

SOUTH AFRICAN REVENUE SERVICE

REQUEST FOR PROPOSAL

RFP 38-2023

**APPOINTMENT OF ACCREDITED SERVICE PROVIDER TO FACILITATE ADULT BASIC
EDUCATION AND TRAINING FOR PERIOD OF 36 MONTHS**

MAIN RFP DOCUMENT

INSTRUCTIONS, GUIDELINES, AND CONDITIONS OF TENDER

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REQUEST FOR PROPOSAL

Summary, Guidelines, Conditions and Instructions

1 PURPOSE OF THIS REQUEST FOR PROPOSAL

- 1.1 The purpose of this Request for Proposal (RFP) is for the South African Revenue Service (SARS) to invite suitably qualified service providers (bidders) to submit proposals (tenders) in accordance with the rules set out in this RFP for an appointment as a service provider(s) on a non-exclusive basis.

2 OVERVIEW OF SARS' REQUIREMENTS

2.1 Summary of the scope

- 2.1.1 Details of the scope of work and the required goods and services are defined in more detail in the background and scope of work.

2.2 Background

- 2.2.1 In November 2021, SARS implemented an insourcing project for general assistants. The 326 general assistants were employed by SARS on a full-time basis. SARS has put emphasis on training and developing its employees. SARS has embarked on a process of ensuring that the general assistants are empowered and trained according to the Adult Basic Education and Training (ABET)/ Adult Education and Training (AET) and Foundational Learning Competence (FLC).

The purpose of the AET/ ABET and FLC training is aimed at enhancing Strategic Objective 4 (Develop a high performing, diverse, agile, engaged, and evolved workforce). The learners will be taken through the AET/ABET learning paths and complete matric and advance their studies further as well as their careers in SARS.

The ABET/AET and FLC is seen as the foundation for access to further education and training and is also seen as a functional economic necessity in changing a society which requires a citizenry engaged in a life-long learning process.

FLC is designed to provide the learners with competency levels that they would need for two key areas of Mathematical Literacy and Communication. The learners will complete these two occupational learning areas at NQF 2-4 (equivalent of Grade 10 to 12) and prepares them to deal with communication and critical analysis and counting challenges and barriers to learning and enable them to progress in their careers and further development of skills.

SARS intends to appoint qualified service provider to facilitate ABET/AET and FLC training programme classes for all the provinces for SARS general assistants, over a period of three years. The general assistants have undergone a competency assessment and are waiting to be trained according to where they have been placed as per their assessment reports.

3 SCOPE OF WORK

- 3.1** Accredited training provider is required to provide SARS with facilitators to offer ABET/AET National Qualification Framework (NQF) level 1 to 4, on Communication and Mathematical Literacy skills and FLC. NQF 1 will include AET Levels 0 – 4 (Pre-AET to Grade 9) and NQF 2-4 (Grade 10 to Grade 12).

The training provider will be expected to offer the training at SARS premises to SARS general assistants. The purpose of the qualification is to equip learners with general education and training certificate and foundational learning by acquiring knowledge, skills and values in specified learning areas.

3.2 LEARNING PROGRAMMES:

3.2.1 General Education and Training Certificate (GETC) (NQF 1)

3.2.1.1 Pre AET

Communications in English Level Pre AET.

Outcome

- Basic reading and writing

3.2.1.2 AET Level 1 (Grade 1-3)

Language, Literacy and Communication (LLC)

Mathematical Literacy (ML)

Outcome

- Read and write
- Basic calculation

3.2.1.3 AET Level 2 (Grade 4-5)

Language, Literacy and Communication (LLC)

Mathematical Literacy (ML)

Outcome

- Reading and writing skills
- Developing numeracy skills

3.2.1.4 AET Level 3 (Grade 6-7)

Language, Literacy and Communication (LLC)

Mathematical Literacy (ML)

Outcome

- Reading and writing skills
- Improved calculation skills

Obtaining baseline knowledge of GETC content learning areas

3.2.1.5 AET Level 4 (Grade 8-9)

- Obtaining General Education and Training Certificate (GETC) (NQF1).

To acquire a General Education and Training Certificate, students need to obtain a minimum of 120 credits at AET level 4.

3.2.2 Foundational Learning Competence

FLC is a part qualification that consists of two learning areas: Communication and Mathematical Literacy. It outlines the minimum level of competence required for optimal functioning in the world of work and for occupational learning at NQF Levels 2-4. It is a part qualification registered at NQF Level 2 and carries 40 credits in total. Each learning area carries 20 credits. The FLC is directed at learners in occupational qualifications registered on the NQF at Level 2, 3 and 4.

Each learning area consists of components that are 'foundational to' occupational qualifications at NQF Levels 2 to 4. The FLC is intended to address the skills and knowledge required for occupational learning across the Further Education and Training (FET) sector.

3.2.2.1 NQF Level 2,3 and 4 (SAQA ID:88895)

Foundational Communication in English

The Foundational Communication (FC) describes the knowledge of language and the thinking processes required to communicate effectively in the workplace.

Foundational Mathematical Literacy

The Foundational Mathematical Literacy is the minimum, generic mathematical literacy that will provide learners with an adequate foundation to cope with the mathematical demands of occupational training and to engage meaningfully in real situations involving mathematics.

Outcomes

Foundational Communication:

1. Read and understand a range of text types, extract and use information, and make critical judgments.
2. Write a variety of texts to record information and ideas.
3. Interact orally with others with a reasonable degree of confidence for a number of purposes.
4. Read and produce visual texts.

5. Use knowledge of grammar to understand and communicate effectively through reading, writing, speaking and listening.
6. Use the language of learning and teaching effectively for occupational learning and training.

Foundational Mathematical Literacy:

1. Use numbers in a variety of forms to describe and make sense of situations, and to solve problems in a range of familiar and unfamiliar contexts.
2. Manage personal finances using financial documents and related formulae.
3. Collect, display and interpret data in various ways and solve related problems.
4. Make measurements using appropriate measuring tools and techniques to solve problems in various measurement contexts.
5. Describe and represent objects and the environment in terms of spatial properties and relationships.
6. Interpret and solve problems involving mathematical patterns, relationships and functions

3.2.3 Duration for General Education and Training Certificate Training

- a) Duration per level per subject is 120 hours (120 hours per Level and per subject area; so, 1 level 2 subjects' duration is 240 hours)
- b) Estimated training of 6 hours per week.

3.2.4 Duration for Foundational Learning Competence Training

- a) The appointed Bidder must estimate 10 notional hours per credit to complete the FLC program. The above must consider that FLC is comprised of two learning areas which takes 20 credits each. This is an estimated 400 hours for completion of both learning areas in the FLC programme. This estimated time of completion should include both formative and summative assessments.
- b) Estimated training of 8 hours per week.
- c) Learners must achieve 20 credits for the Foundational Communication component and 20 credits for the Foundational Mathematical Literacy component.

3.3 Number of Delegates and Levels

Individual feedback reports were given to all three hundred and twenty-six (326) general assistants who were assessed and placed according to the ABET/AET NQF Levels 1-4. The diagram below illustrates number of learners to be enrolled for ABET/AET NQF 1 which is equivalent to GET level 1 to 4 and Foundational Learning Competence (NQF AT LEVEL 2, 3 AND 4).

The FLC figures are indicative, and the final figures will depend on successful completion of NQF 1. The 326 is the total headcount for all general assistants to be enrolled as per below table and in accordance with office that they are based in.

Table 3B: Number of learners for ABET/AET NQF 1 and FLC (NQF at Level 2, 3 and 4) to be attendant

Regions	Site	Number of headcounts per each office	Communication level 1 B	ABET Level 1		ABET Level 2		ABET Level 3		ABET Level 4	
				CL 1	NL 1	CL 2	NL 2	CL 3	NL 3	CL 4	NL 4
Gauteng	Alberton	64	20	19	59	13	5	12			
	Randburg	17	4	7	13	5	5	2			
	Brooklyn	62	6	29	52	10	10	17			
	Doringkloof	52	13	9	45	13	7	15			
Free State	Bloemfontein	12	2	1	4	7	8	2			
KwaZulu Natal	Durban	28	13	4	27	3	3	5			
Western Cape	George	2			2	1		1			
	Bellville	18	5	7	17	3	2	4			
Northern Cape	Kimberly	6			4	2		3			
	Upington	4		2	4	1		1			
Northwest	Klerksdorp	4	2	2	4	1		2			
Eastern Cape	Mthatha	6	2	5	4		2				
	Gqeberha	22	5	6	12	4	10	6		1	
	East London	7		3	6	2	1	2			
Limpopo	Polokwane	13	2	3	10	4	4	2			
Mpumalanga	Nelspruit	3			3	1		2			
	Standerton	6	3	2	5		2	2			

Notes*

- CL means Communication Literacy.

- NL means Numeracy Literacy.
- NR means that the person would not have been competent in the subject.
- Communication level 1 B - Pre AET.

3.4 Progression

- a) NQF 1 AET Levels 0 to 4 progression are dependent on successful completion of all assessment tasks required at each level and must be declared competent at AET Level 3 or its equivalent in English and or Mathematical Literacy before they are able to start an FLC programme. A Statement of Results in English and Mathematical Literacy for AET level 3 and readiness assessment declaring the learner competent to start FLC issued by Independent Education Board (IEB) should be produced.
- b) Learners who are competent at ABET Level 3 in English or Mathematical Literacy should be able to manage an FLC learning programme and progress accordingly within the FLC Programme

3.5 Class attendance

- a) Each class can be attended by a maximum of 20 individuals.
- b) Candidates may be moved from one office location to another to ensure optimal class sizes.
- c) The FLC Facilitator should be a specialist in both learning subjects and should be able to handle learners who are at different levels of learning and or at different learning speed in one learning area in the same classroom.

