



Date: 26th March 2024

To All Interested Applicants

CLARIFICATION Note No. 1

Expression of Interest - Invitation for the Provision of Lawyers to Provide Legal Assistance to Third Parties

Reference is made to the above-captioned Expression of Interest for which the deadline for submission of applications is **29th March 2024 at 17:00 hrs.**

Below please find below a clarification note which is construed to form an integral part of the Expression of Interest.

Question no 1

After providing legal advice to the third parties on the provisions that safeguard their interests, if the third party wishes to proceed with legal action through court, is the Service Provider requested to represent the third party in court proceedings and submit court documentation on their behalf?

Answer no 1

Representing the third party in court proceedings and submit court documentation on their behalf falls outside the duties, functions and responsibilities of the Service Provider as listed in clause 2.

Question no 2

Clause 5.2 and Annex II state that the payment made is excluding VAT however, clause 5.7 states that the Service Provider shall be responsible to pay VAT. Kindly clarify whether the Service Provider will be paid the amount as outlined in Annex II plus the 18% VAT.



Answer no 2

The values mentioned in the expression of interest are excluding VAT in line with the Public Procurement Regulations. Nevertheless, the contractor will be paid the VAT component as stated in clause 5.6 of the expression of interest.

Question no 3

With regards to clause 4.11, can you kindly clarify whether the full indemnity insurance policy should be a general policy or specific to the services provided under the signing of the contract.

Answer no 3

The limit of Indemnity in aggregate shall be not less than €500,000. A general Professional Indemnity Insurance shall suffice.

Question no 4

Whether legal representation before the courts is included as services to be provided to third parties, or whether it is limited to the list in Clause 2(a).

Answer no 4

Please refer to the response for question no 1 above

Question no 5

Whether the retainer fee is paid even if the 20 hours are not reached, or whether payment is on an hourly basis.

Answer no 5

The retainer fee is to be paid even if the 20 hours are not reached for that particular month. Nevertheless, as stated in Annex II of the expression of interest, the Contracting Authority reserves the right to procure higher or lower quantities than those mentioned in the same Annex II.

Question no 6

Whether an indemnity policy covering the lawyer under a civil partnership / law firm would be acceptable.

Answer no 6



An indemnity insurance policy covering the lawyer under a civil partnership/law firm is not acceptable. The indemnity insurance policy should be issued in the name of the lawyer who is applying for this expression of interest.

All other documents, conditions and requirements, which are not superseded by this Clarification, remain in place.

Building and Construction Authority
