

REFERENCE: RFP 0054/2021
REQUEST FOR PROPOSAL

DESCRIPTION:

**APPOINTMENT OF A PANEL OF SERVICE PROVIDERS FOR THE
PROVISION OF PROJECT MANAGEMENT CONTRACTORS**

DATE ISSUED: 04 August 2022

CLOSING DATE: 02 September 2022, 11H00

TENDER BOX:

LEHAE LA SARS, PRETORIA HEAD OFFICE,
299 BRONKHORST STREET,
NIEUW MUCKLENEUK,
PRETORIA,
0181

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1. INTRODUCTION

The South African Revenue Service (SARS) is uniquely placed to contribute to government's plan of action to address socio-economic growth and development, poverty alleviation and job creation. Through the vital role of providing the revenue to fund the full spectrum of initiatives, plans, programmes and strategies of national and provincial government departments, SARS plays a crucial enabling role in government delivery.

2. OVERVIEW OF SARS

Our Mandate

The South African Revenue Service Act, 1997 (Act 34 of 1997), enables SARS to:

- Collect all revenue due.
- Ensure optimal compliance with Tax and Customs legislation; and
- Provide a Customs service that optimises revenue collection, protect our borders, and facilitate legitimate trade.

The primary legislation that SARS administers includes:

- Income Tax Act, 1962.
- Customs and Excise Act, 1964.
- Value-Added Tax Act, 1991.
- Tax Administration Act, 2011; and
- Employment Tax Incentive Act, 2013.

SARS Higher Purpose

Our work enables Government to build a capable State, to foster sustainable economic growth and social development that serves the wellbeing of all South Africans.

Our Strategic Intent

Our mandate is to collect all revenue due; ensure optimal compliance with tax and customs legislation; provide a customs service to optimise revenue, border protection and facilitate legitimate trade. To give effect to our mandate, our Strategic Intent is to develop a Tax & Customs system based on Voluntary Compliance.

Our Vision

It is our Vision to build a smart modern SARS with unquestionable integrity that is trusted and admired.

Our Strategic Objectives

In support of our Strategic Intent and to give effect to our compliance philosophy, we have identified and committed to achieving nine (9) Strategic Objectives to guide and inform our efforts and decisions and focus our resources over the course of this planning cycle. Our nine (9) Strategic Objectives are as follows:

- Provide Clarity and Certainty for taxpayers and traders of their obligations.
- Make it easy for taxpayers and traders to comply with their obligations.
- Detect taxpayers and traders who do not comply and make non-compliance hard and costly.
- Develop a high performing, diverse, agile, engaged, and evolved workforce.
- Increase and expand the use of data within a comprehensive knowledge management framework to ensure integrity, derive insight and improve outcomes.
- Modernise our systems to provide digital and streamlined online services.
- Demonstrate effective resource stewardship to ensure efficiency and effectiveness in delivering quality outcomes and performance excellence.
- Work with and through stakeholders to improve the tax ecosystem; and
- Build public trust and confidence in the tax administration system.

Our Values

Endeared by a sense that we serve a Higher Purpose in the service of South Africans, and committed to the fulfilment of our Mission & Mandate, we hold the following values dear:

- Uncompromising regard for Taxpayer Confidentiality.
- Unquestionable Integrity, Professionalism and Fairness.
- Exemplary Public Service; and
- Incontestable insights from Data & Evidence.

3. PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)

The purpose of this Request for Proposal (RFP) is to solicit bids from potential service provider(s), hereafter referred to as Bidder(s) with a **minimum B-BBEE status level 3 (i.e., level 1, 2 and 3 only)** for the appointment of a **Panel of Project Management Contractors** whose services will be required **on an as and when needed basis**.

This RFP document details and incorporates, as far as possible, the tasks and responsibilities of the potential service provider(s) required by SARS.

This RFP does not constitute an offer to do business with SARS, but merely serves as an invitation to Bidders to facilitate a requirements-based decision process.

4. LEGISLATIVE FRAMEWORK OF THE BID

4.1 TAX LEGISLATION

When submitting a bid to SARS, Bidders must be compliant and remain compliant with all applicable tax legislation for the entire contract term, including but not limited to the Tax Administration Act, 2011 (Act No. 28 of 2011), Income Tax Act, 1962 (Act No. 58 of 1962) and Value-Added Tax Act, 1991 (Act No. 89 of 1991).

4.2 PROCUREMENT LEGISLATION

SARS has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and its regulations, as well as, the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).