3.6 Training Management

- 3.6.1 Coordinate the registration and facilitation of ABET /AET and foundational learning competence to learners.
- 3.6.2 Provide an orientation session with the learners on the first day to share AET learning journey , create awareness regarding expectations, basis and barriers to ABET/AET Training and set the tone.
- 3.6.3 Registration of learners on the appropriate ABET /AET levels and FLC programme.
- 3.6.4 Administrate attendance registers for all learners for each day.
- 3.6.5 Administrate required external examinations.
- 3.6.6 Conduct and provide class training in accordance with the duration of training per week and per month.

- 3.6.7 Conduct and provide progress reports of the ABET /AET and FLC programme.
- 3.6.8 Evaluate learner's training.
- 3.6.9 Compile and submit progress reports as requested by SARS.
- 3.6.10 Inform SARS on the conduct of delegates and any foreseeable risk that may impact the delivery of the programme or performance as provisioned for in the contractual agreement.
- 3.6.11 Provide the catch-up plan when necessary.
- 3.6.12 The provider is required to conduct formative and summative assessments and produce evidence of employee/trainee knowledge/skill improvement.
- 3.6.13 The provider will provide individual feedback to learners on their progress.

3.7 Assessment

- 3.7.1 Training provider will be required to enrol learners through independent examination board (IEB) centre for FLC for summative assessment and manage the IEB results uploads and correspondences regarding results to the Quality Council for Trades & Occupations (QCTO)

3.8 Venues

SARS Offices will be utilized as training venues, unless communicated otherwise. The diagram below illustrates address for the venues where the training will take place.

Table 3C: Location for training venue

Region	Regional Office	Address for learning campus
Gauteng	Gauteng South – Alberton	28 St Austell Street, New Redruth, Alberton
	Gauteng Central – Randburg	25 Hill Street, 2nd Floor, Randburg
	Head Office Pretoria – Brooklyn	HO Pretoria Brooklyn Bridge Linton House Venue
	Gauteng North Pretoria – Doringkloof	07 Protea Street, Doringkloof, Centurion
Free State	Bloemfontein	Central Government Building c/o Nelson Mandela and Aliwal Street
KwaZulu Natal	Durban	201 Dr. Pixley Kaseme Street
Western Cape	Bellville	23 Teddinton Road, Bellville Central Cape town
Northern Cape	Kimberly	C/o Bean & Crossman Street, Old Oranje Toyota Building, Kimberley,
	Upington	

Region	Regional Office	Address for learning campus
Northwest	Klerksdorp	21 Anderson Street, Klerksdorp
Eastern Cape	Mthatha	N2 Hillcrest Shopping Centre, Corner Durban Road & John Beer Drive, Hillcrest, Mthatha
	East London	
	Gqeberha	Winston Ntshona Street, Sanlam Building, Central, Port Elizabeth
Limpopo	Polokwane	40 Landros Maree Street, Polokwane
Mpumalanga	Nelspruit	31 Citrus Street, Nelspruit, Sibusiso Crescent, Nelspruit New Branch Office
	Standerton	

3.9 Learning Resources

- 3.9.1 Literacy materials are designed to teach adults to read, write, communicate and do mathematics and should therefore take adult learning methods into consideration.
- 3.9.2 Providers will need to develop learning materials for the FLC or buy them commercially.
- 3.9.3 The learning materials must be designed to suite FLC context.
- 3.9.4 Compliance with curriculum frameworks is part of the provider accreditation process to offer the FLC.

3.10 Facilitators

- 3.10.1 The appointed Bidder must be able to render the service to all SARS regional offices and in accordance with numbers of delegates.
- 3.10.2 The appointed Bidder must provide FLC facilitators who are experienced and dynamic and who will be able to work with combined class .e.g. CL1 and CL 2 or CL2 and CL3 and who are familiar with the content of the FLC and or have the part qualification by the Quality Council for Trades and Occupations (QTCO) to teach the FLC.
- 3.10.3 It is recommended that facilitators of the FLC be subject area specialists and qualified as teachers in the learning area of Mathematics and English.

3.11 NQF Alignment Programme

- 3.11.1 Ensure that the programme is aligned to the ABET/AET NQF level 1 to 4.
- 3.11.2 Ensure that the programme is aligned and meets the principles of Adult Learning.
- 3.11.3 Provide criteria that will be used to evaluate the learning outcomes of the programme i.e. formative and summative assessments.

3.11.4 This qualification must be in accordance with SAQA ID:88895.

3.11.5 Ensure quality assurance and sign-off of all learning materials.

3.12 Reporting

3.12.1 Must be available for progress meetings with SARS officials (Project Sponsor ; Project Owner and Project Management/coordinators).

3.12.2 Provide weekly and monthly progress reports to SARS Officials.

3.12.3 Provide attendance register within two hours of the training session commencement.

3.13 Business Continuity

Ensuring continuity of the services is critical to SARS' business. To mitigate the effects of disruptions such as but not limited to cyber-attacks, cyber breaches, power outages, technical difficulties (e.g. IT system failures, and unforeseen personnel resource unavailability, *force majeure* events, etc.), the successful bidder must have and maintain in place an up-to-date, regularly tested Business Continuity Plan incorporating a Disaster Recovery Plan as well as backup capabilities designed to preserve a seamless continuity of services and facilitate the successful bidder's ability to fulfil its contractual obligations to SARS despite the disruption.

The business continuity plan will be provided along with the bidder's bid documents for evaluation.

3.14 Travel and Accommodation

3.14.1 The traveling and accommodation are the responsibility of the appointed bidder.

4 BIDDERS' RESPONSES / DOCUMENTATION REQUIRED

Bidders must respond to all the information required in this paragraph, in their bid proposals. Bidders should also refer to paragraph 2,3 and 6 which details the background, scope of service and technical requirements.

4.1 TECHNICAL REQUIREMENTS

4.1.1 Company Profile

4.1.1.1 The bidder must provide a company profile indicating a minimum of three (3) years' experience in delivering training on the knowledge and practical skills components of ABET/AET and FLC.

4.1.1.2 The Bidder must provide details of the key contact person / key account manager including his/her role and responsibilities and a comprehensive CV with three (3) years' experience in coordinating ABET/FLC

training and provide a valid certified copy for NQF 5, 6 or NQF 7 ABET and above, a cv must be signed by both the Bidder's authorised representative and the resource concerned, in order to confirm that it is accurate and complete.

4.1.2 **Capabilities and Experience of the proposed team**

4.1.2.1 The Bidder must provide CVs of ten (10) facilitators with a minimum number of three (3) years of experience in facilitating ABET/AET and FLC.

4.1.3 **Qualifications**

4.1.3.1 The Bidder must provide a valid certified copy for NQF 5, 6 or NQF 7 and above ABET teaching qualification or any teaching qualification for each of the ten (10) facilitators.

4.1.4 **Business Continuity plan**

4.1.4.1 Bidder must submit a business continuity plan which covers mitigation factors in case of disruptions such as but not limited to cyber-attacks, cyber breaches, power outages, technical difficulties (e.g. IT system failures a temporary and unforeseen personnel resource unavailability, force majeure events, etc. incorporating a Disaster Recovery Plan.

4.1.5 **Project Outline**

4.1.5.1 The Bidder's must provide project plan indicating understanding of ABET/AET and FLC program credits allocation and notional hours in line with SARS requirements from Pre-ABET to NQF4 levels progressions.

4.1.5.2 The Bidder's must provide clear comprehensive implementation plan with timelines, resources and milestones for Pre-ABET to NQF level 4 to address 326 general assistants needs.

4.1.5.3 The Bidder's must provide project outline/work plan for the project. The project outline plan must reflect the following:

- Resource allocation for execution of the project
- Risk and Mitigation Management

4.1.6 **Reference letter**

4.1.6.1 The Bidder's must provide three (3) contactable clients to whom similar services have been provided to, in the past five (5) years detailing successful and demonstrating implementation of ABET/AET and FLC training program

- Date started and Date completed
- Number of attendees
- Contract completed successful and within the contract period

5 STRUCTURE OF THE RFP PACK

5.1 Structure

5.1.1 This RFP pack is organised in 5 (five) sections consisting of one or more documents in each section.

Table 1: RFP pack outline and contents

Section	Index	Description of section contents
1	Main RFP Document	Documents outlining the main RFP guidelines, instructions, conditions and documents necessary for a bidder to submit a proposal.
2	Business Requirements Specification	Document(s) outlining the business requirements specifications, technical requirements and other information required by a bidder to submit a proposal.
3	SBD Documents	Standard Bid Documents (SBDs) and other administrative documents that are required by National Treasury and SARS Procurement to be read, completed, and returned as part of a bidder's proposal.
4	Contract management	The General Conditions of Contract (GCC) and/or proposed agreement under which SARS wishes to contract the services.
5	Response templates	Where applicable, response templates that are required to be completed and returned as part of a bidder's proposal.

