



national treasury

Department:
National Treasury
REPUBLIC OF SOUTH AFRICA

Transversal Contracting
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Ref RT19-2024

QUESTIONS AND ANSWERS

BRIEFING SESSION: RT19-2024: ESTABLISHMENT OF A PANEL OF LEGAL PRACTITIONERS (ATTORNEYS AND ADVOCATES) TO THE STATE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.

NO QUESTIONS

1. Par. 6.3.4.4 of the SCC - The requirement for a practitioner to have the practice management course to run a law firm is a recent one. Law firms opened in 2000 or so, practitioners were not required to have a practise management course. Will a letter from LPC confirm such for our director suffice?

ANSWERS

Response - Yes, a letter from the LPC will suffice.

Complete a legal practice management course.-

This step forms part of the legal requirements for operating your own law firm and is covered in Section 85(1)(b) of the LPA which states that every legal practitioner, practising for themselves either alone or in partnership **for the first time**, must complete a legal practice management course.

By when do legal practitioners have to comply? Rule 27(1) provides that every legal practitioner who is obliged in terms of section 84(1) to be in possession of a Fidelity Fund certificate must, within a period of one year after the date on which the legal

		practitioner was required <i>for the first time</i> to be in possession of a Fidelity Fund certificate, or within such further period as the Council may approve in any specific case, complete to the satisfaction of the Council a legal practice management training course approved by the Council.
2.	With Regard to Annexures A, B, C and D can we type in on the word documents or must it be handwritten?	Please type.
3.	With reference to the above Tender, with Bid Number RT19-2024 – Legal Practitioners, please can you advise whether you are looking for attorney firms nationwide, or only firms located in Gauteng?	It is nationwide. We have made provision for location on Annexure A.
4.	Can I use my statement of results as proof of qualification? Can you clarify what the difference is between "litigious and "non-litigious"? Can you perhaps provide an example?	Kindly note that the requirement is for the submission of copies of academic and professional qualifications which must be attached to your Curriculum Vitae and not a statement of results. Non-litigious work refers to matters dealt with outside court proceedings e.g conveyancing, notary, contract etc (these are matters outside of court). Disputes may arise out of these matters and end up in court (litigious) and in those cases the requirement of Senior Attorneys/Advocates will be applicable.
5.	Can you kindly email the Tender Document with the Annexures.	Please note that the documents are available on the eTender Publication Portal - https://etenders.gov.za Click on "Search by"

		<p>Then Click on "Tender Number"</p> <p>In the search bar, type RT19-2024, select it and Click "Search"</p> <p>When you scroll down, the tenders will be displayed</p> <p>Click the plus sign</p> <p>Scroll down to see the tender documents.</p> <p>Bidders to take note that the Tender Document can also be obtainable from National Treasury website: -</p> <p>Go to treasury website: https://treasury.gov.za</p> <p>On the left of the screen, click Tender Info</p> <p>Under Transversal Tenders, click Advertised Tenders</p> <p>Click on RT19-2024</p>
6.	<p>Can you please email Annexures A to F under, "List of Annexures" and a copy of Policy on Briefing And Fee Parameters?</p>	<p>The Policy on Briefing Fee Parameters is an internal policy and will not be shared with bidders. If bidders wish to submit a bid for RT19-2024 they must comply with the tender requirements and one of those requirements is Annexure C (Tariff Fee Structure Declaration of Acceptance).</p> <p>Please refer to question 5 above on how to download the tender document with annexures.</p>
7.	<p>Clause 10 of the above Contract which deals with "Fronting." BBBEE Fronting is dealt with broadly in that clause and I am left unclear as to what fronting really means in terms of this</p>	<p>Fronting is a misrepresentation of facts made by a bidder, claiming compliance with the preferential procurement policy framework Act or B-BBEE Act. Example of fronting:- Black people are appointed to companies, in order for the company to claim any sort of preference, but then the appointed black people are not involved in the core business activities.</p>

