments?
- The categories that the bidder ticks in terms of stage 2 that they are bidding for.

Question 15

- Regarding Judgements, do you require 2 per category or 2 overall

Answer

- The bidder must provide at least two finalized judgments within the specialized categories bid for. 3 points is allocated per judgment. Thus, a minimum of 6 points will be given should the bidder comply, to a maximum of 30 points.

Question 16

- We have been practicing for over 20 years and we wrote to the LPC regarding exemption for the Legal Practice Management course and they told us that they do not issue it. Kindly advise on how we respond to the request regarding this matter.
- Do we include Disbursements in the Pricing schedule, or should it be included in the invoice?
- Pricing regarding element 4B of the Functionality requirements, the need to achieve specific goals if we do not have any judgements reported in our names how do we deal with that.

Answer :

- We have been advised by the LPC that although exemptions are provided for in the rules, provision is not made for this in the Act. As such, legal practitioners will have to apply for an extension to the Legal Practice Council, which proof must be attached to the bid document.
- Disbursements are fixed.
- If no judgments are provided for, zero points will be allocated

Question 17

- We need clarification regarding pricing schedule, 1. do we need to pack the pricing schedule in a separate envelope?
- Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff
- Submission is original and 2 copies and usb ?is that correct?

Answer 18

- 2 hard copies and one electronic copy on a USB.
- 1 original and one copy

Question 19

- We note that, as was referred to in the briefing, the tender documents at page 25 – 27 fix the legal costs of the bidder for the period of the tender.
- However, at page 33 – Annexure 3: SBD 3.3 – the tender documents further include a Pricing Schedule to be completed by the Bidder, which includes a “ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project”, among other sections.

Answer

- Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff

- Kindly advise on how to complete SBD 3.3 as the tender is with regards to an 'as needed' basis for legal services which would necessarily mean that multiple projects, which are not entirely foreseeable, and whose requirements would not be known to the bidder would need to be undertaken in terms of the tender.

Answer

- SBD3.3 is not applicable. Pricing is fixed and a declaration is required to be signed by the bidder as an acknowledgement and acceptance of the fixed tariff