6 KEY ACTIVITIES AND DATES

6.1 The table below lists certain key dates and activities relevant from the time of issue of the RFP up to and until the closing date:

Table 2: Key activities and dates

No.	Activity	Date / Time / Details
1.	Bid Number:	RFP 38/ 2023
2.	Description:	Appointment of accredited service provider to facilitate adult education and training for a period of thirty-six (36) months.
3.	Duration of contract:	The successful bidder will be appointed for a period of thirty - six (36) months, subject to SARS terms and conditions.
4.	Validity period of proposals:	Bids submitted will be valid for a period of 180 calendar days from closing date. SARS may however,

		subject to the bidders' consent, extend the validity period prior to expiry thereof.
5.	Advertisement of the RFP:	a) SARS website: 01 July 2024 b) National Treasury Tender Portal: 01 July 2024
6.	RFP pack (complete set of bid documents) available for download from National Treasury e-Tender Portal and SARS website:	01 July 2024
7.	Virtual briefing session date and registration:	The non-compulsory briefing session will be held 11 July 2024 at 11:00 am virtually via a Microsoft Teams meeting and can be accessed at the following link: Microsoft Teams Need help? <u>Join the meeting now</u> Meeting ID: 383 689 284 969 Passcode: NrwdQH
8.	Bidders to submit written questions on or before:	18 July 2024
9.	SARS to respond to bidders' written questions on or before:	23 July 2024
10.	CLOSING DATE AND TIME (proposals due):	Date: 30 July 2024 Time:11:00 Am

- 6.2** All dates and times in this RFP are South African Standard Time. The establishment of a time or date in this RFP does not create an obligation on the part of SARS to take any action or create any right or expectation in any way for any bidder to demand that any action be taken on the date established, or on any other date. A bidder accepts that if SARS extends the deadline (closing date) for proposal submissions for any reason whatsoever, the requirements of this RFP will apply equally to the extended deadline.

7 COMMUNICATION

- 7.1** All communications to SARS must be addressed to the SARS Tender Office, emailed to tenderoffice@sars.gov.za, and must contain a clear reference to this RFP. Communication sent by SARS must only be regarded as official communication if sent from tenderoffice@sars.gov.za, or a communication accompanied by a letter of authorisation signed by the SARS Procurement Executive.
- 7.2** A bidder may not make any communication to SARS regarding this RFP other than through the official contact provided in this document. SARS may, at its sole discretion, disqualify a bidder if the bidder

communicates or attempts to communicate any information regarding this RFP to any of SARS' employees; officials; or any third parties involved in the preparation, evaluation, or award of the RFP other than through the official contact provided.

8 TENDER PREPARATION AND SUBMISSION

8.1 Introduction

8.1.1 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), which prescribes that SARS' procurement processes be:

- 1) economical, efficient, fair, equitable, transparent, competitive and cost effective; and
- 2) consistent with the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), its Regulations, and the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).

8.2 Question and answer process

8.2.1 A bidder may submit questions to SARS as part of the question-and-answer process to gain a full understanding of any aspect of the RFP that is not clear to the bidder.

8.2.2 Between the dates given in paragraph 6, SARS will receive written questions sent by bidders by email through the official contact provided in this document. SARS will respond to these questions, but however is not be obliged to respond to a question which in SARS' opinion is inappropriate and does not reasonably warrant an answer. The questions and answers will be published on the National Treasury e-Tender Portal and the SARS website. The identity of a bidder who has directed a question to SARS will not be disclosed by SARS in such responses.

8.2.3 SARS may issue updated versions of documents issued in the RFP pack and/or may issue additional documentation to form part of the RFP pack. Such reissued or additional documentation will be published on the National Treasury e-Tender Portal and SARS website. It is a bidder's responsibility to visit the National Treasury e-Tender Portal and SARS website at regular intervals to ensure that a bidder uses the latest versions of documents in the RFP pack.

8.2.4 **The National Treasury e-Tender Portal must be treated as the primary means of communication. In the event of any other communication that conflicts with communications posted on the National Treasury e-Tender Portal, the National Treasury e-Tender Portal communication will prevail.**

8.3 Central Supplier Database

8.3.1 All bidders wishing to do business with SARS must register on the Government's Central Supplier Database (CSD) at www.CSD.gov.za, and to include in their submission their CSD Master Registration Number. The recommended bidder(s) must be registered on the CSD prior to an award letter / purchase order / signed contract being issued.

8.3.2 Foreign suppliers with neither South African tax obligations nor history of doing business in South Africa must complete the questionnaire on the Standard Bidding Document (SBD) 1.

8.4 Proposal submission

8.4.1 For this RFP, SARS will accept proposal submissions in the form of physical proposal submissions, either deposited in the SARS tender box or posted to the SARS Tender Office.

8.4.2 The physical proposal submissions must be deposited in the SARS tender box on or before the closing date and time at the SARS Tender Office, situated at the main entrance at:

**SARS Procurement Tender Office,
Lehae La SARS,
299 Bronkhorst Street, Nieuw Muckleneuk, Brooklyn,
Pretoria, 0181.**

8.4.3 The proposals may also be couriered to the address provided in the afore mentioned paragraph.

8.4.4 Proposals will only be considered if received by the SARS Tender Office before the closing date and time, regardless of the method used.

8.4.5 Late proposals will not be accepted.

8.4.6 The onus is on the bidder to ensure that its proposal submission and documentation received by SARS in this bid are submitted timeously and are accurate and complete. Failure by any bidder to discharge this onus will result in proposal submissions being disqualified for consideration.

8.5 Instruction for submitting a proposal

8.5.1 This section details the instructions to bidders for preparing a proposal in response to this RFP, which must be followed in detail to enable the information contained in a bidder's proposal to be read, understood and evaluated in a common and consistent layout, and to ensure that the information submitted is correct, complete and well structured. Should a proposal be received that is not in the correct format, SARS reserves the right to disqualify the entire proposal or portions of the proposal depending on the extent of the deviation from the format described in this document.

8.5.2 All proposals and supporting documentation must be submitted in English.

8.5.3 A bidder's proposal is required to be submitted in two forms:

1 x Hardcopy submission	One (1) hardcopy submission clearly marked. A "hardcopy submission" means an A4 ring bound lever arch file.
1 x Electronic submission	One (1) electronic submission of a complete copy of the hardcopy submission. An "electronic submission" means a memory stick (USB stick) containing a complete copy of the hardcopy submission. The onus is on the bidder to ensure that the electronic submission submitted is a complete copy of the hardcopy submission.

8.5.4 The hardcopy and electronic submission must be marked and labelled correctly, and must be outer sealed, wrapped and packaged, for ease of reference during the evaluation process.

8.5.5 **Technical and Pricing information must be included in separate folders. The Technical information must be included in “Folder 1”, and the Pricing information must be included in “Folder 2”.**

8.5.6 A bidder is required to submit the contents of its submission (hard copy and electronic) in the following format:

Table 3: Format and organisation of proposal

Files		Section	Responses
Folder 1: TECHNICAL proposal	<ul style="list-style-type: none"> • RFP reference • Description • Bidder name 	1	<ul style="list-style-type: none"> • Prequalification documents (SBD and other documents), <i>excluding SBD 6.1 Preference point claim form and SBD 3.1 / 3.2 / 3.3.</i>
		2	<ul style="list-style-type: none"> • Response to mandatory requirements (if applicable) • Supporting documents for mandatory requirements (if applicable)
		3	<ul style="list-style-type: none"> • Response to technical requirements • Supporting documents for technical requirements
		4	<ul style="list-style-type: none"> • Company profile • Supplementary information
		5	<ul style="list-style-type: none"> • Draft agreement
Folder 2: PRICE and B-BBEE/ specific goals proposal	<ul style="list-style-type: none"> • RFP reference • Description • Bidder name 	1	<ul style="list-style-type: none"> • B-BBEE certificate or sworn affidavit • SBD 6.1 Preference point claim form
		2	<ul style="list-style-type: none"> • Pricing response template
		3	<ul style="list-style-type: none"> • A complete set of three (3) most recent years annual financial statements as detailed in this RFP

9 EVALUATION OF PROPOSALS

9.1 Process after the closing date

9.1.1 After the closing date and time SARS, will evaluate the proposals with reference to SARS' evaluation criteria. SARS reserves the right to employ subject matter experts to assist in performing such evaluations.

9.2 Prequalification evaluation process (Gate 0)

9.2.1 SARS has defined minimum administrative prequalification criteria that must be met by a bidder. The table below contains the administrative prequalification documents that are required as part of a bidder's proposal, which must be completed and signed by the duly authorised representative of the prospective bidder(s).

9.2.2 Where a bidder's proposal fails to comply fully with any of the prequalification criteria, SARS may at its discretion allow the bidder an opportunity to submit and/or supplement the information and/or documentation provided within a grace period of **seven (7) working days** or such alternative period as SARS may determine to achieve full compliance with these criteria before disqualifying the bidder.

9.2.3 **SARS will disqualify a bidder who does not achieve full compliance of the prequalification Standard Bidding Documents (SBD) after the grace period provided by SARS.**

Table 4: Prequalification criteria

	Prequalification documents to be submitted	Instructions	Non-submission will result in disqualification?
1.	SBD 1: Invitation to bid form	Bidder to complete and sign the supplied pro forma document.	YES
2.	SBD 4: Bidder's Disclosure	Bidder to complete and sign the supplied pro forma document.	YES
3.	SBD 6.1: Preference points claim form	Bidder to complete and sign the supplied pro forma document, to claim the points for B-BBEE / specific goals.	NO Non-submission will lead to a zero score on B-BBEE / specific goals.
4.	Proof of registration on the Central Supplier Database (CSD)	Bidder to submit the proof of registration on CSD.	NO However, a bidder must be registered on CSD in order to be considered for award.
5.	Draft Agreement and/or General Conditions of Contract (GCC)	Bidder to sign the supplied pro forma document.	YES The recommended bidder(s) will be required to sign the applicable Agreement / GCC on award.
6.	A complete set of three (3) most recent years annual financial statements	Submit complete sets of three (3) most recent years annual financial statements in accordance with the requirements of the Financial Risk Analysis paragraph as detailed in this RFP.	YES

9.3 Mandatory evaluation process (Gate 1)

9.3.1 Only Bidders that have met the prequalification criteria in Gate 0 will be evaluated in Gate 1 for mandatory evaluation. The table below contains the mandatory evaluation criteria.