4.3 TECHNICAL LEGISLATION AND/OR STANDARDS

Bidders should be cognisant of all legislation and/or standards specifically applicable to the services, and particular and without limitation thereto, Bidder must comply with the following legislation and standards:

- 4.3.1 POPI Act – Protection of Personnel Information Act, 2013 (Act No. 4 of 2013)
- 4.3.2 National Archives and Records Service Act, 1996 (Act No. 43 of 1996)
- 4.3.3 Cobit@5
- 4.3.4 Project Management Body of Knowledge
- 4.3.5 ITIL Framework
- 4.3.6 Joint Building Contracts Committee (JBCC)
- 4.3.7 New Engineering Contract (NEC3)
- 4.3.8 International Federation of Consulting Engineers (FIDIC)

5. BRIEFING SESSION

A non-compulsory virtual briefing session will be facilitated, to clarify to Bidder(s) the scope and extent of work to be executed. Bidders must refer to paragraph 8 of the RFP document for the date and time of the briefing session. Refer to **Annexure C** for the link to the Teams Meeting.

6. DURATION OF CONTRACT

The successful Bidders will be appointed on the panel for a period of forty-eight (48) months.

7. APPOINTMENT TERMS

The appointment of service providers to the SARS panel of project management contractors is on a non-exclusive basis. SARS does not guarantee that successful Bidders will receive work during their appointment term. SARS will invite successful Bidders on the panel for standard services as described in the Request for Proposal **on an as and when required** through a or Request for Quotations [RFQ] process referred to hereinafter as RFX.

Where possible SARS will give preference to South African based service providers on the panel to quote on a specific RFX.

8. TIMELINE OF THE BID PROCESS

The validity period of the tender and the withdrawal of offers, after the Closing Date and time, is one hundred and eighty (180) days. SARS reserves the right to extend the validity period.

The project timeframes of this Bid are set out below:

Activity	Date Due
Advertisement of Bid in the: <ul style="list-style-type: none"> - SARS eSourcing platform. - SARS Website - National Treasury Tender Portal. 	04 August 2022
Distribution of Bid documents on SARS website	04 August 2022
Non-compulsory virtual briefing session	12 August 2022 at 10H00
Last date for questions relating to the bid from Service Provider(s)	19 August 2022
Bid Closing Date	02 September 2022
Notice to Service Provider(s)*	November 2022
Contract commencement date*	November/December 2022

All the times given in this bid are South African Standard Time.

Any time or date in this bid is subject to change at SARS' discretion. A reference to a time or date in this bid does not create an obligation on the part of SARS to take any action or create any right in any way for any Bidder to demand that any action be taken on that specific date or at that specific time. The Bidder accepts that, if SARS extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this Bid will otherwise apply equally to the extended deadline.

9. CONTACT

A nominated official of the Bidder(s) can make enquiries only in writing, to the specified person, Mr Andre Taljaard (Procurement Tender Office) via email TenderOffice@sars.gov.za and copy rft-professionalservices@sars.gov.za. Bidders must make all enquiries in writing and send them to the email addresses listed above.

10. SCOPE OF WORK

10.1 BACKGROUND

SARS requires the services of Project Management Contractors firms to assist SARS in the delivery of strategic projects aimed at achieving SARS Vision 2024. In order to continue to excel in its core business the Enterprise Project Management Office (EPMO) is positioned to execute strategic modernisation programmes of the organisation. Positioning the EPMO in this way will assist the organisation in modernising its systems to provide digital and streamlined outcomes. Positioning the EPMO as envisioned entails inclusion of certain new positions, retention of current positions and creation of new ones. However, with projects being temporary endeavours to achieve unique outcomes, and with demand for projects varying over time, not all positions need to be permanent. The contracted bidders will assist SARS in the implementation of modernisation programmes and projects. The demand for project resources can be met through contracting.

These programmes require integration and implementation along certain themes, e.g., registration, meaning there is a decisive requirement for certain portfolios to be grouped around similar products and processes such as Income Tax, Customs and Excise and Other Taxes.

This will necessitate recruitment or sourcing of project management resources at different levels of business (Junior, Middle and Senior Management) to assist with the implementation of such programmes.

10.2 EXPERTISE REQUIRED

SARS may from time to time utilise the services of the aforesaid panellists to provide Project Management contractors services to SARS, and these may include participating in management, joint development, and support projects as well as add-on skills to such projects on an “as and when required” basis. Details of the required service will be specified at the RFX stage.

The Bidders must be able to provide resources with experience as stipulated in any or all the different categories as indicated in paragraph 11 below.

11. CATEGORIES OF SERVICES

Bidders may submit proposals in respect of anyone (1) or more of the six (6) categories listed below

- **CATEGORY A – Software Development** - A software development project is a complex undertaking within the boundaries of time, budget, and staff resources that produces new or enhanced computer code that adds significant business value to a new or existing business process.

