

2024

**Expressions of Interest:
Provision of Legal Advice to
Committee(s) established
under s. 937 of the
Companies Act 2014**

1. Context and Overview

The Irish Auditing and Accounting Supervisory Authority (IAASA) is the independent body in Ireland responsible for the:

- i. examination and enforcement of certain listed entities' periodic financial reporting;
- ii. oversight of the Recognised Accountancy Bodies' functions in respect of statutory auditors and supervision of the regulatory functions of the Prescribed Accountancy Bodies;
- iii. adoption of standards on auditing, professional ethics and internal quality control; and
- iv. the inspection and promotion of improvements in the quality of auditing of Public Interest Entities.

The Companies Act 2014 ("the Act") provides that IAASA may undertake enquiries under section 933 and/or investigations under section 934 ('S934') of the Act. The conduct of these enquiries and investigations are governed by Statutory Instruments 567/2019 *Companies Act (Procedures Governing the Conduct of s.933 Enquiries) 2014* and 16/2020 *Companies Act 2014 (Procedures Governing the Conduct of s.934 Investigations) Regulations 2020* respectively.

While the Regulations provide that an Enquiry Committee and an Investigation Committee shall consist of directors of IAASA or such other persons as the Authority sees fit, IAASA directors will not generally sit on such committees. Each committee shall comprise of at least three persons, a majority of whom shall not be members of a PAB. Each committee shall have a chairperson appointed by the chairperson of IAASA. Members of a PAB shall not act as chairperson of any IAASA committee.

2. Nature of engagement

The Authority seeks proposals from solicitors/barristers to provide practical, rigorous and timely legal advice and support to such of those Committees as may be formed for the purposes of carrying out enquiries under section 933 and/or investigations under section 934 of the Act and those regulations made pursuant to it.

3. Essential Criteria

Candidates will be enrolled as a solicitor in the State, or have been called to the Bar of Ireland and/or be enrolled as a barrister in the State. They will have a minimum of 10 years relevant experience as a practising barrister or practising solicitor.

4. Information requested

Should you consider that you possess the requisite expertise and experience to meet the Authority's requirements you are invited to provide the information set out hereunder:

- a) Name, business address, email address and telephone contact details;
- b) Date of call to the Bar of Ireland and/or enrolment as a barrister in the State or date of admission and enrolment as a solicitor in the State;
- c) An schedule of previous relevant experience; and

d) a brief statement (maximum 500 word) which demonstrates:

- your experience of advising tribunals/committees, or equivalent decision-making bodies or practical experience providing legal advice to a government department, public body or a regulated entity on regulatory matters;
- your experience of the evaluation of reports and submissions, giving evidence of analytical skills enabling analysis and interpretation of complex information and of delivering timely decisions;
- your ability to write clear and accessible reports for the committee and other parties; and
- a range of interpersonal and communication skills appropriate to the demands of the role.

5. Selection criteria

5.1. Conflicts of Interest

Candidates for whom a conflict of interest, or in the Authority's opinion a perceived conflict of interest, would arise were they to undertake the assignment will be excluded from consideration. As part of his/her application, candidates are asked to declare any actual or perceived conflicts of interest, threats to independence, or any other matter that may make their appointment as legal advisor to a committee inappropriate. We encourage candidates to declare anything that they believe may apply.

IAASA also reserves the right to approach other candidates during the course of the engagement where it, at its sole discretion, considers this appropriate for perceived conflict of interest reasons.

5.2. Ranking

IAASA will assess responses according to the criteria detailed in the table below. The table below will be completed for each respondent, and the highest-scored respondent will be selected. In cases of unavailability of respondents, or conflict of interest, respondents will be approached based on this ranking.