9.3.2 **If a bidder does not meet any of the mandatory evaluation criteria, the bidder will be disqualified, and the bidder's proposal will not be evaluated further.**

Table 5: Mandatory evaluation criteria

	Mandatory evaluation criteria	Bidder to submit as proof
1.	Bidder must provide a valid certified copy of accreditation letter from Education, Training and Development Practices Sector Education and Training Authority (ETPD SETA).	The Bidder has submitted a valid certified copy of accreditation letter from Education, Training and Development Practices Sector Education and Training Authority (ETPD SETA).
2.	Bidder must provide a valid certified copy of accreditation letter from Quality Council for Trades and Occupations (QCTO).	The Bidder has submitted a valid certified copy of accreditation letter from Quality Council for Trades and Occupations (QCTO).
3.	Bidders must provide proof of registration with the Department of Higher Education and Training.	The Bidder has provided letter or certificate of registration with the Department of Higher Education and Training.

9.4 Technical evaluation process (Gate 2)

- 9.4.1 Only bidders that have met the prequalification and mandatory evaluation requirements will be evaluated for technical capability and functionality, strictly according to the technical evaluation criteria below. A bidder is required to provide a technical solution for the required goods and services that meet SARS' requirements, and that is financially competitive and offers value for money.
- 9.4.2 The technical evaluation will be scored out of a total of 100 points, and bidders are required to score a minimum threshold of [70] out of 100 points to proceed to the next stage of evaluation, namely price and B-BBEE/specific goals evaluation.
- 9.4.3 **If a bidder does not meet the technical evaluation minimum threshold, the bidder will be disqualified, and the bidder's proposal will not be evaluated further.**

Table 6: Technical evaluation criteria

	Technical evaluation criteria	Scoring criteria	Points
1.	Bidder experience		
1.1	The bidder must provide a company profile indicating a minimum of three (3) years' experience in delivering training on the knowledge and practical skills components of ABET/AET and FLC.	The bidder has provided a profile of the company indicating a minimum of three (3) years' experience in ABET/AET and FLC = 6.00 The bidder has provided a profile of the company indicating less than three (3) years' experience in ABET/AET and FLC, No information provided/Irrelevant information= 0.00	6.00

	Technical evaluation criteria	Scoring criteria	Points
1.2	<p>The Bidder must provide details of the key contact person / key account manager including his/her role and responsibilities and a comprehensive CV with three (3) years' experience in coordinating ABET/AET and FLC training , including his/her roles and responsibilities and containing his/her qualifications (certified copy of certificates).</p> <p>CV must be signed by both the Bidder's authorised representative and the resource concerned, in order to confirm that it is accurate and complete</p>	<p>The Bidder has provided comprehensive CV of the key Account Manager with three (3) years' experience in coordinating ABET/AET and FLC training ,including his/her roles and responsibilities and containing his/her qualifications (certified copy of certificates).</p> <p>3 years plus =2.5 2 years =1.5 1 year =0.5 Less than one (1) year ,No information//Irrelevant information = 0.00</p>	2.5
1.3	<p>The Bidder must provide valid certified copies of qualification . NQF 5, 6 or NQF 7 and above</p>	<p>The Bidder has provided the following: NQF 7 and above =2.5 NQF 6 = 1.5 NQF 5 = 0.5 No information//Irrelevant information = 0.00</p>	2.5
2.	Capabilities and Experience of the proposed team		15.00
2.1	<p>The Bidder must provide CVs of ten (10) facilitators with a minimum number of three (3) years' experience in facilitating ABET/AET and FLC training. The cv must indicate ABET/AET and FLC facilitation.</p> <p>NB: Points will be allocated to the cv that meet stipulated requirements.</p>	<p>The Bidder has provided CVs of ten (10) facilitators with minimum of three (3) years' experience in facilitating ABET/AET and FLC training. = 1.5 for each CV Per facilitator</p> <p>Bidder has a CV with less than the minimum experience of three (3)years / No information provide//Irrelevant information. = 0.00</p> <p>NB: Points will be allocated to the cv that meet stipulated requirements.</p>	15.00
3.	Qualifications		

	Technical evaluation criteria	Scoring criteria	Points
3.1	<p>The Bidder must provide valid certified copies of teaching qualification of ten (10) facilitators for ABET/AET and FLC.</p> <p>NQF 5, 6 or NQF 7 and above qualification (National Diploma teaching and or Educational Degree).</p>	<p>The Bidder has provided valid certified copies of qualification for NQF 5 or 6 or NQF 7 and above.= 1.5 Per valid certified copy of qualification</p> <p>No qualification / No information provided/Irrelevant information= 0 .00</p>	15.00
4	Business Continuity plan		4.00
4.1	<p>Bidder must submit a business continuity plan which covers mitigation factors in case of disruptions such as but not limited to cyber-attacks, cyber breaches, power outages, technical difficulties (e.g. IT system failures, a temporary and unforeseen personnel resource unavailability, force majeure events, etc). incorporating a Disaster Recovery Plan.</p>	<p>The bidder has provided details of the business continuity plan including a disaster recovery plan which mitigates against the following:</p> <ul style="list-style-type: none"> • Cyber-attacks, cyber breaches, force majeure events =1.00 • Technical difficulties e.g. IT system failure = 1.00. • Temporary and unforeseen personnel resource unavailability (Bidder must provide number of resources that will serve as back-up. The resources must meet the minimum skills and years of experience required by SARS)= 2.00 <p>No information provided or Business Continuity Plan does not cover the elements mentioned above =0.00</p>	4.00
5	Project Outline		40.00
5.1	<p>The Bidder's must provide project plan indicating understanding of ABET/AET and FLC program credits allocation and notional hours in line with SARS requirements from Pre-ABET to NQF4 levels progressions.</p>	<p>The Bidder has provided the following :</p> <p>The Bidder's has provided project plan indicating understanding of ABET/AET and FLC program credits allocation and notional hours in line with SARS requirements from Pre-ABET to NQF4 levels progressions =10.00</p>	10.00

	Technical evaluation criteria	Scoring criteria	Points
		No information or irrelevant information provided=0.00	
5.2	The Bidder's must provide a clear comprehensive implementation plan with timelines and milestones for Pre-ABET to NQF level 4 to address 326 general assistants needs.	The bidder has provided a clear comprehensive implementation plan with clear timelines and milestones=10.00 0.00= No information or irrelevant information provided=0.00	10.00
5.3	The Bidder's must provide outline of Resource allocation for execution of the project. NB: Full Points will be allocated to comprehensive resource allocation plan	The Bidder has provided Resource allocation for execution of the project =10.00 No information or irrelevant information provided= 0.00 Full Points will be allocated to comprehensive resource allocation plan.	10.00
5.4	The Bidder's must provide a table of possible risks and mitigations management.	The Bidder has provided a table of possible risks and mitigations thereof=10.00 No information or irrelevant information provided=0.00	10.00
6	Reference		
6.1	The Bidder's must provide three (3) contactable clients to whom similar services have been successfully provided in the past five (5) years and demonstrating implementation of ABET/AET and FLC training program <ul style="list-style-type: none"> • Date started and Date completed • Number of attendees • Contract completed successful and within the contract period 	The Bidder's has provided three (3) contactable clients to whom similar services have been successfully provided in the past five (5) years and demonstrating implementation of ABET/AET and FLC training program. The letter must contain the following: Date started and Date completed Signed appointment letter together with completion certificate of the project	15.00

	Technical evaluation criteria	Scoring criteria	Points
		stamped by their clients,= 1.00 Point for each letter Number of attendees= 2.00 Points for each letter 100 and more = 2.00 Points Between 50 and 99 =1.00 Points Less than 50 =0.5 Points Contract completed successfully and within the contract period = 1.00 Point for each letter No information or irrelevant information provided=0.00	

9.5 Price and B-BBEE/specific goals evaluation (Gate 3)

- 9.5.1 In line with the requirements of the Preferential Procurement Policy Framework Act, 2000, and its Regulations and SARS Preferential Procurement Policy, only bidders that have met or exceeded the minimum threshold for functionality in the technical evaluation, will be evaluated further.
- 9.5.2 SARS will apply the applicable preference point system in accordance with published preference point system. Should actual pricing proposals submitted by the bidders differ from the estimated costs prescribing the system to be used, the lowest acceptable tender will be used to determine the applicable preference point system.

Table 7: Price and B-BBEE/specific goals evaluation

	Criteria	Points
1.	Price	80
2.	Specific goals	20
	TOTAL	100

9.5.3 Price evaluation (Gate 3, Stage 1)

- 1) Points for the price evaluation will be calculated in accordance with the formula stated below.
- 2) Bidders are required to complete all line items in the pricing response template/bill of quantities provided by SARS, which will be used for the price evaluation. The price should be all-inclusive for all the goods and services required in the scope of work, and bidders must ensure the completeness and accuracy of the pricing figures provided in the pricing response template. Failure to complete the pricing response template/bill of quantities may lead to a bidder scoring zero for the pricing evaluation or disqualification of the bidder.
- 3) [In completion of the bill of quantities, bidders should note that where on a specific line item

a cost has already been included in a previous line item, then the bidder should indicate as such on that specific line item.]