- **CATEGORY B – Corporate Real Estate** - Physical infrastructure projects refer to the establishment, construction, refurbishment or decommissioning of physical structures required by the organization to enable its employees to function and provide services/products to its customers and/or citizens.
- **CATEGORY C – IT Infrastructure** - IT infrastructure projects refer to the undertaking that manages composite hardware, software, network resources and services required for the existence, operation, and management of an enterprise IT environment.
- **CATEGORY D – SARS Business Specific Projects** - A business project is a project specifically intended to achieve a business objective. A business-related project may/may not entail sub-components or project lifecycles such as software development and IT infrastructure.
- **CATEGORY E – IT Solutions enablement and systems integration** - IT Solution Enablement and Systems Integration projects are projects that joint software and hardware modules into one cohesive infrastructure, enabling all pieces to work as a whole.
- **CATEGORY F – Data Management** - Data management projects are initiatives that involve the specialised technical and business practice of collecting, organizing, and accessing data to support productivity, efficiency, and decision-making

Bidders must be able to provide project management resources at different skills and experience levels to deliver projects as per the following roles and high-level deliverables:

- **Junior Project Managers (junior management)** - To manage and implement, under supervision, continuous improvement projects or components of projects within the controlled constraints of scope, time and cost while ensuring adherence to quality, legal and cost management requirements.
- **Project Managers (middle management)** - To manage the inception and implementation of capital investment projects within the controlled constraints of scope, time and budget while ensuring adherence to quality, legal and cost requirements and ensuring a basis for benefits realisation is set.
- **Senior Project/ Programme Managers (senior management)** - To manage the inception and implementation of transformational programmes within the controlled constraints of scope, time and costs and emergent shifts in strategic goals and associated outcomes for programmes while ensuring adherence to strategic outcomes, quality, legal and cost requirements and ensuring a basis for benefits realisation is set.

Bidders must complete (Annexure A) and clearly indicate the categories they are bidding for. SARS will not evaluate Bidders proposal for an unselected category.

Bidders must submit all the required information for each category they are bidding for. Each category will be evaluated independent of each other, and it is therefore important that Bidders respond to all the required information separately should they be submitting proposals in more than one category.

11.1 TECHNICAL REQUIREMENTS

11.1.1 COMPANY PROFILE

Bidders should provide a detailed (non-generic) company profile that is purpose written for this bid submission that demonstrates with evidence:

11.1.1.1 Bidders company profile demonstrating the Bidder's number of years of being in business.

11.1.2 BIDDERS' CAPABILITY TO PROVIDE RESOURCES

11.1.2.1 The bidders must demonstrate their capability to provide SARS with the resources as per SARS's resource output level requirements by providing a one-page cv for each role (i.e., one (1) Senior Project/ Programme Manager, one (1) Project Manager and one (1) Junior Project Manager) with the level of Seniority, Qualifications, Experience, Certification/Accreditation as per SARS requirements for the category they are bidding for.

NB: The proposed resources information should include the details:

➤ **Senior project/ Programme manager**

- A recognised qualification at NQF Level 8 or equivalent qualification in the field of Project Management. (NB: Certified copies attached).
- A minimum of 8 years working experience in the field of Project Management
- Membership in good standing with a professional body in the field of project management (PMP) Project Management Professional and The South African Council for the Project and Construction Management Professionals (SACPCMP). **(NB: Only bidders that are bidding for Category B: Corporate Real Estate are required to submit their accreditation certificate with (SACPCMP).**
- The level of seniority (Strategic, Tactical and Operational) and the value of the project the resource have worked on per category.

➤ **Project Manager**

- A recognised qualification at NQF Level 7 or equivalent qualification in the field of Project Management. (NB: Certified copies attached).
- A minimum of 6 years working experience in the field of Project Management
- Membership in good standing with a professional body in the field of project management (PMP) Project Management Professional and The South African Council for the Project and Construction Management Professionals (SACPCMP). **(NB: Only bidders that are bidding for Category B: Corporate Real Estate are required to submit their accreditation certificate with (SACPCMP).**
- The level of seniority (Strategic, Tactical and Operational) and the value of the project the resource have worked on per category.

➤ **Junior Project Managers**

- A recognised qualification at NQF Level 6 or equivalent qualification in the field of Project Management. (NB: Certified copies attached).
- A minimum of 5 years working experience in the field of Project Management
- Membership in good standing with a professional body in the field of project management (PMP) Project Management Professional and The South African Council for the Project and Construction Management Professionals (SACPCMP). **(NB: Only bidders that are bidding for Category B: Corporate Real Estate are required to submit their accreditation certificate with (SACPCMP).**
- The level of seniority (Strategic, Tactical and Operational) level of seniority.

