

SOUTH AFRICAN REVENUE SERVICE

REQUEST FOR PROPOSAL

RFP 40/2022

**SUPPLY, MAINTENANCE OF SANITARY, AND HEALTH CARE SERVICES FOR
THE SARS OFFICES, COUNTRYWIDE FOR A 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 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 Annexure A - Business Requirements Specification document and other documents forming part of this RFP.

2.2 Background

The Physical Facilities Division is responsible for providing a clean and hygienic environment for SARS employees, visitors and taxpayers. This is accomplished through the appointment of specialist companies to provide hygiene services, equipment and consumables on agreed intervals. Currently the following is provided under this arrangement:

- Hygiene equipment and consumables; which include restroom or ablution areas
- Sanitising equipment (dispensers, sanitisers, hand towels, etc.) and the required toiletries and consumables (soaps, air fresheners, paper towels, seat sanitisers etc)
- Servicing of sanitary bins, nappy bins and dispensers, deep cleaning of toilets and urinals at agreed intervals
- Training of cleaners with the replacement of cartridges of consumables for all dispensers

3 STRUCTURE OF THE RFP PACK

3.1 Structure

- 3.1.1 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 Service Level Agreement (SLA) 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.

4 KEY ACTIVITIES AND DATES

- 4.1 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 40/2022
2.	Description	Supply, Maintenance of Sanitary, and health care services for the SARS offices, countrywide
3.	Duration of contract	The successful bidder will be appointed for a period of 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: 31 March 2023 b) National Treasury Tender Portal: 31 March 2023 c) SARS E-Sourcing: 31 March 2023
6.	RFP pack available for download from SARS website	3 April 2023
7.	Physical briefing session date, location, and address	No Physical Briefing session to be held
8.	Virtual briefing session date and registration	<p>The non-compulsory briefing session will be held virtually via Microsoft Teams meeting and can be accessed at the following link:</p> <p>Click here to join the meeting</p> <p>Meeting ID: 344 577 712 634</p> <p>Passcode: FXF7qu</p> <p>12 April 2023 at 11:00am</p>

9.	Bidders to submit written questions on or before	3 April 2023
10.	SARS to respond to bidders' written questions on or before	25 April 2023
11.	CLOSING DATE AND TIME (proposals due)	5 May 2023 at 11:00am

- 4.2 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.

5 COMMUNICATION

- 5.1 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.
- 5.2 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.

6 TENDER PREPARATION AND SUBMISSION

6.1 Introduction

6.1.1 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:

6.1.1.1 economical, efficient, fair, equitable, transparent, competitive and cost effective; and

6.1.1.2 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).

6.2 Question and answer process

6.2.1 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.

6.2.2 Between the dates provided in table 2 of paragraph 4 above, 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 obliged to respond to a question should it choose not to do so. The questions and answers will be published on the SARS website. The identity of a bidder who has directed a question to SARS will not be disclosed by SARS in such responses.

6.2.3 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 SARS website. It is a bidder's responsibility to visit the SARS website at regular intervals to ensure that a bidder uses the latest versions of documents in the RFP pack.

6.2.4 The SARS procurement website must be treated as the primary means of communication. In the event of any other communication that conflicts with communications posted on the SARS website, the SARS website communication will prevail.

6.3 Central Supplier Database

- 6.3.1 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.
- 6.3.2 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.

6.4 Proposal submission

- 6.4.1 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.
- 6.4.2 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.**

- 6.4.3 The proposals may also be posted to the address provided in the aforementioned paragraph.
- 6.4.4 Proposals will only be considered if received by the SARS Tender Office before the closing date and time, regardless of the method used.
- 6.4.5 Late proposals will not be accepted.

6.5 Instruction for submitting a proposal

- 6.5.1 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.

