

RFP 13/2020 – Appointment of a Panel of Attorneys

Briefing Session 05 November 2020

Briefing session question and answers.

	Question	Answer
1	Are the proposed rates inclusive of VAT?	No, the proposed fee should be excluding VAT <i>(Bidders should note that this response is a correction on what was shared during the Briefing session)</i>
2	Can a Panel member also represent a Taxpayer on matters against SARS?	There is no restriction set out by SARS in this regard. However, there should be no conflict of interest on assigned or allocated Cases. Before a panel member is appointed to a specific matter, the firm will first be consulted with a brief on the matter and will then be requested to declare any conflict of interest before a Service Request is issued. The MSA also addresses the process on conflict of interest.
3	Please explain the tariff increase up to the proposed %.	SARS has set an acceptable tariff in each Tier and Bidders are allowed to move their tariff up to the maximum % in that Tier e.g. In Tier 5 the maximum is 50%. SARS rate is R 2 564. The bidder can propose up to a maximum tariff R 3 846 in Tier 5. As a government institution, SARS will uphold the 5 Pillars stated in the PFMA including among others terms of value for money and cost effectiveness. Therefore, whilst the proposed fee or tariffs is not an elimination element during the evaluation of this competitive bid, SARS affordability will be among other crucial elements for consideration throughout the life-cycle of the agreement when allocating work to the approved Panel members.
4	Will the tariffs be fixed for the contract period?	Refer to section 12.4.1.6 of the RFP document.
5	Will the appointment on the SARS panel of Attorneys also cover members to sit on the Tax board as presiding officer?	No. These are two separate processes and structures that serve different purposes.
6	How many firms do SARS intend to place on the panel?	There is no limited number of firms to be appointed on the panel. The number of firms will be determined by the outcome of the tender evaluation process.
7	If a firm becomes tax non-compliant after appointment on the panel, will that lead to removal from the panel?	Bidders will not be removed, however, SARS will ensure that service providers are tax-compliant before allocation on specific Service Requests. Bidders should note that SARS payment system is linked to the CSD portal and if a service provider is not tax compliant at the time of payment, the payment to the service provider

		<p>will be delayed until the CSD system reflect a tax compliant status.</p> <p>Appointed panel members have an obligation to maintain a valid tax compliant status throughout the life-cycle of the agreement.</p>
8	<p>What is the difference between sub-contracting and appointing corresponding Attorney?</p>	<p>Sub-Contracting – In terms of the procurement process is when two service providers submit a proposal together in a subcontracting arrangement at the tendering stage.</p> <p>Appointment of a Corresponding Attorney will be appointed by the assigned firm of Attorney on the Panel to assist on a specific case “as and when required” as the execution to the Service Request or delivery unfolds. The panel member will be held fully responsible and accountable in terms of the MSA on such an appointment.</p>
9	<p>Due to COVID, the financial audit for the year ending March 2020 has not been completed. May a firm submit AFS for the years ending March 2019, 2018 and 2017?</p>	<p>If financial statements for the year ending March 2020 have not been reviewed yet, bidders must submit a supporting letter indicating so and may submit the reviewed statements.</p> <p>At the Financial evaluation stage SARS will contact such bidder to obtain the reviewed financial statements.</p>
10	<p>Do we need to submit a response to each category? Is it a two envelope system? And how many copies?</p>	<p>Bidders have to choose which Category to response to in this competitive bidding process. Bidders may submit a response to one or more Categories in line with their capability, experience and capacity to render the published requirement to SARS. Bidders must complete or indicate their responses for each Category they are bidding for in Annexure A1 – A8.</p> <p>If a bidder intends to bid for more than one Category, this can be done in one submission clearly indicating the categories they are bidding for on Annexure A0.</p> <p>The RFP provides guidance on how bidders should package their bid submissions including where a bidding is responding to more than one Category. File 1 – Exhibit 2.</p> <p>Yes, it is a two enveloped system.</p> <p>One original and One copy of each file is required.</p>
11	<p>a) Am I right to understand that referring to the Master Service Agreement as Draft MSA, you mean that it is not final or that it is always</p>	<p>The Master Service Agreement is in a draft format and does not require bidder to sign it at this stage. At the contracting stage it will be double check for material corrections if required.</p>

	<p>subject to amendment going forward?</p> <p>b) In terms of our proposals, do we have a clause that indicates that our ideas and proposals/advice form part of the whole agreement or is the whole agreement just what is indicated in the MSA and or RTP?</p>	<p>The terms and conditions in the MSA will be standard for all the panel members and no mark-up on the MSA will be required.</p>
12	<p>Must a bidder submit two RFP if a bidder is bidding for two Regions i.e. Gauteng and Limpopo?</p>	<p>The appointment of the panel will not be per Region. Geographical location will be considered when a specific Service Request is issued. SARS is establishing a single national panel.</p>
13	<p>Are electronic signatures accepted for hard copies (physical copies)?</p>	<p>Yes but bidders should provide some form of assurance that the signatory has been dually authorised by the organisation to sign any document.</p>
14	<p>Do we submit two copies (i.e. an original and copy) in each file, that is file 1 and 2?</p> <p>How are we supposed to package the USB stick? The document indicates it must be submitted separately.</p>	<p>Yes. One original and one copy. The documents on the USB stick must be saved as File 1 and File 2 and in each file there must be folder as per the exhibits as per the table under paragraph 11. 7 in the RFP document.</p>

Important Note:

1. Bidders are requested to:
 - Pay attention to detail when completing the Pre-qualification documents. (Ensuring accuracy, completeness and honesty on all SBD documents).
 - Ensure that details of all directors; trustees/ shareholders/members are provided on the SBD 4 document.
2. Bidders should note that the MSA will be available on SARS website by Monday (16 November 2020). Bidders are only required to take note of the content of the MSA as this will be the terms and condition on which bidder will be contracted.