Table 8: Pricing evaluation formula

Price evaluation formula	Points
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$	80

Where

P_s	=	Points scored for price of proposal under consideration
P_t	=	Rand value of proposal under consideration
P_{min}	=	Rand value of lowest acceptable proposal

9.5.4 B-BBEE/specific goals evaluation (Gate 3, Stage 2)

The following table indicates the specific goals and points to be claimed for this RFP:

The specific goals allocated points in terms of this tender as per SBD6.1	Number of points allocated (80/20 system)
The entity with at least 51% Black ownership	15
The entity with at least 30% Black women ownership	5
Entity that does not meet the above	0

Points for the specific goals evaluation will be allocated in accordance with the evidence requested as per table 1 of the SBD 6.1.

9.5.4.1 REQUIREMENTS FOR SPECIFIC GOALS

- i. Bidders MUST complete and sign the SBD 6.1 form to claim the Bidder's B-BBEE preference points. Bidders who do not claim preference points may be scored zero for Specific goals.
- ii. The B-BBEE certificate or sworn affidavit should be submitted in the name of the bidding entity. Entities who are in a holding and subsidiary relationships must submit a list/ annexure of the B-BBEE certificate indicating the subsidiaries to the holding company. The bidding subsidiary must be clearly indicated.
- iii. Incorporated JVs or Consortiums must submit the B-BBEE certificate or affidavit of the entity.

Unincorporated JVs must submit a consolidated B-BBEE certificate as if they were a group structure for every separate bid.

- iv. JVs or Consortiums are also required to submit signed JV or Consortium agreements.
- v. SARS reserves the right to request bidders to submit proof of any information, to substantiate claims made about their Specific goals.

9.5.4.2 Points to be claimed

The following table indicates the specific goals and points to be claimed for this RFP:

The specific goals allocated points in terms of this tender as per SBD6.1	Number of points allocated (80/20 system)
Enterprise with at least 51% black ownership	15
Enterprise with at least 30% Black women ownership	5

NB (as per table 1 of the SBD 6.1.)

The table below demonstrates how the different entities, based on size and ownership will be scored.

Specific Goal	Enterprise that is 51% or more Black owned and have 30% or more black women ownership	Enterprise with at least 51% black ownership	Enterprise with at least 30% Black women ownership
Points Allocation	20	15	5

9.5.4.3 Evidence required per entity classification

No	Classification	Turnover	Submission requirement
1.	Exempted Micro Enterprise (EME)	Below R10 million p.a	<ul style="list-style-type: none"> • A sworn affidavit or certificate from CIPC. • Share Certificates of the company or CIPC registration documents or letter from an attorney or registered accountant in their letterhead

No	Classification	Turnover	Submission requirement
2.	Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	<ul style="list-style-type: none"> • A sworn affidavit for entities with 51% Black Ownership and above; or • A copy of B-BBEE Rating Certificate from a SANAS accredited rating agency for entities with 50% and less black ownership. • Share Certificates of the company or CIPC registration documents or letter from an attorney or registered accountant in their letterhead
3.	Large Enterprise (LE)	Above R50 million p.a.	<ul style="list-style-type: none"> • A copy of B-BBEE Rating Certificate from a SANAS accredited rating agency. • Share Certificates of the company or CIPC registration documents or letter from an attorney or registered accountant in their letterhead

9.5.4.4 Validity of a sworn affidavit and B-BBEE certificates

The following information is important to note in completing a sworn affidavit:

Determining validity of an affidavit for B-BBEE compliance

- i. The legal dictionary (<https://legal-dictionary.thefreedictionary.com/Affadavit>) defines a sworn affidavit as a written statement of facts voluntarily made by a person under an oath or affirmation administered by a person authorized to do so by law.
- ii. In terms of the Codes, Exempted Micro-Enterprises (EMEs) and black controlled and owned Qualifying Small Enterprises (QSEs) only have to use a sworn affidavit to indicate their B-BBEE

- compliance status. Government introduced this mechanism specifically to reduce the cost of doing business and regulatory burden for these entities.
- iii. The Department of Trade, Industry and Competition (the dtic) has designed sworn affidavit templates and qualifying measured entities must use these templates, which can be accessed on the dtic website. It is acceptable to use the templates on the letterhead of the measured entity.
 - iv. The only time an EME can be verified by a South African National Accreditation System (SANAS) accredited verification professional is when it wishes to maximise its B-BBEE points and move to a higher B-BBEE recognition level, and that must be done using the QSE Scorecard.
 - v. The exception to this is only with regard to the Transport Sector where EMEs have a choice of obtaining accounting officer letter or get verified and be issued with a B-BBEE verification certificate by a SANAS accredited professional or agency because the Integrated Transport Sector Code has not been aligned to the amended Generic Codes.
 - vi. Also, start-ups that are EMEs but wish to tender for contracts of R10 million in value or above must be verified using the QSE scorecard, and for tenders of R50 million and above must be verified using the generic scorecard.
 - vii. Further, the Construction Sector Code, provides for EMEs whose annual turnover is R1.8 million for Built Environment Professionals and R3 million for Contractors or less to obtain automatic recognition levels and these do not require to undergo verification except in instances where they elect to enhance their B-BBEE status levels. In those circumstances there is a requirement for these EMEs to contribute towards empowerment by complying with the 40% sub -minimum on skills development element and in ensuring compliance with the skills development element, these EMEs are required to be verified by a SANAS accredited verification professional or agency.
 - viii. Furthermore, the Generic Codes and the Financial Services Sector Code have granted an option to 51% and 100% black owned QSEs to undergo a verification process from a SANAS accredited verification professional if they so choose. However, for consistent application, EMEs in the Financial Services Sector should only obtain a sworn affidavit, and not a B-BBEE verification certificate as there is nothing to verify.

1) **The following pointers are key in determining the validity of a sworn affidavit:**

- i. Name/s of deponent as they appear in the identity document and the identity number must be completed.
- ii. Designation of the deponent as either the director, owner or member must be indicated in order to know that the person deposing to the sworn affidavit is duly authorised. A deponent is able to tick more than one option if the person is a director and owner of the entity.
- iii. Name of enterprise must be cited as per the enterprise registration documents issued by the CIPC, where applicable, including the enterprise business address.
- iv. Percentage of ownership held by black people, black female and black designated groups. For designated groups, the percentage must be indicated for each sub-category or nil where there is

none. In the case of specialized enterprises as per Statement 004, the percentage of black beneficiaries must be reflected.

- v. Indicate the total annual revenue for the year under review and whether it is based on audited financial statements or financial statements or management accounts. Please select one option.
- vi. Indicate the full financial year end (day/month/year) as per the enterprise's registration documents, which was used to determine the total revenue. This must be the recent financial year end.
- vii. Select the B-BBEE Status level based on black ownership percentage. An enterprise can only have one B-BBEE status level.
- viii. Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for which the empowering supplier status is based on.
- ix. Date of signature for both the deponent and Commissioner of Oath must be the same. If using the first dtic template for sworn affidavits, where provision is not made for Commissioner of Oath signature date, the date of the deponent will be regarded by default as the signature date for Commissioner of Oath.
- x. Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest. Please note that the B-BEE Act does not determine the qualification for Commissioner of Oaths, this is done in terms of the Justice of Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) which is administered by the Department of Justice and Constitutional Development (DOJ & CD). Therefore, any queries regarding the legitimacy of a Commissioner of Oath need to be directed to DOJ & CD.
- xi. A B-BBEE sworn affidavit is valid for a period of 12 months calculated from the date the sworn affidavit was commissioned, for example, if the sworn affidavit is commissioned on 12 August 2022, it will expire on 11 August 2023.

2) **B-BBEE Certificate issued by the Companies and Intellectual Property Commission**

The DTIC through government Gazette Number 38765 published on 6 May 2015, mandated CIPC to issue B-BBEE certificates for EMEs and start-up enterprises, in its efforts to reduce cost of business for small businesses. A certificate issued by CIPC has the same status as a B-BBEE sworn affidavit. Subsequently, CIPC issued a Customer Notice indicating that B-BBEE certificates can be applied for via e-services on the CIPC website (www.cipc.co.za), at CIPC Self Services Terminals when registering or filing Annual Returns.

The following conditions apply when an enterprise uses the CIPC services for obtaining a B-BBEE certificate:

- a) Only directors of a company or members of close corporations can apply for a B-BBEE certificate.
- b) Only companies and close corporations with a turnover of less than R10 million can apply via CIPC.
- c) The enterprise's status must be "In Business".
- d) All Annual Return filings for the relevant company or close corporation need to be up to date;

- e) Application for a B-BBEE certificate can be done at any time (not only when registering a company or filing returns), provided that an application for the certificate which is still valid, was not done already.
- f) Applicant must agree to the B-BBEE terms and conditions.
- g) A director or member amendment must be filed if the director or member's email address or telephone is not correct or up to date.

A CIPC certificate can be submitted to the B-BBEE Commission for attention of Mr. Madidimalo Ramare at MRamare@beecommission.gov.za to confirm if it was generated from the CIPC system. However, on face value, the following information must appear on the certificate:

- a) Name of enterprise, registration number and business address.
- b) Date of issue and expiry adding to twelve months (e.g 9 June 2018 to 8 June 2019) must be indicated.
- c) Percentage of total black ownership, black female ownership and total white ownership.
- d) Certificate number.
- e) Barcode with tracking number.
- f) Barcode with enterprise number.
- g) B-BBEE Status and procurement recognition level.
- h) the dtic logo on the top left corner, and CIPC logo on the top right corner.
- i) CIPC watermark.