11.1.2.2 The Bidder must submit details of the key contact person / key account manager including his/her roles and responsibilities and a comprehensive CV, which must be signed by both the Bidder's authorised representative and the resource concerned, in order to confirm that it is accurate and complete. **NB: Only one Key Account Manager is required irrespective of the number of categories applied for however this information should be provided in each category.**

11.1.3 REFERENCES FROM CLIENTS

Bidders are required to provide the name(s) of at least two (2) clients to whom similar services as per the selected category has been rendered. These are to be clearly placed under the folder that the bidder is bidding for to prevent confusion during tender evaluation stage.

Bidder's reference should include the information below for each of the 2 references per category:

- the name of the client, and contact person with Contact details (Contact number &/or Email Address),
- the duration of the Bidder's contract with the Client related to the relevant category,
- a brief description of all services provided to such company related to the relevant category,
- Level of performance related to the relevant category indicating: Excellent, Good or Poor.

NB: SARS reserves the right to contact the clients for a reference check. It is the responsibility of the Bidders to ensure that the clients on the schedule are contactable.

11.1.4 SKILLS TRANSFER

Bidders must demonstrate how transfer of relevant knowledge and skills will be implemented to SARS personnel on their bidding categories. The bidder's response must cover the following elements:

- Knowledge and skills transfer plan.
- Process for transferring knowledge relevant for the category they are bidding for.
- How they are going to prevent knowledge loss.

- Platform to facilitate the knowledge and skills transfer.
- Reports on the Knowledge and skills transfer.

11.2 TRAVEL COSTS

11.2.1 Kilometre travel claims

Travel expenses are to be specified by the bidders (for example rate/km and total km, class of air travel, etc.). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices. SARS will not pay the first 60 kilometres per trip. The rates should be as per published rates by the Department of Transport.

11.2.2 Accommodation

Other expenses, for example accommodation (specify, e.g., three-star hotel, bed, and breakfast). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices. The rates cost should be as per published rates by national treasury circular no 7 of 2021/22 cost containment measure.

12. CONDITIONS APPLICABLE TO APPOINTMENT

12.1 The appointment of service providers to the SARS panel of project management contractors is on a non-exclusive basis. SARS does not guarantee that successful Bidders will receive work during their appointment term. SARS will invite successful Bidders on the panel for standard services as described in the Request for Proposal on an as and when required basis through a Request for Quotations [RFQ] process referred to hereinafter as RFX.

Where possible SARS will give preference to South African based service providers on the panel to quote on a specific RFX.

12.2 Bidders are encouraged to support the development and employment of Historically Disadvantaged People.

13. INSTRUCTIONS TO BIDDER(S)

13.1 Registration on Central Supplier Database

Bidders who have no presence in South Africa currently are not required to register on CSD, however should such entities be successful in winning the award, and they will be expected to register on the Central Supplier Database. All other local Bidders or foreign Bidders that have local presence at the time of tendering are expected to abide by these provisions. CSD can be accessed via the following link: <https://secure.csd.gov.za/>

Bidders who wish to render services to SARS will no longer register at SARS directly. Bidders will have to register on National Treasury Central Supplier Database (CSD) as per National Circular No. 4A of 2016/2017 – Central Supplier Database.

National Treasury will maintain the database for all suppliers for Government and its institutions; and all existing and prospective suppliers are requested to register on the CSD by accessing the National Treasury website at www.CSD.gov.za.

- 13.2** Bids must be properly packaged and deposited in the below mentioned tender box on or before Closing Date and time at the SARS Tender Office situated at:

Lehae La SARS
Pretoria Head Office
299 Bronkhorst Street,
Nieuw Muckleneuk,
Pretoria,
0181

- 13.3** Bid documents may also be couriered to the Tender Office – at the address stated above.
- 13.4** Bid documents **must** also be submitted through the **SARS eSourcing** platform, that will require Bidders to register on the system before they will be able to submit proposals:
[Link: https://esourcing.sars.gov.za/sap/bc/webdynpro/sap/zeso_csd_create_supplier#](https://esourcing.sars.gov.za/sap/bc/webdynpro/sap/zeso_csd_create_supplier#)
- 13.5** The Bidder(s) are required to ensure that the content of their proposal submitted on the different platforms is the same
- 13.6** Bid documents will only be considered if received by SARS before the Closing Date and time, regardless of the method used to send or deliver such documents to SARS.
- 13.7** Late bids will not be accepted and shall be returned to the Bidder (s).
- 13.8** The Bidder(s) are required to submit one (1) copy of each file (original and duplicate) and one (1) USB with the contents of each file by the Closing Date and time.
- 13.9** Each file and USB must be marked correctly and sealed separately for ease of reference during the evaluation process.
- 13.10** The Bidder's proposal must be labelled and submitted in the following format both in hardcopy and the USB.