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

6.5.3 A bidder's proposal is required to be submitted as:

1 x Original hardcopy	One (1) original hardcopy proposal clearly marked as " <i>Original</i> "
1 x Duplicate hardcopy	One (1) duplicate proposal clearly marked as " <i>Copy</i> "
1 x Electronic copy	One (1) electronic copy of the original hardcopy proposal

6.5.3.1 A "hardcopy proposal" means an A4 ring bound lever arch file.

6.5.3.2 An "electronic copy" means a memory stick (USB stick).

6.5.4 Each hardcopy proposal and electronic copy must be marked and labelled correctly, and must be outer sealed, wrapped and packaged, for ease of reference during the evaluation process.

6.5.5 **Pricing and Specific goals information must be included in a separate file (File 2), and not be included in the technical file (File 1).**

6.5.6 A bidder is required to submit the contents of its proposal (hardcopy and electronic) in the following format:

Table 3: Format and organisation of proposal

Files		Section	Responses
File 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),
		2	<ul style="list-style-type: none"> • Response to mandatory requirements • Supporting documents for mandatory requirements
		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

File 2: PRICE and SPECIFIC GOALS	<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"> • 3 most recent years audited / independently reviewed financial statements

7 EVALUATION OF PROPOSALS

7.1 Process after the closing date

- 7.1.1 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.

7.2 Administrative Prequalification evaluation process (Gate 0)

- 7.2.1 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).
- 7.2.2 Where a bidder's proposal fails to comply fully with any of the administrative 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 period of **five (5) working days** or such alternative period as SARS may determine to achieve full compliance with these criteria before disqualifying the bidder.

Table 4: Administrative Prequalification criteria

	Prequalification documents to be submitted	Instructions	Non-submission may 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.	NO - Non-submission will lead to a zero score on specific goals
4.	Proof of registration on the Central Supplier Database (CSD)	Bidder to submit the proof of registration on CSD.	YES
5.	Draft Service Level Agreement (SLA)	Bidder to sign the supplied pro forma document.	YES
6.	A complete set of three (3) most recent audited / independently reviewed financial statements	Submit complete sets of audited or independently reviewed annual financial statements as detailed in this RFP.	YES - Required for due diligence process for award purposes

7.3 Mandatory evaluation process (Gate 1)

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

7.3.2 **If a bidder does not meet the mandatory evaluation criteria as stipulated below, the bidder will be disqualified, and the bidder's proposal will not be evaluated further.**

Table 5: Mandatory evaluation criteria

No	Mandatory evaluation criteria	Bidder to submit as proof
1.	Bidder must submit valid proof of company's accreditation in waste disposal alternatively supply proof of subcontracting with an accredited waste disposal company	Certificate of waste disposal

Note: Failure to submit the required certification will lead to instant disqualification

7.4 Technical evaluation process (Gate 2)

- 7.4.1 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.
- 7.4.2 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 specific goals evaluation.

Table 6: Technical evaluation criteria

No	Technical evaluation criteria	Scoring criteria	Points
			20
1.	Bidder's Experience and Reference		
1.1	Experience: A bidder must provide a company profile with at least 3 - 5 years of experience in providing sanitary and health care services and should provide proof of such	5 years and more = 5 points, 2 - 4 years = 3 points, 1 but less than 2 year = 1 point; Less than 1 year = 0 point	5
1.2	References: A bidder must provide any supporting documents relating to hygiene services/ contracts such as an approved Award letter,	1 reference document highlighting all 5 requirements = 5 points	15