3) **Determining validity of a B-BBEE Verification Certificate for B-BBEE compliance.**

- a) An entity that qualifies in terms of the B-BBEE Act to undergo a B-BBEE verification process, can only do so with a verification professional or agency that has been accredited by SANAS or a BBBEE Verification Professional Regulator that may be appointed by the Minister of Trade, Industry and Competition.
- b) B-BBEE verification means the process and activities conducted by a verification professional or agency to assess, verify and validate that the score awarded to a measured entity is a result of individual scorecard elements supplied by a measured entity, and to evaluate B-BBEE transactions in order to provide an indicative B-BBEE score and certification based on the principles of B-BBEE as per the Codes.
- c) A B-BBEE verification process is important in assuring parties that rely on the score achieved by the measured entity and reflected on their B-BBEE Verification Certificate (refers to the B-BBEE verification certificate issued by the verification professional or agency which reflects the overall B-BBEE Status of a measured entity and scoring allocated for each scorecard element verified in respect of the measured entity) and that the information on which the certificate was issued is acceptable, and has been independently verified, and is free from misstatements.
- d) Therefore, the role of a verifier is to assess, verify and validate both disclosed and undisclosed BBBEE related information of the measured entity. The verification thereof should be based on the principles contained in the B-BBEE Act and relevant Codes, by applying the verification

methodologies outlined in the Framework for accreditation and verification by all verification agencies (also known as the verification manual) as well as the Accreditation of B-BBEE Verification Agencies document issued by SANAS (also referred to as the R47-03). Important to note that a verifier is not to provide clarity or opinion on interpretation of any B-BBEE matter as such clarity must be sought from the B-BBEE Commission using the contact details mentioned below.

4) **A B-BBEE Verification Certificate shall identify the following information:**

- a) The name and identifiable physical location(s) of the measured entity as per the CIPC records.
- b) The registration and VAT number of the measured entity.
- c) The dates of granting of the B-BBEE score/the period of validity, which is the initial issue date (e.g. 7 October 2021 to 6 October 2022) and the expiry date of the verification certificate.
- d) The revision or reissue date if applicable.
- e) A unique identification number including revision number if applicable.
- f) The standard and/or normative document, including the issue and/or revision used to evaluate.
- g) The name and/or mark/logo of the B the client (amended codes / specialised or respective sector codes).
- h) BBEE verification agency.
- i) The scorecard against which the measured entity has been verified (Generic / QSE).
- j) The B-BBEE status level.
- k) The SANAS Accreditation Symbol on the verification certificate.
- l) The B-BBEE procurement recognition level.
- m) Score per element including total score achieved.
- n) Black ownership percentage.
- o) Black Female ownership percentage.
- p) Black designated group percentage:
 - Black Youth percentage
 - Black Disabled percentage
 - Black Unemployed percentage
 - Black People living in Rural areas percentage
 - Black Military Veterans percentage
- q) Modified flow has been applied, indicate yes or no.
- r) Exclusion principle used, indicate yes or no.
- s) Recent financial year end used (day/month/year).
- t) Discounting principle used, indicate yes / no.
- u) Empowering Supplier status, indicate yes / no.
- v) Name and signature of technical signatory
- w) Amendments to certificate to be clearly documented.
- x) A consolidated certificate to state as such and refers to attachment of the measured entities that are consolidated with registration and vat numbers.
- y) In terms of the reflection of the level and points on the B-BBEE verification certificate, the

z) following is applicable:

- Participated in Y.E.S Initiative yes / no
- Achieve Y.E.S Target and 2.5% Absorption yes / no
- Achieve 1.5 x Y.E.S Target and 5% Absorption yes / no
- Achieve Double Y.E.S Target and 5% Absorption yes / no

The recipient or user of a B-BBEE verification certificate can contact any of the accredited verification professionals or agency that is said to have issued the B-BBEE verification certificate, to request confirmation on the issuance of B-BBEE certificate. The recipient or user is also advised to use the SANAS website to verify the accreditation status, accreditation period and scope of accreditation for the verification professional or agency. The SANAS website also has a list of all verification professionals or agencies whose accreditation status has been withdrawn, or suspended, because a verification professional or agency cannot issue a B-BBEE certificate if the accreditation status has expired, withdrawn or suspended.

The recipient or user of the B-BBEE verification certificate, sworn affidavit or B-BBEE certificate issued by CIPC is also allowed, as part of its due diligence processes, to request any relevant additional information or documents from the measured entity in order to validate the credibility of the information recorded on the B-BBEE verification certificate, sworn affidavit/CIPC B-BBEE certificate. It is also the responsibility of the recipient or user of the B-BBEE verification certificate or sworn affidavit/CIPC certificate to specify if measured entities ought to furnish an original or copy including certified copy of the B-BBEE verification certificate or sworn affidavit/CIPC certificate.

9.5.5 Consolidation of price and B-BBEE/specific goals evaluation (Gate 4)

- 1) The points scored by a bidder for the price evaluation and the B-BBEE/specific goals evaluation will be added together to determine the overall points a bidder's proposal will score out of 100 points for the consolidated price and B-BBEE/specific goals evaluation and ranking of the bidders.

9.6 Financial risk analysis

9.6.1 SARS may conduct a financial risk analysis on the bidders and SARS has the right not to make an award to a bidder(s) if its risk analysis indicates a high risk.

9.6.2 The bidders are required to submit complete sets of annual financial statements, for the three (3) most recent financial periods in the name of the bidding entity. The annual financial statements must either be audited or independently reviewed in accordance with the public interest score (PIS) in compliance with the Companies Act, Act 71 of 2008, and the bidders are required to submit the public interest score (PIS) in compliance with the Companies Act, Act 71 of 2008. The annual financial statements must contain:

- 1) A statement of profit and loss and other comprehensive income;
- 2) A statement of financial position;
- 3) A statement of cash flows;

- 4) A statement of changes in equity / net assets; and
- 5) Accompanying notes.

9.6.3 If the bidder cannot provide the preceding year's audited / independently reviewed financial statements as part of its bid submission, the bidder should submit draft annual financial statements or its latest management accounts, together with the three (3) most recent years audited / independently reviewed annual financial statements.

9.6.4 Bidders who have been trading for less than three (3) financial periods must provide:

- 1) A letter detailing the fact, signed by a duly authorised representative of the entity;
- 2) The annual financial statements that the entity can provide, considering the period that it has been trading; and
- 3) Any other information or documentation which would provide more clarity on the financial history of a bidder.

9.6.5 SARS reserves the right to request further information regarding the annual financial statements of a bidder at a later stage to demonstrate the potential bidder's financial capability. These will include, but are not limited to:

- 1) Holding company's / Parent company's accounts;
- 2) Management accounts;
- 3) Signed letter from a recognised financial institution confirming capital availability and bank statements; and/or
- 4) Credit rating reports (confirming capital availability or access to capital).

9.6.6 In the event of a subsidiary being the bidding entity and it submits the holding company's financial statements for financial analysis purposes, the holding company must furnish a Performance Guarantee that is signed by a Financial Service Provider (Guarantor) of the holding company, stating that the Guarantor will undertake to cover any or all risks associated with a bidder, in the event the bidder is awarded the RFP.

9.6.7 If the proposal is submitted by an incorporated joint venture, the incorporated joint venture is required to submit annual financial statements of the joint venture. If the proposal is submitted by an unincorporated joint venture / consortium arrangement, the unincorporated joint venture / consortium is required to submit annual financial statements of each of the parties to the arrangement.

9.6.8 SARS reserves the right to request a financial guarantee from the recommended bidder(s) prior to award, based on the financial risk evaluation outcome.

9.7 Recommended bidders' due diligence and risk assessment prior to award

9.7.1 SARS has a legal and moral obligation to ensure that a supplier's financial position does not place public money or services at unacceptable risks and will therefore perform due diligence and risk assessment of recommended bidder(s) prior to award.

9.7.2 As part of due diligence and risk assessment, the bidder must ensure that the bidder is complying to all regulatory prescripts, including industry regulations specific to the commodity/services procuring, that are applicable to this tender, as well as ethical business practices. SARS has the right to request evidence of this compliance from the bidder, and third parties, for purposes of the due diligence exercise and for audit or contracting arrangements.

9.7.3 In the event that a due diligence exercise reveals that a recommended bidder does not comply with SARS' risk appetite or compliance requirements then SARS has the right not to make an award to the recommended bidder.

9.7.4 The recommended bidder(s) will be required to consent in the agreement to continuous and in-depth due diligence to ensure ethical business practices throughout the term of the tender.

9.8 Proposed legal agreement

9.8.1 Any award made to a bidder under this RFP is conditional, amongst other provisions, upon SARS and such bidder concluding a written agreement within twenty-one (21) working days of the bidder receiving the written agreement. The timeous finalisation of such an agreement will be an absolute pre-condition to the recommended bidder(s) being awarded the tender and providing the goods or services to SARS.

9.8.2 If the recommended bidder(s) fails to sign the proposed agreement within the time frame stipulated, SARS reserves the right to:

- 1) cancel the award to the recommended bidder;
- 2) or
- 3) take any other action SARS deems reasonable and appropriate.

9.8.3 Bidders are requested to-

- 1) Comment on the terms and conditions set out in the draft agreement and where necessary, propose required changes to such terms and conditions.
- 2) Each comment and/or amendment must be explained.
- 3) All changes and/or amendments to the agreement must be in an easily identifiable colour font and tracked for ease of reference.

9.8.4 Upon award, SARS and the successful bidder will conclude the agreement which regulates the specific terms and conditions applicable to the goods and services being procured by SARS. In this regard:

- 1) SARS will enter into negotiations with the bidder with a view to concluding the agreement.
- 2) SARS will be entitled to cease negotiating with a bidder if SARS, in its sole discretion, is of the opinion that: (i) the bidder has made misrepresentations in its proposal; (ii) the bidder is attempting to withdraw from positions or commitments made in its proposal; (iii) the bidder is not negotiating in good faith; or (iv) an agreement may not be expeditiously concluded with the bidder for any other reason.
- 3) SARS reserves the right to vary the terms and conditions of the proposed agreement during the course of negotiations with a bidder at SARS' sole discretion.
- 4) SARS reserves the right to accept or reject any or all amendments or additions proposed by the successful bidder if such amendments or additions are unacceptable to SARS or pose a risk to the organisation.