FILE 1 (ONLY TECHNICAL PROPOSAL)	
Exhibit 1 (Submit only once) <ul style="list-style-type: none"> • Pre-qualification documents (SBD documents and others) • Proof of Central Supplier Database (CSD) Registration Report (preferably the CSD report in PDF format) from National Treasury • List of Categories Bidding for (Annexure A) 	Exhibit 2 –Separate folders for each selected category that is clearly marked. <ul style="list-style-type: none"> • Technical Response per category: <ul style="list-style-type: none"> - Company Profile - Capability to provide Resources - References

	<p>- Skills Transfer</p> <p><i>Bidders that are responding to more than one category are required to clearly separate all the documentation for each category.</i></p>
Exhibit 3 (Submit only once) <ul style="list-style-type: none"> • General Conditions of Contract (GCC) • Draft Master Service Agreement (Bidders to indicate their acceptance) 	
FILE 2 (ONLY PRICE AND BEE PROPOSAL)	
Exhibit 1 (Submit only once) <ul style="list-style-type: none"> • B-BBEE Certificate • SBD 6.1 • Sanas Rate Card/ Affidavit 	Exhibit 2 (Submit only once) <ul style="list-style-type: none"> • Pricing Schedule
Note: SARS requests that Bidders use Lever Arch files to package their proposals.	

14. EVALUATION AND SELECTION CRITERIA

SARS has set minimum standards (Gates) that Bidders must meet to be evaluated and selected as a Successful Bidder. The minimum standards consist of the following Gates:

- **Pre-Qualification Criteria (Gate 0)** – Bidder(s) must submit all Standard Bidding Documents as outlined in paragraph 14.1.
- **Pre-technical (Mandatory Requirements) (Gate 1)** – Bidder(s) must submit a valid B-BBEE certificate, sworn affidavit or SANAS accredited BEE certificate with minimum B-BBEE status level 3, as outlined in paragraph 14.2 below.
- **Technical Evaluation Criteria (Gate 2)** – Bidder(s) will be evaluated out of hundred (100) points during Technical Evaluations and the minimum threshold of seventy (70) points must be achieved. The process is outlined in paragraph 14.3.
- **Price and B-BBEE Evaluation (Gate 3)** – This will be evaluated at the RFX stage out of 100 points. Price will be evaluated out of 80 and B-BBEE 20 points. The process is outlined in paragraph 14.4 below.

14.1 PRE-QUALIFICATION CRITERIA – GATE 0

Without limiting the generality of SARS' other critical requirements for this Bid, a Bidder must submit the documents listed in **Table 14A** below. Documents must be completed in full and signed by the duly authorised representative of the prospective Bidder. The Bidder's proposal may be disqualified for non-submission of any of the documents.

Table 14A: Documents that must be submitted for Pre-Qualification

Name of the document that must be submitted	Non-submission may result in disqualification
Central Registration Report (Central Database System) from National Treasury	YES – Bidders must register on the Central Database System and submit the Report as confirmation of registration.
Tax Compliance status pin	YES – Submit Tax Compliance status pin.
Invitation to Bid – SBD 1	YES – Complete and sign the supplied pro forma document.
Declaration of Interest – SBD 4	YES – Complete and sign the supplied pro forma document.
Supplier Risk Assessment Questionnaire	NO – Complete and sign the supplied pro forma document.
Preference Point Claim Form - SBD 6.1	YES – Complete and sign the supplied pro forma document.
General Conditions of Contract (GCC)	YES – Sign the supplied GCC.
B-BBEE Certificate / Sworn Affidavit	YES - Submit a valid B-BBEE verification certificate or Sworn Affidavit.

14.2 Pre-technical (Mandatory Requirements) – Gate

Table 14B: Mandatory Requirements

Mandatory Requirements	Non-compliance with stated B-BBEE status level will result in disqualification
Minimum B-BBEE status level 3	YES – Submit a certified copy of a valid B-BBEE certificate, sworn affidavit or SANAS accredited BEE certificate with minimum B-BBEE status level 1,2 and 3.

14.3 TECHNICAL EVALUATION (GATE 2)

Only Bidder(s) that have met the Pre-qualification Criteria in Gate 0 will be evaluated in Gate 1, Functionality (Technical Evaluation) will be out of 100 points.

Bidder(s) that achieve a minimum threshold of **70** points out of **100** points for technical capabilities **for each category** will be considered for appointment to the panel in the specific category.

Bidders should refer to Annexure A1-A6 for the detailed technical evaluation criteria applicable to all categories.