	<p>Purchase Order, signed contract, signed letter from the client (not older than 5 years)</p> <p>Reference documents (3 valid) showing the following:</p> <p>a) Name of Company (1 point)</p> <p>b) Contactable Contact Details: Telephone, Mobile number (1 point)</p> <p>c) Project Description - which is applicable to sanitary and hygiene services (1 point)</p> <p>d) Value of the contract (1 point)</p> <p>e) Duration of the project (1 point)</p> <p>Note:</p> <ul style="list-style-type: none"> SARS reserves the right to contact the references during the evaluation. It is therefore important to ensure that the clients on the schedule are contactable Bidders must ensure that the proof of reference document provided entails all the items listed above in order to score full points 	<p>2 reference document highlighting all 5 requirements = 10 points</p> <p>3 reference document highlighting all 5 requirements = 15 points</p>	
2.	Proof of Qualifications, Skill levels and compliance to relevant Legislation i.e. Occupational Health and Safety Act	Scoring criteria	25
2.1.1	<p>Proof of qualification: Hygiene services</p> <p>A bidder must provide a list of five (5) key personnel trained in hygiene services and indicate their qualification relevant to hygiene services</p>	<p>List provided = 5 points</p> <p>No list provided = 0 points</p>	5
2.1.2	<p>Proof of qualification: Equipment Installation</p> <p>Bidder must provide a list of five (5) key</p>	<p>List provided = 5 points</p> <p>No list provided = 0 points</p>	

	<p>personnel trained in hygiene equipment installation and indicate their qualification relevant to installation of hygiene equipment</p> <p>(including the qualified installer with proof of qualification)</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> One (1) point will be allocated for each key personnel provided with their qualifications 		5
2.2	<p>Training plan:</p> <p>A bidder must provide a training plan and skills transfer to SARS cleaners in the replenishment of consumables</p> <p>The plan must highlight the following requirements:</p> <ul style="list-style-type: none"> - replenishment of hand paper towel dispenser - replenishment of foam soap dispenser - replenishment of hand sanitiser dispenser - replenishment of toilet seat sanitiser dispenser - replenishment toilet roll dispenser 	1 point will be allocated for each requirement provided	5
2.3	<p>Product certification:</p> <p>A bidder must provide a detailed specification of the type of consumables as highlighted in Annexure A: Specification document that will be used in the duration of the contract.</p> <p>Material Safety Data Sheet (MSDS) to be provided for consumables where applicable</p>	(2.5 points will be allocated for the detailed specification and 2.5 for attached MSDS)	

	<p>A bidder must provide a detailed specification of the type of equipment that will be used for the duration of the contract. Refer to attached Annexure A: Specification document</p> <p>Pictures to be provided for all required equipment. All consumables and equipment should be SABS approved and proof to be provided as highlighted in Annexure A: Specification document</p> <p><i>Note:</i> Upon contract award, SARS reserves the right to request the appointed bidder to provide the MSDS within 7/14 days after notification</p>	(2.5 points for detailed specification and 2.5 for indication of SABS approval)	10
3.	Waste disposal process (personnel, transportation, and incineration)	Scoring criteria	20
3.1.1	<p>National Environmental Management:</p> <p>A bidder must clearly indicate a process flow on how the sanitary (SHE bin) waste will be disposed by outlining the following:</p> <p>Collection process Maintaining a clean sanitary Transportation of sanitary waste Disposal process (end to end process flow)</p>	<p>Collection process - 3 points Maintaining a clean sanitary – 3 points Transportation of sanitary waste – 2 points Disposal process (end to end process flow) - 2 points</p>	10
3.1.2	<p>A bidder must provide a process flow which clearly indicate how the human waste is disposed and should outline the following:</p> <p>Collection process</p>	<p>Collection process - 3 points Maintaining a clean nappy bin – 3 points Transportation of human waste – 2 points</p>	10