	Contract. Can we not have a definition of fronting under Definitions” on page 4 of the above Contract?	
8.	Once firms are appointed to the panel, what criteria will be used to allocate the work?	Please refer to paragraph 18 of the Special Conditions of Contract regarding the allocation of work.
9.	Please confirm the closing date and time of the tender.	The closing date and time of the tender is 06 November 2023 at 11 am. Late bids will not be accepted. Please refer to the Special Conditions of Contract.
10.	Will attorneys admitted in 2024 be excluded from the contract?	The requirements outlined in the Special Conditions of Contract are clear. The contract period of RT19-2024 is for a period of 3 years (36 months). Bidders are required to submit all the required documents together with their bid on the closing date and time of the tender and one of the mandatory bid requirements is the submission of the Admission Certificates (court order).
11.	The SCC makes a clear distinction between junior and senior attorneys and advocates, however, in terms of the Legal Practice Council it is not clarified if an attorney can receive the same status as a senior advocate.	For this specific tender (RT19-2024), the requirements for Senior and Junior Attorneys / Advocates are clearly outlined in the Special Conditions of Contract. Bidders are therefore required to indicate, based on the bid requirements whether they fall under a Senior or Junior Attorney / Advocate.
12.	It is noted that the SCC did not request certified copies of any of the documents, is this correct?	The submission of certified copies will be requested from the legal practitioners who will be listed on the panel.
13.	There are legal firms that utilize Advocates, will these proposed	Yes, please ensure that all required documents are submitted for all proposed legal practitioners.

	Advocates also be required to meet the requirements as outlined in the SCC?	
14.	I am practicing as a sole proprietor in a personal capacity; therefore, I am not required to register with the CIPC, and noted that bidders are required to submit the CIPC registration document. If I do not submit, will I be disqualified?	No, Legal practitioners practicing in their personal capacity will not be disqualified if they do not submit the CIPC but will still be required to submit their CSD reports together with the bid to confirm their individual status. Registered companies must submit their CIPC registration documents, and CSD report together with the bid.
15.	The issuing of the certificate of good standing takes a while to be issued by the legal practice council, can we submit it after the closing date?	The certificate of good standing, irrespective of the validity period, the certificate of good standing must be valid at the closing date and time of the bid. The requirement in the SCC is clear in that the certificate must be valid. Bidders must ensure that all required documents as outlined in the SCC are submitted together with their bid at the closing date and time. Please refer to the SCC.
16.	Do you accept Bid Documents that will be couriered?	Yes, however, it is the bidder's responsibility to ensure that the bid is delivered on or before the closing date and time of the bid and at the correct address, as late bids will not be accepted. Please refer to paragraphs 11 and 12 of the SCC.
17.	Must the CV template be completed for the Director and proposed legal practitioners?	In line with the SCC, please submit the completed CV (Annexure B) of all proposed legal practitioners, this includes the Director/s.
18.	There are some judgments where the legal practitioner or the legal firm name is not included or recognized, how do we	Bidders can attach the judgment with their bid document and any other pleading that can prove that indeed your firm was involved.

	<p>prove that our firm was indeed involved in the judgment?</p>	
19.	<p>I am a sole proprietor practicing on my own and do not necessarily need to have a letter from the Law Society as I have a Fidelity Fund Certificate and therefore did not have to complete the Legal Practice Management course.</p>	<p>The SCC requires a practitioner to submit a fidelity fund certificate and proof of admission of a practice management course and if the same is not applicable to a practitioner, then an exemption letter from the LPC must be submitted.</p>
20.	<p>Can you provide clarity regarding the legal practice management course in terms of Advocates?</p>	<p>Trust accounts advocates are required to complete a Legal Practice Management course.</p>
21.	<p>Referral advocates are not supposed to submit Fidelity certificates, please confirm.</p>	<p>Yes, however, referral advocates must indicate in their bid documents that they are not required to submit a Fidelity Fund Certificate in terms of applicable legislation.</p>
22.	<p>The legal practice management course does not apply to Advocates who are non-fidelity fund advocates. Do we still need a letter from the LPC confirming this?</p>	<p>Yes, it's not applicable, but the Special Conditions of Contract requires proof of exemption from the Legal Practice Council.</p>
23.	<p>Can you confirm the fee structure for conveyances? and secondly what information must be provided to prove the practical experience of conveyances?</p>	<p>The guidelines on conveyancing fees published by the Law Society of South Africa (LSSA) will be used for conveyances. In terms of the <u>proof</u> of practical experience for conveyances, please submit information/ records of transactions relating to registration and transfer of property.</p>

