

16 January 2026

All Interested Bidders

Responses to Request for clarification

- a. **RFR003/2025 PANEL OF LAW FIRMS: BANKING, FINANCE AND INVESTMENTS**
- b. **RFR004/2025 PANEL OF LAW FIRMS: COMPLIANCE, PUBLIC LAW AND REGULATORY**
- c. **RFR005/2025 PANEL OF LAW FIRMS: INFRASTRUCTURE, CONSTRUCTION & ENGINEERING CONTRACTS AND RELATED DISPUTE RESOLUTION**
- d. **RFR006/2025 PANEL OF LAW FIRMS: EMPLOYMENT, WHITE COLLAR CRIME AND FORENSIC INVESTIGATIONS**

The DBSA published the above-listed bids on 26 November 2025 inviting suitably qualified law firms to respond with proposals to be considered for appointment to the DBSA panel of law firms.

A non-compulsory briefing session was held Wednesday, 10 December 2025, and below is response to questions raised by bidders via email after the briefing session meeting.

1. Fidelity Fund Certificates

Where Fidelity Fund Certificates are required in the tender, only partners or directors of the Law Firm would be required to provide Fidelity Fund certificates.

All senior attorneys put forward under this tender must be duly registered with the Legal Practice Council (of South Africa) as practicing attorneys and, where they are partners or directors of the Law Firm, holders of Fidelity Fund Certificates.

2. Validity of Fidelity Fund Certificates

The DBSA acknowledges that Fidelity Fund Certificates for the 2026 year may not be available at the time of tender closure. Accordingly, Fidelity Fund Certificates that were valid as at 1 December 2025 will be accepted for purposes of meeting the responsiveness requirements of this tender. However, successful bidders will be required to submit valid Fidelity Fund Certificates for 2026 as a condition of appointment.



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P Nqeto (Board Deputy Chairman)

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3. Non-Law Firm Participation

The tender is intended to establish a panel of Law Firms and, as such, only responses from Law Firms will be considered. All senior attorneys put forward under this tender must be duly registered with the Legal Practice Council (of South Africa) as practicing attorneys, and, where they are partners or directors of the Law Firm, holders of Fidelity Fund Certificates.

4. International Law Firm Participation

Under this tender, only International Law firms with registered offices in South Africa, that employ attorneys who are duly registered with the Legal Practice Council (of South Africa) as practicing attorneys and are holders of Fidelity Fund Certificates (if they are partners or directors of the Law Firm), are eligible to participate in the bid.

The DBSA may in due course publish a tender to constitute a panel of International Law Firms which may allow for participation of International Law firms that do not have a registered office in South Africa.

5. CVs of Professionals

For each area of expertise to be assessed under a tender, a maximum of three (3) CVs will be evaluated. There is no value in submitting more than three (3) CVs as only three (3) CVs will be evaluated. Should the same Senior Attorney have expertise in different categories and a bidder wishes for the CV to be considered in each category of expertise, the bidder can merely indicate same in the bid response. For example, a Law Firm may opt to put forward the same Senior Attorney(s) if the Senior Attorney(s) have both employment law and forensic expertise or banking and finance and dispute resolution expertise - the same resources may be proposed for both areas of expertise. Bidders may also opt to propose different Senior Attorneys for each area of expertise in a tender, up to a maximum of three (3) Senior Attorneys per area of expertise.

6. Hourly Rates of Attorneys

The hourly rates of all attorneys in the Law Firm as well as any proposal on fee discount is a compulsory returnable document as part of the responsiveness criteria. However, please note that this tender does not include a price and preference evaluation, and these fee schedules will not be assessed as part of the tender process. Law Firms are encouraged to submit the hourly rates of all attorneys of the firm however, if this is not feasible, the hourly rates of attorneys of the firm with specialisation outside the required scope of the tender may be excluded from the response and such exclusion will not render the bid non-responsive.

7. Clarification on JV Participation and Consultants

A Law Firm may submit responses in joint venture with other Law Firms and/or may include a maximum of two consultants to their Law Firms in their response. Please note that only CVs of **admitted attorneys** duly registered with the Legal Practice Council (of South Africa) as practicing attorneys, and holders of Fidelity Fund Certificates (if they are partners or directors of the Law Firm), will be evaluated under this tender. Please see the exception pertaining to forensic capacity below.



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8. Forensic Capacity

Only Law Firms may submit bids for this tender, as it concerns the establishment of a legal panel. Law Firms may, however, supplement their capacity by subcontracting forensic firms. In such cases, the bidder may include **up to two (2) CVs** of a forensic investigator (this will form part of the maximum of three (3) CVs to be submitted for evaluation) who is not an admitted attorney. The Law Firm must still demonstrate **in-house forensic investigation expertise**.

9. Meaning of Implementing Agent Contracts

For purposes of this tender, Implementing Agent contracts are any binding agreements between government departments/agencies, be it national, provincial, or municipal, with another party acting as implementing agent/s on behalf of such government department.

10. Legal Panel General Terms and Conditions and SLA

Please note that the General Terms and Condition included in the tender will constitute the SLA to be concluded with the successful bidder. Law Firms may negotiate reasonable changes to the General Terms and Conditions at the time of appointment but should **not** strike out any terms at this stage as it will render their bids **non-responsive**.

11. Senior Attorney

Please note that bidders are requested to put forward senior attorneys with relevant experience for each Panel. There is no definition of Senior Attorney. Seniority for of each attorney will be assessed as per the functional criteria (i.e., years of admission and relevant experience) put forward for each panel

12. High-value, Complex and Cross-border transactions

The DBSA wishes to clarify that the emphasis in the RFPs on the ability to advise on high-value, complex and cross-border transactions is intentional and reflects the nature of the DBSA's mandate and transactional activity. The DBSA recognizes that such transactions are often delivered by multi-disciplinary teams, which may include consultants, subject-matter specialists and legal practitioners admitted in other jurisdictions.

In this regard, the DBSA clarifies that bidders are encouraged to put forward senior attorneys who demonstrably have the requisite experience and skills to advise on complex, regional and/or international transactions. The resources submitted for the DBSA's Legal panels must be affiliated with the Legal Practice Council ("LPC") (except for exception provider under paragraph 8 above for Forensic Capacity) and if they are directors of partners of the Law firm they should hold valid Fidelity Fund Certificates.



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In the event of any ambiguity or inconsistency between this clarification and the clarification issued on 17 December 2025, the provisions of this clarification shall prevail.

Issued by Supply Chain Management Unit



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