	Maintaining a clean nappy bin Transportation of human waste Human waste disposal (end to end process flow)	Human waste disposal (end to end process flow) – 2 points	
4.	Project plan	Scoring criteria	25
4.1	<p>A bidders must provide a detailed execution/ project plan with timeframes indicating the following requirements:</p> <p>Equipment and personnel to install the required equipment on site before commencement date of the contract e.g. hygiene tools to undertake the service and number of units, etc</p> <p>The bidder to indicate a backup plan in the event of a shortfall of equipment and consumables upon commencement of the contract (end to end process)</p> <p>The bidder must have an anticipated/ proposed sanitary and health care schedule, inclusive of deep cleaning services (Provide a copy of the programme)</p> <p>A bidder must provide an ablution inspection plan, the plan should indicate the following:</p> <ul style="list-style-type: none"> - Frequency, - Quality assurer/ hygienist - Documentation of the reports <p>The bidder must provide a Contingency plan in case where there will be a stolen or broken equipment and shortage on consumables during the period that the contract is awarded</p>	<p>Points allocation:</p> <ul style="list-style-type: none"> - 3 points will be allocated for a plan highlighting the personnel to install the equipment - 3 points will be allocated for back-up plan on shortfall of equipment/consumables - 3 points for services & maintenance, 3 points for equipment - 3 points for quality assurer, 2.5 points for indicating frequency and 2.5 points for the sample report - 2.5 points for equipment, 2.5 points for consumables 	<p>3</p> <p>3</p> <p>6</p> <p>8</p> <p>5</p>

5.	Health and Safety plan	Scoring criteria	10
5.1	<p>A bidder to provide a detailed H&S plan relating to the execution of the hygiene requirements for the duration of the contract. The plan should entail the following:</p> <ul style="list-style-type: none"> - Relating to general duties of employees - Personnel Protective Equipment (PPE) - Hazardous materials and substances i.e. SHE bin and nappy bin content - Frequency of medical checks of staff members (staff that engage with hazardous waste) <p><i>Note:</i> If a generic plan is provided, zero will be allocated</p>	2.5 points will be allocated for each requirement provided	10
	TOTAL		100

7.5 Price and Specific goals evaluation (Gate 3)

- 7.5.1 In line with the requirements of the Preferential Procurement Policy Framework Act, 2000, and its Preferential Procurement Regulations 2022, only bidders that have met or exceeded the minimum threshold of 70 points for functionality in the technical evaluation, will be evaluated further in terms of the following preference point system:

Table 7: Price and Specific goals evaluation

	Criteria	Points
1.	Price	90
2.	Specific goals	10
	TOTAL	100

7.5.2 Price evaluation (Gate 3, Stage 1)

- 7.5.2.1 Points for the price evaluation will be calculated in accordance with the formula stated below.
- 7.5.2.2 Bidders are required to complete all line items in the pricing template 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 fully complete the pricing response template may lead to a bidder scoring zero for the pricing evaluation or disqualification of the bidder.
- 7.5.2.3 The tender is structured into regions from region A – L, the regions are further breakdown in terms clusters, bidders are required to bid for all offices in a cluster.

Table 8: Pricing evaluation formula

Price evaluation formula	Points
$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	90

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration; and
- P_{min} = Price of lowest acceptable tender

7.5.3 Specific goals evaluation (Gate 3, Stage 2)

- 7.5.3.1 The specific goals allocated points in terms of this tender is to an EME or QSE only. Points for the specific goals evaluation will be allocated in accordance with a bidder's size as per table 1 of the SBD 6.1. In order for the bidder to claim points for specific goals, the bidder must submit a valid B-BBEE certificate or sworn affidavit together with the SBD 6.1 Preference points claim form.
- 7.5.3.2 Bidders who do not claim preference points will be scored zero for Specific goals.
- 7.5.3.3 Failure of a bidder to submit a B-BBEE certificate from a verification agency accredited by the South African Accreditation System (SANAS), a CIPC B-BBEE Certificate for Exempted Micro Enterprise (EME), or a sworn affidavit confirming

annual turnover and level of black ownership in the case of an Exempted Micro Enterprise (EME) and Qualifying Small Enterprise (QSE) together with the proposal, will be interpreted to mean that preference points for Specific goals are not claimed.