		However, please ensure that the <u>minimum number of years of experience</u> as outlined in the SCC is complied with.
24.	Is the admission certificate sufficient if the Order of Court isn't available?	YES
25.	If applying for more than one Field of Law, should we submit separate bids for each field of law?	Please submit one bid but clearly indicate in Annexure A for which Fields of Law you will be applying.
26.	Must all the Annexures in the bid be completed?	All Annexures in the bid must be completed. Bidders are requested to please complete all fields outlined in the Annexures and submit all supporting documents as outlined in the SCC. Bidders must ensure that they do not leave anything blank, please include as much detail as possible and clearly indicate why a particular field will not be applicable to you, example, a Junior Attorney will not complete the area of experience of a Senior Attorney.
27.	Will I be prejudiced if I have acted against the state?	No, you will not be prejudiced if you have acted against the state.
28.	We noted that some law fields are grouped together with more than one category, can we submit a bid though our experience is only in one of those categories?	Yes, you are allowed to submit a bid, however, clearly indicate in the document which field of law you are applying for and your practical experience in that specific field.
29.	Must bidders complete the SBD 6.1 in full	Yes, bidders must complete the SBD 6.1 in full to claim preference points. Under paragraph 8.1 of the SBD 6.1, there is a part where bidders must indicate their percentage owned and the number of points claimed. The information supplied under paragraph 8.1 must be linked to the information under 9.4 of the SBD 6.1.

30.	Regarding those who have made arrangements with SARS to meet their tax obligations, what would be considered proof of such?	Bidders must submit a letter from the South African Revenue Service (SARS) confirming that satisfactory arrangements have been made with SARS to meet the bidder's tax obligations. The letter from SARS must be submitted together with the bid.
31.	Must you be VAT registered to submit a tender?	You are allowed to submit a tender even though you are not a VAT vendor.
32.	Can we apply for more than one law field in different provinces	Yes, legal practitioners are allowed to apply for more than one law field. Bidders are required to complete Annexure A and clearly indicate the fields applying for as well as the province where they are located, however, bidders must ensure that they have the capacity to render the service if applying for more than one field in multiple provinces.
33.	If a legal practitioner is proposed and is not available for specific work that was allocated, what happens in that case?	Bidders must ensure that the legal practitioners that they are proposing are available for the work that they have been allocated, therefore bidders must ensure they are readily available to render services to the State. However, if you have proposed more than one legal practitioner you can replace the legal practitioner with the next available practitioner who meets the requirements.
Please take note of the following:		Paragraph 21.4 of the SCC: "Legal practitioners whether practicing on your own account or through a commercial juristic entity must be available to perform the services in accordance with the contract conditions. Where a legal practitioner (Attorney / Advocate) on the panel is not available to perform the work at a specific period of time, the legal practitioner must notify the Office of the State Attorney".

		Paragraph 21.7 of the SCC: "Should the legal practitioner not perform the work or be incapable of doing so, despite having indicated the ability to do so, the State reserves the right to remove such legal practitioner from the panel".
34.	I am practicing on my own and it's a very small firm, will I not be disadvantaged in comparison to a much bigger firm?	All bidders will be evaluated equally against the criteria as outlined in the SCC.
35.	I would like to determine if it will be feasible for me to submit a tender. I noted that in Annexure C, there are fee tariffs linked to the number of years of practical experience. Will my fee be linked to the number of years of experience that I have?	Yes, the fee will be linked to the number of years of experience as per Annexure C

NB ! BIDDERS ARE REQUIRED TO DOWNLOAD THE BID DOCUMENT WITH ALL ITS ANNEXURES. PLEASE READ ALL REQUIREMENTS OF THE BID AND ENSURE ALL RELEVANT DOCUMENTS ARE SUBMITTED TOGETHER WITH YOUR BID.


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FOR CHIEF DIRECTOR: TRANSVERSAL CONTRACTING

DATE: 26/10/2023