9.8.5 A bidder should note that the terms of its proposal will be incorporated in the proposed agreement by reference and that SARS relies upon the bidder's proposal as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder. It follows therefore that any misrepresentations in a proposal may result in legal action or other processes by SARS against the bidder, notwithstanding the conclusion of an agreement between SARS and the bidder

for the provision of the goods and services in question. In the event of a conflict between the bidder's proposal and the agreement concluded between the parties, the agreement will prevail.

9.9 Performance Standards

- 9.9.1 SARS may prescribe certain performance standards (Service Levels) that a successful bidder must comply with in the performance of the services.
- 9.9.2 Failure to adhere to the Service Levels will result in SARS levying a financial penalty for the Service Level Failure.
- 9.9.3 Multiple Service Level Failures with the SARS' prescribed Service Levels will constitute a material breach of the Service Level Agreement.
- 9.9.4 Notwithstanding the implementation of the Service Levels and Financial Penalties, SARS reserves the right and without derogation to any other remedies it may have in law, to terminate the Service Level Agreement for breach (persistent non-compliance) by the successful bidder.

10 TRUSTS, JOINT VENTURES, SUBCONTRACTING AND OTHER ARRANGEMENTS

10.1 Proof of existence of a trust, joint venture, consortium and subcontracting arrangements

- 10.1.1 Where, for the purposes of this RFP, a bidder submits its proposal as a trust, such bidder must submit concrete proof of the existence of a trust. SARS will accept a registered trust deed as acceptable proof of the existence of a trust. The trust deed must include amongst others:
 - 1) Details of the trustees of the trust; and
 - 2) Details of the beneficiaries of the trust. In instances where the beneficiary is a trust, the trust deed of that specific trust is required.
- 10.1.2 Where, for the purposes of this RFP, a bidder submits its proposal as a joint venture or consortium (incorporated or unincorporated), the bidder must submit the joint venture / consortium agreement, which sets forth the following details:
 - 1) identification of each party to the agreement in full;
 - 2) the percentage ownership of the joint venture / consortium of each party to the agreement (if applicable);
 - 3) the precise functions and responsibilities which each party will fulfil in terms of the agreement. This should include details of the delimitations of scope within the goods and services to be assigned to such a party(ies);
 - 4) the anticipated percentage of the revenue that the party(ies) would receive (anticipated revenue that the party(ies) would receive as a percentage of the total revenue the bidder would anticipate receiving over the term of the agreement with SARS), if the bidder is successful; and
 - 5) clearly set out the roles and responsibilities of the Lead Partner and the remainder joint venture / consortium party(ies). The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party(ies) in respect of matters pertaining to the joint venture.
- 6) If a bidder is submitting a proposal in the form of an unincorporated joint venture / consortium, the

SBD 4 Bidder's disclosure form should be completed by each party participating in the joint venture / consortium agreement, and proof of CSD registration should be submitted for all parties participating in the joint venture / consortium for this RFP.

7) Joint venture members should be advised that each member will be held jointly and severally liable for the performance of the joint venture.

10.1.3 Where, for the purposes of this RFP, a bidder has or intends to subcontract areas of scope of the goods and services, the bidder must submit the subcontracting agreement, and must note the following:

- 1) the bidder must indicate the name of the subcontractor(s), the percentage of the contract that will be subcontracted, the B-BBEE status level of the subcontractor(s) and whether the subcontractor(s) is an EME or QSE;
- 2) a bidder awarded a contract, may only enter into a subcontracting arrangement with the approval of SARS;
- 3) the agreement will be concluded between the main contractor(s) and SARS, therefore, the main contractor(s) and not its/their subcontractor(s) will be held liable for performance in terms of its contractual obligations;
- 4) the successful bidder must, at all times, be solely and entirely accountable to SARS for the performance of its contractual obligations in terms of the agreement; and
- 5) Without diminishing the bidder's accountability in any way for the delivery of the services, including the performance standards, SARS may require: access to and transparency in the subcontracting agreements; the full details of the functions which the subcontractor will fulfil in terms of the agreement including details of the delimitations of scope within the services to be assigned to such a subcontractor; monitoring and reporting of subcontractor's participation and performance to SARS; direct participation of subcontractor(s) in the account and project planning activities; and subcontractors' representation in governance structures and committees. SARS will, at all times, demand fair dealing in the relationship between a bidder and its subcontractor(s).

11 COMPLAINTS AND ALLEGATIONS

11.1.1 Should a Bidder have rational reasons to believe that the tender process is unfair or irregular, including the fact that the technical specifications are not open and/or are written for a particular bidder, brand or product; the bidder is urged to notify the Procurement Department within ten (10) days after publication of the bid and provide details of its complaint for SARS' consideration.

11.1.2 Any suspicious activity, including requests, approaches or calls asking for upfront payment to secure an award of a bid or in lieu of claims that the outcome of a tender can be influenced towards a particular bidder, bidders are requested to immediately inform the *SARS Fraud / Anti-Corruption* Hotline at 0800-002870 or email at anti-corruption@sars.gov.za for further investigation.

11.1.3 The "SARS hotline" further provides an anonymous reporting channel for any unethical behaviour that a bidder wants to report.

12 GENERAL CONDITIONS OF BIDDING

12.1 By bidding, a bidder, is deemed to have accepted all terms and conditions of this RFP; and is further deemed to have accepted that if successful, any award made will be made subject to

the terms and conditions of this RFP.**12.2 Reservation of rights**

12.2.1 In addition to any rights which SARS has reserved to itself in this document or any other document in the RFP pack, SARS reserves the right in its sole discretion to:

- 1) make no award, or to accept part of a proposal rather than the whole;
- 2) withdraw, or cancel this RFP;
- 3) amend, vary, or supplement any of the information, terms or requirements contained in this RFP, any information or requirements delivered pursuant to this RFP, or the structure of the RFP process;
- 4) schedule additional briefing sessions / site inspections, and to conduct site visits, site inspections, product evaluations, local content evaluations, and/or perform audits including due diligence exercises on any bidder whenever SARS deems it prudent to do so;
- 5) no longer consider a bidder's proposal where adverse information about the bidder or its proposal submission has come to the attention of SARS, provided that such bidder is informed accordingly and afforded an opportunity to object;
- 6) subject to applicable legislation and conditions of tender, award a proposal based on which bidder is offering the best value for money, even if such proposal has not scored the highest points during the evaluation;
- 7) conduct a risk assessment of a bidder's capability to deliver the goods and perform the services in accordance with the specified service levels and/or achieve SARS' objectives;
- 8) request clarification or verification in respect of any information contained in or omitted from a bidder's proposal, which SARS may do either in writing or at a meeting convened with the bidder for that purpose;
- 9) conduct a due diligence on any bidder or its subcontractor, which may include interviewing customer references or performing other activities to verify information and capabilities submitted, claimed, or otherwise, (including visiting a bidder's, subcontractors, or customer reference premises, sites and/or facilities to verify certain stated facts or assumptions). The bidder will be obliged to grant SARS with all such access, assistance and/or information as SARS may reasonably request. The bidder must respond within the timeframes set by SARS, failing which SARS reserves the right not to consider the bidder's proposal any further; and/or
- 10) request presentations from such short-listed bidders. All costs relating to the preparation of such presentations will be borne by the bidders.

12.2.2 SARS will disqualify any bidder, report to the National Treasury and take the necessary steps to restrict a bidder from doing business with the State, who:

- 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 RFP;
- 2) seeks any assistance, other than assistance officially provided by a government entity, from any employee, advisor or other representative of a government entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a government entity;
- 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;
- 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 in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a government entity;
 - 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;
 - 6) pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, which 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;
 - 7) has been found guilty in a court of law or administrative or regulatory authority having appropriate jurisdiction on charges of unethical or improper conduct, regardless of whether or not a prison term or penalty was imposed;
 - 8) is listed on the National Treasury's Register for Tender Defaulters or the National Treasury's Database of Restricted Suppliers; or
 - 9) whose tender contains a misrepresentation which is materially incorrect or misleading.

12.2.3 Bidders' own conditions

- 1) Bidders may not come up with their own terms and conditions, counter conditions, modify or vary any of the terms, conditions or requirements herein. SARS may disqualify any bidder who fails to comply with this clause.

12.3 Conflict of interest

- 12.3.1 If at any time a bidder identifies an actual or potential conflict of interest, the bidder must immediately notify SARS in writing. SARS reserves the right to exclude the proposal submitted by such bidder from further consideration, unless the bidder is able to resolve the conflict to SARS' satisfaction. If it comes to SARS' knowledge that there was indeed a conflict of interest or a potential conflict of interest, same will be grounds for the immediate disqualification of the bidder.

12.4 Confidentiality

- 12.4.1 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, information contained in a bidder's proposal(s) may not be disclosed by any bidder, other than to a person officially involved with SARS' examination and evaluation of a proposal.
- 12.4.2 Throughout this RFP process and thereafter, the 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 RFP relates; or (ii) the process which follows this RFP. Failure to adhere to this requirement may result in disqualification from the RFP process and such legal action as SARS may deem suitable.

12.5 Fronting

- 12.5.1 SARS supports the spirit of broad-based black economic empowerment and recognises that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background SARS condemns any form of fronting.

12.5.2 SARS, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries / investigations to determine the accuracy of the representations made in the bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry be established during such enquiry / investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder / contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies SARS may have against the bidder / contractor concerned.