7.5.3.4 The B-BBEE certificate or sworn affidavit should be submitted in the name of the bidding entity. If the proposal is submitted by an *incorporated* joint venture, the *incorporated* joint venture must submit their B-BBEE status level verification certificate or sworn affidavit. If the proposal is submitted by an *unincorporated* joint venture/consortium arrangement, the *unincorporated* joint venture/consortium must submit a consolidated B-BBEE certificate or sworn affidavit as if they were a group structure, and that such consolidated B-BBEE certificate or sworn affidavit is prepared for every separate proposal.

7.5.3.5 SARS reserves the right to request bidders to submit proof of any information, to substantiate claims made about their Specific goals.

Table 9: Specific goals evaluation points allocation

Specific goals evaluation Criteria	Points
Bidders to submit: a) A duly completed SBD 6.1 Preference point claim form, and b) A valid B-BBEE certificate or sworn affidavit.	10

7.5.3.6 The following table indicates the specific B-BBEE documents that must be submitted for this RFP to claim Specific goals points.

Table 10: B-BBEE documents checklist

	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.
2.	Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	<ul style="list-style-type: none"> A sworn affidavit only 51% Black Ownership and above; or A copy of B-BBEE Rating Certificate

			from a SANAS accredited rating agency.
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.

7.5.4 Consolidation of price and Specific goals evaluation (Gate 4)

7.5.4.1 The points scored by a bidder for the price evaluation and the Specific goals evaluation will be combined to determine the overall points a bidder's proposal will score out of 100 points for the consolidated price and specific goals evaluation and ranking of the bidders.

7.5.5 Award methodology

“In order for SARS to achieve its objective criteria of promoting distribution/sharing of resources amongst participants who are local suppliers, SARS reserves a right to award a maximum of four (4) region per bidder, or fewer regions than a person have bided for, depending on the capacity/capabilities of a bidder to render the services required.”

7.6 Financial risk analysis

7.6.1 SARS may conduct a financial risk analysis on the bidders.

7.6.2 The bidders are required to submit complete sets of audited / independently reviewed annual financial statements, for the three (3) most recent financial periods in the name of the bidding entity. The annual financial statements must contain:

7.6.2.1 A statement of profit and loss and other comprehensive income;

7.6.2.2 A statement of financial position;

7.6.2.3 A statement of cash flows;

7.6.2.4 A statement of changes in equity / net assets; and

7.6.2.5 Accompanying notes.

7.6.3 The bidders are required to submit the public interest score (PIS) in compliance with the Companies Act, Act 71 of 2008.

- 7.6.4 Bidders who have been trading for less than three (3) financial periods must provide:
- 7.6.4.1 A letter detailing the fact, signed by a duly authorised representative of the entity;
 - 7.6.4.2 The annual financial statements that the entity can provide, considering the period that it has been trading; and
 - 7.6.4.3 Any other information or documentation which would provide more clarity on the financial history of a bidder.
- 7.6.5 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:
- 7.6.5.1 Holding company's / Parent company's accounts;
 - 7.6.5.2 Management accounts;
 - 7.6.5.3 Signed letter from a recognised financial institution confirming capital availability and bank statements; and/or
 - 7.6.5.4 Credit rating reports (confirming capital availability or access to capital).
- 7.6.6 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.
- 7.6.7 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 arrangement, the *unincorporated* joint venture is required to submit annual financial statements of each of the parties to the arrangement.
- 7.6.8 Where the project is capital intensive and the recommended bidder(s) overall financial risk is assessed as high, SARS reserves the right to request a financial guarantee prior to award, of up to 50% of the average annual tender value, to cover the upfront costs and to enable the bidder(s) to commence with the project.

7.7 **Recommended bidders' due diligence and risk assessment prior to award**

- 7.7.1 SARS has a 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.
- 7.7.2 Where SARS requested the annual financial statements as part of the prequalification or mandatory evaluation requirements, these will be used as a basis on assessing the financial capability and assessing a contract limit size considered "safe" to award to a potential bidder. To assist in encouraging new business and in the spirit of encouraging supplier growth, SARS will engage the bidder to demonstrate any further evidence of financial risk, capacity, or capability mitigations.