Criterion	Max score
General understanding An understanding of the statutory remit of IAASA and the role of a legal advisor to committees.	10

Criterion	Max score
<p>Relevant experience</p> <p>Marks will be awarded in respect of relevant experience held by respondents detailed in section 4 (c) above.</p>	30
<p>Experience statement</p> <p>Marks will be awarded based on the information provided as detailed in section 4 (d) above.</p>	30
<p>Cost</p> <p><i>A mark will be extrapolated for each respondent based on their proposed charges vis-à-vis other eligible respondents.</i></p>	30
TOTAL MARK AWARDED	100

6. Assessment Process

An Assessment Group will be convened by IAASA to consider and assess the applications received. Candidates may be invited to a face-to-face interview or video conference. The Assessment Group will assess responses according to the criteria detailed in the table above.

7. Respondents' costs and expenses

IAASA shall not be liable for any costs or expenses howsoever incurred by respondents in pursuing this invitation.

8. Confidentiality

Respondents should note that, as the appointee will be a professional adviser to the Authority, the appointee shall be bound by the statutory obligations with respect to the confidentiality of information imposed by section 940 of the Act. The successful respondent will be required to sign an acknowledgement that he or she is aware of the obligations imposed by section 940 and that all information that is obtained by the respondent on behalf of the Authority that has not otherwise come into the public domain shall not be disclosed except in accordance with law. **A breach of section 940 is an offence and may result in criminal liability.**

9. Data Protection

IAASA will process any personal data provided by you in connection with an application for this role in accordance with the General Data Protection Regulation and the Data Protection Acts 2018.

By submitting your personal data for consideration under this assessment process (including your name, address, contact details and details of your education and work history contained in the Expression of Interest form), you acknowledge that such data may be used by IAASA and those directly involved in the assessment process to assist and advise the Authority in relation to the appointment to the Committees as outlined.

The data will be kept for no longer than is necessary for the purposes for which the data are processed, and it shall be kept in a manner that ensures appropriate security of data including unauthorised or unlawful processing of data.

10. Term of Appointment

Applicants shall be appointed for an initial term of three years, up to a maximum overall term of six years.

11. Other Information

- 11.1. The Authority shall be free to accept any or none of the proposals received.
- 11.2. Intellectual content of any reports/documents produced shall become the sole property of the Authority.
- 11.3. The respondents shall maintain strict confidentiality in relation to the services being sought and this process.
- 11.4. All work shall be deemed to be carried out in Ireland and shall be governed by the laws of Ireland.
- 11.5. Failure to disclose any material interest at the time of its occurrence may disqualify a respondent or cause the termination of a contract and entitle the Authority to seek appropriate remedies, such as costs or compensation for loss.
- 11.6. The expression response will form the basis of a contract for services to be agreed between the Authority and the successful respondent.
- 11.7. All fees should be quoted in Euro, including VAT at the appropriate rate.
- 11.8. No additional fees, other than those originally quoted in initial responses, shall be paid.
- 11.9. To allow sufficient time for expression assessment, a expression validity period of 30 days is required, this period commencing on the closing date for submission of expressions.

- 11.10. Payment will be made in accordance with the provisions of Statutory Instrument 850 of 2012 (EU (Late Payment of Commercial Transactions) Regulations) on receipt by the Authority of a valid invoice from the Service provider.
- 11.11. The successful respondent will be required to produce a current Tax Clearance Certificate should payments exceed specified amounts.
- 11.12. In accordance with the Irish Finance Acts a deduction of tax at the standard rate may have to be made from all payments in respect of professional services (Professional Services Withholding Tax). The successful respondent will be required to submit details of their tax reference number.

14. Further information

Relevant legislation, together with further information regarding IAASA and its activities, can be obtained from IAASA's website, www.iaasa.ie. Specific queries can also be directed to enforcement@iaasa.ie.

15. Submission of applications

Expressions of interest are being accepted by e-mail only to **enforcement@iaasa.ie**, and should include the phrase '*Expression – provision of legal advice*' in the subject line. Expressions are welcome until **12:00 noon, Mon 4 March 2024**. Expressions received after this deadline will not be considered.



IAASA

Irish Auditing & Accounting
Supervisory Authority

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