12.6 Insurance

12.6.1 The successful bidder will be required, on or before the effective date of the agreement and for the duration of the agreement, to have and maintain in force adequate insurance cover consistent with acceptable and prudent business practices and acceptable to SARS, which shall include, without limitation, professional indemnity insurance cover as appropriate.

12.7 Indemnity

12.7.1 If a bidder breaches any condition of this RFP and, as a result 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 RFP process and/or enforcement or defence of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds SARS harmless from any and all such costs which SARS may incur and for any damages or losses SARS may suffer.

12.7.2 A successful bidder shall indemnify, hold harmless and agree to defend SARS and its officers, employees, agents, successors-in-title, and assigns, from any and all Losses arising from, or in connection with, any of the following-

- 1) Third party claims attributable to any breach of the provisions of the Services Agreement by the successful bidder;
- 2) Third party claims attributable to theft, fraud or other unlawful activity or any negligent, wilful or fraudulent conduct by the successful bidder or its employees and claims attributable to errors and/or omissions;
- 3) Third party claims arising from or related to the death or bodily injury of any SARS agent, employee, business invitee, or business visitor or other person on SARS's premises caused by the negligent acts or omissions of the successful bidder or its employees; and
- 4) Third party claims arising from damage to property owned or leased by SARS or a third party caused by the successful bidder's or its employees' negligence or misconduct.

12.8 Intellectual property

12.8.1 SARS retains ownership of all intellectual property rights in the documents that form part of this RFP.

12.8.2 Bidders will retain the intellectual property rights in their proposals but grant SARS the right to reproduce any copyrighted works for the purposes of the tender process.

12.8.3 Subject to any specific provisions in any service level agreement, master services agreement, work orders or change orders or any other agreement concluded between SARS and a bidder in terms of this RFP, all intellectual property rights created, generated, coded or designed in terms of this bid to meet SARS' business requirements and needs will be, and remain the perpetual exclusive property

of SARS. Successful bidders who so create, generate, code or design any intellectual property for SARS in terms of this RFP, undertake to provide SARS with full access to such intellectual property including the provision of security keys and access codes both during and after the bidders appointment as a service provider.

- 12.8.4 In the event that any bidder utilises any third party intellectual property, in terms of a license, to submit a bid, or that such third party intellectual property will be utilised to fulfil SARS' business requirements for the bid, bidders firstly warrant that they have the rights to do so, and secondly, agree to fully indemnify SARS against in any claims whatsoever arising from the application of third party intellectual property in the SARS environment and on the basis of SARS' indemnity rights in the Indemnity clause above.

12.9 Limitation of liability

- 12.9.1 A bidder participates in this RFP process entirely at its own risk and cost. SARS will not be liable to compensate a bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the bidder's participation in this RFP process.

12.10 Preparation costs

- 12.10.1 A bidder will bear all its costs in preparing, submitting, delivering, and presenting any response or proposal to this RFP and all other costs incurred by it throughout the RFP process. No statement in this RFP 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 RFP.

12.11 Precedence

- 12.11.1 The terms and conditions of this document will prevail over any information provided during any briefing session or communication, whether oral or written, unless such information is official written communication, as set out per the Communication paragraph in this document, and that such information expressly states that it amends this document.

12.12 Responsibility for bidder's personnel and subcontractors

- 12.12.1 A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives of a bidder), its subcontractors (if any), and personnel of its subcontractors comply with all the terms and conditions of this RFP.
- 12.12.2 If SARS allows a bidder to make use of subcontractors, such subcontractors will at all times remain the responsibility of the bidder and SARS will not under any circumstances be liable for any losses or damages incurred by such subcontractors.
- 12.12.3 The proposal shall however be awarded to the bidder as a primary contractor who shall be responsible for the management of the awarded proposal. No separate contract shall be entered into between SARS and/or its client and any such subcontractors.
- 12.12.4 If a bidder includes evidence of experience of individuals that are not currently employed by the said bidder, then the bidder is required include in their submission a letter or agreement from the respective individual whose evidence of experience is included in the proposal, that the individual is aware and is in agreement that their evidence of experience may be included for tendering purposes, and that the said individual confirms to commit and will make him/herself available for the contract

period should the contract be awarded.

- 12.12.5 If a bidder includes experience of an entity other than the bidder itself, then the bidder must include in their submission a letter or agreement from the respective entity that the entity is aware and agrees that their experience may be included for tendering purposes. Copies of the signed agreements between the relevant parties must be attached to the proposal responses.

12.13 Prohibition of participation in resultant tender

- 12.13.1 Any bidder, whether participating in a trust, joint venture, consortium and/or subcontracting arrangement, who participates in preparatory work on the basis of which another tender will flow, may not participate in the resultant tender because of the advantage of having been privy to the underlying preparatory work.

12.14 RFP not an offer

- 12.14.1 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. Nothing in this RFP or any other communication made between SARS (including its officers, directors, employees, advisers and representatives) is a representation that SARS will offer, award or enter into an agreement with the bidder.

12.15 SARS' oath / affirmation of secrecy

- 12.15.1 SARS has a Policy in terms of which the successful bidder; key personnel or any other personnel as may be determined by SARS will be required, upon award, to individually take a mandatory oath/ declaration/ affirmation of secrecy. The award will therefore be made subject to the condition that the successful bidder along with the personnel referred to above comply with the afore mentioned Policy.

12.16 Screening and vetting of a bidder

- 12.16.1 Acceptance of a bidder's proposal is subject to the condition that both the successful bidder and its personnel providing the goods and services, must be screened and cleared by the appropriate authorities to the grade of clearance in line with SARS' applicable policies.
- 12.16.2 Obtaining the necessary clearance is the responsibility of the successful bidder concerned. If the successful bidder appoints a subcontractor, the same provisions and measures will apply to the subcontractor.
- 12.16.3 The bidders shall supply and maintain a list of personnel involved on the project indicating their clearance status.

12.17 Tax compliance

- 12.17.1 It is a requirement that any supplier conducting business with SARS is tax compliant at the date of award of a contract / bid and remains tax compliant throughout the duration of their contracts with SARS.
- 12.17.2 No contract / bid may be awarded to a supplier who is not tax compliant. SARS reserves the right to withdraw an award made, or cancel a contract concluded with a supplier / successful bidder in the event that it is established that such supplier / bidder was in fact not tax compliant at the time of the award. SARS further reserves the right to cancel a contract with a supplier / successful bidder in the

event that such supplier/bidder does not remain tax compliant for the full term of its contract.

- 12.17.3 Where the recommended supplier / bidder is not tax compliant, it must be notified in writing of their non-compliant status and be granted a minimum of seven (7) working days to rectify their tax compliance status with SARS. Thereafter the supplier / bidder is responsible to provide SARS with proof of its tax compliance status which must be verified through CSD and / or Tax Compliance System.
- 12.17.4 In line with SARS's strategic objectives, the directors / owners of the bidding entity who are not tax compliant may be referred to the SARS tax compliance unit for further investigation in order to achieve full tax compliance.

12.18 Tender defaulters and restricted suppliers

- 12.18.1 No bid will be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appears on the National Treasury's Register for Tender Defaulters or the National Treasury's Database of Restricted Suppliers.

12.19 Local production and content

- 12.19.1 SARS supports and promotes local production and local content, environmentally friendly products, and sustainable sourcing.
- 12.19.2 To enable this objective to be adequately assessed and as part of contract management, bidders shall advise SARS of its local and regional strategy and its initiatives to involve, support and use local/regional entities and workforce.
- 12.19.3 The appointed supplier shall provide and use, for the performance of this contract, local subcontractors or locally acquired materials, equipment and facilities, to the extent available and within reasonable costs, to produce the quality and quantity of work and materials required by this contract.

12.20 Validity of information

- 12.20.1 SARS has made reasonable efforts to ensure the accuracy of the information contained in this RFP. However, neither SARS, nor its employees, officers, advisers or agents will be liable (directly or otherwise) to a bidder or any third party for any inaccuracy or omission of any information in the RFP or in respect of any additional information SARS may provide to a bidder as part of the RFP process.
- 12.20.2 A bidder is deemed to have examined this RFP and any other information supplied by SARS to the bidder and to have satisfied itself as to the correctness and sufficiency of such information before submitting any of its responses.

12.21 Governing law

- 12.21.1 This RFP and any resultant agreement shall be governed by the laws of the Republic of South Africa.

13 CHECKLIST OF RETURNABLES

Table 11: Checklist of returnable documents

	Checklist of returnable documents	Comply	Do not comply
1.	A hardcopy and an electronic copy RFP proposal submission has been submitted for this RFP.		
2.	The pricing information is included as a separate file (File 2) and is not included in the technical file (File 1).		
3.	The tender proposal has been organised as per the format required for this tender (paragraph 6).		
4.	SBD 1: Invitation to bid form has been completed and signed.		
5.	SBD 4: Bidder's Disclosure has been completed and signed.		
6.	SBD 6.1: Preference points claim form has been completed, points for B-BBEE / specific goals claimed, and signed.		
7.	Proof of registration on the Central Supplier Database (CSD) has been submitted.		
8.	Draft Agreement / General Conditions of Contract (GCC) has been completed and signed.		
9.	A complete set of three (3) most recent annual financial statements has been included.		
10.	All the mandatory evaluation requirements have been submitted with this bid.		
11.	All the technical evaluation requirements have been submitted with this bid.		
12.	All the pricing evaluation requirements have been submitted with this bid and the pricing template / Bill of Quantities has been completed in full and signed.		
13.	All the B-BBEE/specific goals evaluation and specific goal requirements have been submitted with this bid.		