7.8 **Proposed agreement**

- 7.8.1 Any award made to a bidder under this RFP is conditional, amongst other provisions, upon SARS and such bidder concluding a written agreement within the time frame stipulated in the letter of award.
- 7.8.2 Upon award, SARS and the successful bidder will conclude an agreement regulating the specific terms and conditions applicable to the goods and services being procured by SARS. In this regard:
- 7.8.2.1 SARS will enter into negotiations with the bidder with a view to concluding the agreement.
- 7.8.2.2 SARS will be entitled to cease negotiating with a bidder and negotiate with another 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.
- 7.8.2.3 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.
- 7.8.3 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.

- 7.8.4 If the successful bidder fails to sign the proposed agreement within twenty-one (21) days, or as requested by SARS, calling upon it in writing to do so, SARS reserves the right to:
- 7.8.4.1 cancel the award to the successful bidder;
 - 7.8.4.2 enter into negotiations with reserve bidder(s) and conclude the proposed agreement with such reserve bidder(s); or
 - 7.8.4.3 take any other action SARS deems reasonable and appropriate.

8 TRUSTS, JOINT VENTURES, SUBCONTRACTING AND OTHER ARRANGEMENTS

8.1 Proof of existence of a trust, joint venture and subcontracting arrangements

- 8.1.1 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:
- 8.1.1.1 Details of the trustees of the trust; and
 - 8.1.1.2 Details of the beneficiaries of the trust. In instances where the beneficiary is a trust, the trust deed of that specific trust is required.
- 8.1.2 Where, for the purposes of this RFP, a bidder submits its proposal as a joint venture (incorporated or unincorporated), the bidder must submit the joint venture agreement, which sets forth the following details:
- 8.1.2.1 identification of each party to the agreement in full;
 - 8.1.2.2 the percentage ownership of the joint venture of each party to the agreement (if applicable);
 - 8.1.2.3 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);
 - 8.1.2.4 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

- 8.1.2.5 clearly set out the roles and responsibilities of the Lead Partner and the remainder joint venture 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.
- 8.1.2.6 If a bidder is submitting a proposal in the form of an *unincorporated* joint venture, the SBD 4 Bidder's disclosure form should be completed by each party participating in the joint venture agreement, and proof of CSD registration should be submitted for all parties participating in the joint venture for this RFP.
- 8.1.2.7 Joint venture members should be advised that each member will be held jointly and severally liable for the performance of the joint venture.
- 8.1.3 Where, for the purposes of this RFP, a bidder has or intends to subcontract areas of scope of the goods and services, bidders must note the following:
 - 8.1.3.1 submit a separate attachment with the information and reference must be made to the attachment;
 - 8.1.3.2 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
 - 8.1.3.3 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
 - 8.1.3.4 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 account governance structures and committees. SARS will, at all times, demand fair dealing in the relationship between a bidder and its subcontractor(s).
- 8.1.4 Any bidder, whether participating in a trust, joint venture 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

privity to the underlying preparatory work.

9 COMPLAINTS AND ALLEGATIONS

- 9.1.1 Should a Bidder have reasons to believe 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.
- 9.1.2 Any suspicious 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 your company, please immediately inform the *SARS Fraud/Anti-Corruption* Hotline at 0800-002870 for further investigation.
- 9.1.3 The “SARS hotline” further provides an anonymous reporting channel for any unethical behaviour that a bidder wants to report.