14.4 PRICE AND B-BBEE EVALUATION (GATE 3)

Pricing and B-BBEE will not be evaluated for the establishment of the panel however the bidders are still required to complete the published pricing template (**Annexure B**). SARS will before the signing of the contract, negotiate the rates proposed by bidders to align them with the rates contained in the guidelines referred to in paragraph 4.3 of the National Treasury Instruction No. 03 of 2017/18 Cost Containment Measures.

Pricing and B-BBEE evaluation will be carried out at the RFX stage, whereupon the negotiated rates referred to in the paragraph above will be binding on the bidders and serve as a basis for Pricing evaluation, as envisaged in paragraph 14.4.1.

14.4.1 Stage 1 – Price Evaluation (80 points)

Table 14C: Price evaluation formula

Adjudication Criteria	Points
Price Evaluation $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

Where

P_s	=	Points scored for price of Bid under consideration
P_t	=	Price of Bid under consideration
P_{\min}	=	Price of lowest acceptable Bid

14.4.2 Stage 2 – BBBEE Evaluation (20 points)

a. B-BBEE Requirements

In line with the requirements of the Preferential Procurement Regulations, 2017 (Government Gazette No. 40553) to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) [the “PPPFA”] tenders that have achieved the minimum qualifying score for functionality will be evaluated further in terms of the prescribed preference point systems:

- (i) Regulation 6 - 80/20: A maximum of 20 points may be allocated to a bidder; or
- (ii) Regulation 7 - 90/10: A maximum of 10 points may be allocated to a bidder.

b. Bid Evaluation Process Gate 2: B-BBEE EVALUATION

B-BBEE points may be allocated to bidders on submission of the following documentation or evidence:

Table 14D: B-BBEE Points allocation and required documents

Adjudication Criteria	Maximum Points
A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1) and a B-BBEE certificate/Sworn Affidavit.	20

The checklist below indicates the B-BBEE documents that must be submitted for this tender. Failure to submit the required documents at the RFX stage will result in bidders scoring zero for B-BBEE.

Table 14D: B-BBEE Checklist

Classification	Turnover	Submission Requirement
Exempted Micro Enterprise (EME)	Below R10 million p.a.	Sworn affidavit or a certificate from the Companies and Intellectual Property Commission ("CIPC") or a certified copy of a B-BBEE Rating Certificate from a SANAS accredited rating agency.
Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	Certified copy of B-BBEE Rating Certificate from a SANAS accredited rating; or A DTI Affidavit – Only 51% Black Owned (BO) and above.
Large Entity (LE)	Above R50 million p.a.	Certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency.

Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a certified Sworn Affidavit confirming annual turnover and level of black ownership in case of an EME and QSE, together with the bid, will be considered a non-responsive bid.

Use and acceptance of Sworn Affidavits

SARS reserves the right to request that Service Providers submit their Black Ownership and turnover information in support of their affidavits.

Bidders will need to provide information which proves Black Ownership and turnover, in addition to the sworn affidavit, or request that their EME/QSE suppliers be verified and have this confirmed in the affidavit.

Joint Ventures and Consortiums

A trust, consortium or joint venture (including unincorporated consortia and joint ventures), will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their consolidated B-BBEE status level Verification Certificate scorecard and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Subcontracting

Bidders who want to claim preference points will have to comply fully with regulations 12(1) and (3) of the Preferential Procurement Regulations, 2017 with regard to subcontracting:

Regulation 12 – Subcontracting after award of tender

- (1) *A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.*
- (2) *A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.*

Proof of Existence: Joint Ventures and/or Subcontracting

Bidders must submit concrete proof of the existence of joint ventures and/or subcontracting arrangements. SARS will accept signed agreements as acceptable proof of the existence of a joint venture and/or subcontracting arrangement.

The joint venture and/or subcontracting agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or subcontracting party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or subcontracting arrangement.

15. FINANCIAL ANALYSIS

Financial analysis will not be conducted for the establishment of the panel. SARS may request service providers to submit their Annual Financial Statements at the RFX Stage.

16. AGREEMENTS

16.1 General Conditions of Contract

Any award made to a Service Provider under this bid is conditional, amongst others, upon such –

- 16.1.1** Bidder, as a minimum, accepting the terms and conditions set out in the General Conditions of Contract (GCC), which forms part of this tender pack
- 16.1.2** Bidder accepting all terms and conditions applicable to the appointment of a service provider for the provision of project management contractors' services, as set out in this RFP document; and
- 16.1.3** Bidder accepting the terms and conditions of the Services Agreement proposed by SARS.

16.2 Master Service Agreement

- 16.2.1** The draft Master Service Agreement (MSA) constitutes the specialised terms and conditions upon which SARS is prepared to contractually engage the prospective Bidder(s) to render the services under this bid.
- 16.2.2** Bidders are requested to indicate their acceptance of the terms and conditions set out in the draft MSA.

