

RFP 20/2012: CLARIFICATION QUESTIONS AND ANSWERS

Question	Answer
CLARIFICATIONS QUESTIONS RECEIVED	
1. Could you please clarify whether your invitation regarding the proposal for a panel of legal advisors/attorneys is also addressed to labour law consultants who are not attorneys?	No. All legal service providers must be admitted attorneys. Refer to paragraph 7.5 of SARS's main RFP document.
2. Kindly provide us with further information regarding the afore-mentioned tender, as was advertised on the Sunday times on the 27th January 2013. Our firm of attorneys which is based in Durban is interested to be on your panel of attorneys.	The tender is uploaded onto the tender from SARS website? If you go to the Scope of Work, item 3 from the zipped document, you will certainly understand SARS requirement. Please read Section 7 as this section contains the details of SARS requirement.
3. Furthermore, we would like to know whether there are any forms to be completed/proposal as well as the documents which are required to be submitted with the form.	Except for the SBD's, there are no other forms to be completed. However, you need to respond on the Scope of Work (Annexure A) and Pricing Schedule (Annexure C). These are the most important documents. Please refer to the Excel sheets uploaded for Annexure A and C when responding – use them! Please also refer to Section 8, clause 8.5 on how to respond to the tender – it is quite detailed.
4. There is a security warning on the page which restricts us to download the form which can potentially damage the computer.	This is an unusual query. The tender is uploaded onto the tender from SARS website? If you go to the Scope of Work, item 3 from the zipped document, you will certainly understand SARS requirement. Please read Section 7 as this section contains the details of SARS requirement. If you still can't download the documents, please come to SARS Procurement to get the tender pack. But you

	will be disadvantaged as some responses must be done electronically.
5. Is there a standard pro forma 'response to bid letter' that must be completed and signed (table 1 page 14 of your bid document)?	Refer to 3 above. Except for the SBD's, there are no other forms to be completed. However, you need to respond on the Scope of Work (Annexure A) and Pricing Schedule (Annexure C). These are the most important documents. Please refer to the Excel sheets uploaded for Annexure A and C when responding – use them!
6. Is the 'supplier registration form' (referred to at point 8.5 on page 11 of your bid document) the same as the 'supplier cost and risk questionnaire' document?	No, these are 2 different documents. The supplier registration form is PROC1 attached as well. Please download all the documents so as you can see the difference.
7. Admission certificates for all key personnel – Please be advised that we employ over 300 attorneys. Some are based in our Cape Town Office and some are travelling on client matters. We have listed a proposed team of attorneys for this response. Some the attorneys have been practicing for a number of years and are unable to provide Admission Certificates at present. However, these can be made available on request at a later stage. Would it acceptable to SARS if we supply individual fidelity fund certificates for our partners/directors and admission certificates for any junior members of staff included in the proposed team?	Copies of Fidelity Fund Certificates and Admission Certificates are required for all Key Personnel, not all attorneys employed by your firm. Key Personnel will be such Personnel as you choose to feature in your company profile. If copies of Admission Certificates cannot be provided for Key Personnel together with the bidder's proposal, letters are required from the relevant Law Societies confirming that such Key Personnel are indeed admitted attorneys (in anticipation of SARS being provided with copies of the relevant Admission Certificates before date of award of the tender).
8. Audited financial statements – we are a private company. Our audited financial statements are confidential. We have attached financial statement letter (3 years) from our auditors, which provides information on our financial position (e.g. turnover, asset value, etc.). Is this acceptable?	Please submit the audited financial statements as required by this tender. The letter will not be good-enough and please remember that SARS treats each tender as confidential as possible. No tender information is disclosed/divulged to third parties except for the Bid Evaluation Committee members appointed and tasked to manage this tender.

9. Annexure C – Is Annexure C to the RFP (our fees), annexure B to the contract, or is annexure B to the contract the suggested fees set out in the RFP?	Your fees as set out in Annexure C to the RFP will become Annexure B to the Services Agreement if you are appointed to the SARS Panel of Legal Service Providers
10. 60% Deviation – Can we bill a maximum of the suggested percentage for specialist legal services over and above our proposed fees which will be indicated in Annexure C?	No. Bidders must calculate the maximum percentage deviation allowed in Annexure C based on SARS's proposed fees as set out in Annexure B to the RFP. Thus, no deviation is allowed on bidders' proposed fees as set out in Annexure C, except in the circumstances set out in paragraph 9.3.8 of SARS's main RFP document.
11. I would like to know that the panel of attorneys does it include the attorneys in KwaZulu-Natal.	This is a nationwide tender and thus includes legal service providers in all nine provinces.
12. Can you please advise what you mean by questions relating to bid from Bidders – 21 February 2013 – on page 5 of the tender documents?	It refers to all clarifications/queries from bidders that require answers from SARS and the closing date is 21 February 2013.
13. I have looked through the specifications and I must say that it seems a bit unfair. What about newly established, young and dynamic wholly black owned practices such as ours, who's directors have under 7 years post articles experience, and the business has not been established for more than 5 years. Seems that we are automatically excluded from applying to the SARS panel despite having the requisite expertise having been trained at large corporate firms.	<p>We thank you for your interest in SARS's invitation to tender for a Panel of Legal Service Providers.</p> <p>It is unfortunately so that whenever an overwhelming response from interested bidders are anticipated pursuant to the issue of a tender, careful attention must be paid to selecting minimum requirements and suitable evaluation criteria. An extraordinary big panel of attorneys is difficult to manage and cannot be utilised effectively. You can imagine that if every law firm in South Africa was permitted to submit a proposal for consideration, it would lead to an untenable situation.</p> <p>We trust that you have indeed benefitted from the large corporate firms where you have trained under the supervision of experienced senior attorneys, but unfortunately at this point in time you do not yet meet the minimum requirements prescribed in terms of this tender.</p>