10 GENERAL CONDITIONS OF BIDDING

- 10.1 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.
- 10.2 **Reservation of rights**
 - 10.2.1 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:
 - 10.2.1.1 make no award, or to accept part of a proposal rather than the whole;
 - 10.2.1.2 withdraw, or cancel this RFP;
 - 10.2.1.3 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;
 - 10.2.1.4 schedule additional briefing sessions / site inspections, and to conduct site visits, site inspections, product evaluations, local content evaluations, and/or perform audits on any bidder whenever SARS deems it prudent to do so;
 - 10.2.1.5 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;

- 10.2.1.6 award a proposal based on which bidder is offering the best value for money, even if such proposal is not scored the highest points during the evaluation;
 - 10.2.1.7 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;
 - 10.2.1.8 request additional information, 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;
 - 10.2.1.9 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
 - 10.2.1.10 request presentations from such short-listed bidders. All costs relating to the preparation of such presentations will be borne by the bidders.
- 10.2.2 SARS will disqualify any bidder, who:
- 10.2.2.1 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;
 - 10.2.2.2 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;
 - 10.2.2.3 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;
 - 10.2.2.4 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;

- 10.2.2.5 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;
- 10.2.2.6 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;
- 10.2.2.7 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;
- 10.2.2.8 is listed on the National Treasury's Register for Tender Defaulters or the National Treasury's Database of Restricted Suppliers; or
- 10.2.2.9 whose tender contains a misrepresentation which is materially incorrect or misleading.

10.2.3 Bidders' own conditions

- 10.2.3.1 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.

10.3 **Conflict of interest**

- 10.3.1 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.

10.4 **Confidentiality**

- 10.4.1 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.
- 10.4.2 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.

10.5 Fronting

- 10.5.1 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.
- 10.5.2 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.

10.6 Insurance

- 10.6.1 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.

10.7 Indemnity

- 10.7.1 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 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.

10.8 Intellectual property

- 10.8.1 SARS retains ownership of all intellectual property rights in the documents that form part of this RFP. Bidders will retain the intellectual property rights in their proposals but grant SARS the right to make copies.

10.9 Limitation of liability

- 10.9.1 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.

10.10 Preparation costs

- 10.10.1 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.

10.11 Precedence

- 10.11.1 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.

10.12 Responsibility for bidder's personnel and subcontractors

- 10.12.1 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.
- 10.12.2 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.
- 10.12.3 The proposal shall however be awarded to the Vendor 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.

10.12.4 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.

10.12.5 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

10.13 RFP not an offer

10.13.1 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.

10.14 SARS' oath / affirmation of secrecy

10.14.1 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.

10.15 Screening and vetting of a bidder

10.15.1 Acceptance of a bidder's proposal is subject to the condition that both the contracting firm 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 Policy.

10.15.2 Obtaining the necessary clearance is the responsibility of the contracting firm concerned. If

the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

- 10.15.3 The bidders shall supply and maintain a list of personnel involved on the project indicating their clearance status.

10.16 Tax compliance

- 10.16.1 No bid will be awarded to a bidder who is not tax compliant. As part of good governance, directors/owners of the bidding entity should also maintain their tax compliance status.

10.17 Tender defaulters and restricted suppliers

- 10.17.1 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.

10.18 Local production and content

- 10.18.1 SARS supports and promotes local production and local content, environmentally friendly products, and sustainable sourcing.
- 10.18.2 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.
- 10.18.3 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.

10.19 Validity of information

- 10.19.1 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.
- 10.19.2 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.

10.20 Governing law

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

11 CHECKLIST OF RETURNABLES

Table 11: Checklist of returnable documents

	Checklist of returnable documents	Comply	Do not comply
1.	An original, a copy and an electronic RFP proposal 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 and signed.		
7.	Proof of registration on the Central Supplier Database (CSD) has been submitted.		
8.	Draft Service Level Agreement (SLA) has been completed and signed.		
9.	A complete set of three (3) most recent audited / independently reviewed financial statements has been included.		

	Checklist of returnable documents	Comply	Do not comply
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 has been completed in full and signed.		
13.	Annexure B: Tick sheet of SARS offices. Bidder to indicate which regions they are bidding for by making a tick next to the relevant region. This must be submitted with the bid proposal		
14.	All the Specific goals evaluation requirements have been submitted with this bid.		