16.3 Performance Standards

- 16.3.1** SARS will, at the time of issuing an RFX Request determine and/or prescribe certain performance standards (Service Level) that the Successful Bidder should comply with in the performance of the requested Services. In the event that the Successful Bidder fails to adhere to the Service Levels due to reasons solely attributable to the Service Provider, SARS may without prejudice to its other remedies levy a financial penalty against the Successful Bidder for the performance failure. The RFX will also indicate the penalty applicable to any failure by the Successful Bidder to meet a Service Level.
- 16.3.2** Multiple performance failures with the prescribed Service Levels in an RFX will constitute a material breach of the MSA.

16.3.3 Notwithstanding the implementation of financial penalties, SARS reserves the right and without derogation to any other remedies it may have in law, to-

16.3.3.1 terminate the MSA for breach;

16.3.3.2 cancel an RFX with immediate effect; or

16.3.3.3 reallocate an RFX to another Successful Bidder through a new RFX process. In such an event, the Successful Bidder shall be obliged, and for its own account, to assist in the seamless transition of the services to the incoming Successful Bidder.

16.3.3.4 cancellation or reallocation of an RFX as contemplated herein shall be without any liability to SARS except for payment for the Services already rendered by the Successful Bidder, less applicable financial penalties.

16.4 INSURANCE

The Successful Bidder shall on or before the effective date and for the duration of the appointment -

16.4.1 be in possession of a valid and current Professional Registration as per the appointed category.

16.4.2 have adequate insurance cover consistent with acceptable and prudent business practices and acceptable to SARS, which must include without limitation indemnity insurance to cover any claims, losses and/or damages for which it may be liable in terms of this Agreement.

16.4.3 professional indemnity insurance will be adjusted relevant to the RFX.

16.5 LIABILITY

16.5.1 The Successful Bidder shall be liable to SARS for any direct damages and/or Losses incurred by SARS due to failure by the Bidder to perform its obligations in the manner required by the MSA signed by the Parties.

16.5.2 The Successful Bidder shall further be liable to SARS for all indirect and consequential or special damages and/or Losses suffered by SARS because of gross negligence, wilful misconduct, a breach of confidentiality provisions stipulated in the signed MSA between the Parties, breach of Applicable Laws, infringement of a third party's intellectual property rights, or a criminal act committed by the Bidder or any employees of the Bidder.

17. SPECIAL CONDITIONS OF THIS BID

17.1 SARS reserves the right:

17.1.1 Not to award or to cancel this bid at any time and shall not be bound to accept the lowest or any bid.

17.1.2 To negotiate with one or more preferred Bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other Bidder(s) who has not been awarded the status of the preferred Bidder(s).

17.1.3 To accept part of a Bid rather than the whole Bid.

17.1.4 To cancel and/or terminate the Bid process at any stage, including after the Closing Date and/or after

presentations have been made, and/or after Bids have been evaluated. To correct any mistakes at any stage of the Bid that may have been in the Bid documents or that occurred at any stage of the Bid process; and/or

- 17.1.5 To disqualify a Bidder whose bid contains a misrepresentation, which is materially incorrect or misleading.

17.2 SARS requires Bidder(s) to declare

In the Bidder's Technical response, Bidder(s) are required to declare the following:

Confirm that the Bidder(s) is to:

- 17.2.1 Act honestly, fairly, and with due skill, care, and diligence, in the interests of SARS.
- 17.2.2 Have and effectively employ the resources, procedures, and appropriate technological systems for the proper performance of professional activities.
- 17.2.3 Act with circumspection and treat SARS fairly in a situation of conflicting interests.
- 17.2.4 Comply with all applicable statutory or common law requirements applicable to the conduct of business.
- 17.2.5 Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with SARS.
- 17.2.6 Avoid fraudulent and misleading advertising, canvassing, and marketing.
- 17.2.7 Conduct its business activities with transparency and consistently uphold the interests and needs of SARS as a client before any other consideration; and
- 17.2.8 Ensure that any information acquired by the Bidder(s) from SARS will not be used or disclosed unless the written consent of the client has been obtained to do so.

17.3 CONFLICT OF INTEREST, CORRUPTION AND FRAUD

SARS reserves its right to disqualify any Bidder who either itself or any of whose members, directors, or members of senior management, whether in respect of SARS or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity"):

- 17.3.1 Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this Bid.
- 17.3.2 Seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor, or other representative of a Government Entity to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity.
- 17.3.3 Makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SARS' officers, directors, employees, advisors, or other representatives.
- 17.3.4 Makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors, or other representatives to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity.
- 17.3.5 Accepts anything of value or an inducement that would or may provide financial gain, advantage, or benefit in relation to procurement or services provided or to be provided to a Government Entity.
- 17.3.6 Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift, or any other

consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity.

17.3.7 Has in the past engaged in any matter referred to above; or

17.3.8 Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether a prison term was imposed and despite such Bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

17.4 BIDDER'S OWN TERMS AND CONDITIONS OR BID QUALIFICATIONS

This document contains the terms and conditions of this bid and Bidders must not modify / qualify the specifications or come up with their own terms and conditions. SARS reserves the right to disqualify a bid, which seeks to modify or depart from the specified conditions.

17.5 MISREPRESENTATION DURING THE TENDER PROCESS AND LIFECYCLE OF THE CONTRACT

The Bidder should note that the terms of its accepted Tender will be incorporated in the proposed MSA by reference and that SARS relies upon the Bidder's Tender as a material representation in making an award to a Successful Bidder and in concluding an agreement with the Bidder.

It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by SARS against the Bidder notwithstanding the conclusion of the MSA between SARS and the Bidder for the provision of the services in question.

17.6 PREPARATION COSTS

The Bidder will bear all its costs in preparing, submitting, and presenting any response or tender to this Bid and all other costs incurred by it throughout the Bid process. Furthermore, no statement in this Bid will be construed as placing SARS, its employees, or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response to this Bid.

17.7 INDEMNITY

If a Bidder breaches the conditions of this Bid and, because of that breach, SARS incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the Bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds SARS harmless from all such costs which SARS may incur and for any damages or losses SARS may suffer.

17.8 PRECEDENCE

This document will prevail over any information provided during any briefing session whether oral or

written, unless such written information provided, expressly amends this document by reference.

17.9 LIMITATION OF LIABILITY

A Bidder participates in this Bid process entirely at its own risk and cost. SARS shall not be liable to compensate a Bidder on any grounds whatsoever for any costs incurred or any damages suffered because of the Bidder's participation in this Bid process.

17.10 TAX COMPLIANCE

No tender shall be awarded to a Bidder whose tax affairs are not in order. SARS reserves the right to withdraw an award made, or cancel a contract concluded with a successful Bidder if it is established that such Bidder was in fact not tax compliant at the time of the award. SARS further reserves the right to cancel a contract with a successful Bidder if such Bidder does not remain tax compliant for the full term of the contract.

17.11 NATIONAL TREASURY

No tender shall be awarded to a Bidder whose name (or any of its members, directors, partners, or trustees) appears on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. SARS reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a Bidder has been blacklisted with National Treasury by another government institution.

17.12 GOVERNING LAW

South African law governs this Bid and the Bid response process. The Bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this Bid, the Bid itself and all processes associated with the Bid.

17.13 RESPONSIBILITY FOR BIDDER'S PERSONNEL

A Bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors, and other representatives) comply with all terms and conditions of this Bid.

17.14 CONFIDENTIALITY

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this Bid or a Bidder's Tender(s) will be disclosed by any Bidder or other person not officially involved with SARS' examination and evaluation of a Tender. Throughout this Bid process and thereafter, Bidders must secure SARS' written approval prior to the release of any information that pertains to (i) the potential work or activities to which this Bid relates; or (ii)

the process which follows this Bid. Failure to adhere to this requirement may result in disqualification from the Bid process and civil action.

No confidential information relating to the process of evaluating or adjudicating Tenders or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

17.15 INTELLECTUAL PROPERTY

SARS retains ownership of all Intellectual Property rights in the tender information documents that form part of this RFP. Bidders will retain the Intellectual Property rights in their tender responses, but grant SARS the right to make copies of, alter, modify, or adapt their responses, or to do anything which in its sole discretion is necessary to do for reasons relating to the RFP process.

17.16 SARS PROPRIETARY INFORMATION

A Bidder must make a declaration on their Bid covering letter that they did not have access to any SARS proprietary information or any other matter that may have unfairly placed that Bidder in a preferential position in relation to any of the other Bidders.

17.17 SCREENING AND VETTING OF SERVICE PROVIDER

Acceptance of this tender is subject to the condition that both the successful Bidder and its personnel providing the service must be screened and cleared at own cost by the appropriate authorities to the grade of clearance in line to classified information, intelligence in the possession of SARS and areas designated as National Key points that they may have. Obtaining a positive recommendation is the responsibility of the Successful Bidder concerned.

18. ANNEXURE A – LIST OF CATEGORIES BIDDING FOR

19. ANNEXURE A1 – A 6 – TECHNICAL EVALUATION CRITERIA PER CATEGORY

20. ANNEXURE B – PRICING SCHEDULE

21. ANNEXURE C - LINK TO BRIEFING SESSION