

REQUEST FOR PROPOSAL

DESCRIPTION:

PROVISION OF MEDIA MONITORING AND ANALYSIS SERVICES

DATE ISSUED: 15 April 2016

CLOSING DATE: 18 May 2016 at 11H00

TENDER BOX:

GROUND FLOOR, LINTON HOUSE
BROOKLYN BRIDGE
570 FEHRSEN STREET
BROOKLYN
PRETORIA

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1. INTRODUCTION

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

2. OVERVIEW OF SARS

Our Mandate

In terms of the South African Revenue Service Act, 1997 (Act No. 34 of 1997), SARS is mandated to:

- Collect all revenues due;
- Ensure maximum compliance with tax and customs legislation; and
- Provide a customs service that will maximise revenue collection, protect our borders and facilitate trade.

Our Vision

SARS is an innovative revenue and customs agency that enhances economic growth and social development, and that supports the country's integration into the global economy in a way that benefits all South Africans.

Our Mission

To optimise revenue yield, to facilitate trade and to enlist new tax contributors by promoting awareness of the obligation to comply with tax and customs laws, and to provide a quality, responsive service to the public.

Our Values

F – Fairness; **A** – Accountability; **I** – Integrity; **R** – Respect.

Our Core Outcomes

Increased Customs Compliance;
Increased Tax Compliance;
Increased ease and fairness of doing business with SARS; and
Increased cost effectiveness, internal efficiency and institutional respectability.

3. PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)

The purpose of this Request for Proposal (RFP) is to solicit proposals from potential bidder(s) for the provision of media monitoring and analysis services to enable SARS to manage public perceptions and its reputation.

This RFP document details and incorporates, as far as possible, the tasks and responsibilities of the potential successful bidder required by SARS.

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

4. LEGISLATIVE METHODOLOGY OF THE BID

4.1. TAX LEGISLATION

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

4.2. PROCUREMENT LEGISLATION

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

4.3. TECHNICAL LEGISLATIONS AND/OR STANDARDS

The bidder(s) should be cognisant of all relevant legislation and/or standards applicable to the provision of the services required.

5. BRIEFING SESSION

A non-compulsory briefing session will be held at Linton House, Brooklyn Bridge, 570 Fehrser Street, Brooklyn, Pretoria, on 25 April 2016 at 14H00, to clarify to potential bidder(s) the scope and extent of work to be executed.

6. DURATION OF CONTRACT

The successful bidder will be appointed for a period of one (1) year with an option to extend the contract for a further twelve (12) months, in SARS' sole discretion.

7. TIMELINE OF THE BID PROCESS

The validity period is 180 days after the closing date of the bid. The project timeframes of this bid are set out below:

| Activity | Date Due |
|---|------------------------|
| Advertisement of the bid in the: - Government Tender Bulletin; and - National Treasury Tender Portal. | 15 April 2016 |
| Distribution of bid documents on the SARS website. | 18 April 2016 |
| Non-compulsory briefing session. | 25 April 2016 at 14H00 |
| Questions relating to the bid from potential bidder(s). | 11 May 2016 |
| Bid closing date. | 18 May 2016 at 11H00 |
| Notice to bidder(s)* | June/July 2016 |

* Dates subject to change.

All times and dates in this bid are South African Standard Time. Any time or date in this bid is subject to change at SARS' sole discretion. The establishment of a time or date in this bid does not create an obligation on the part of SARS to take any action, or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder(s) accepts that, if SARS extends the deadline (the closing date) for bid submissions for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

8. CONTACT

A nominated official of the potential bidder(s) can make enquiries in writing, to the specified person, Mr Aser Makgate (Procurement Tender Office) via email at tenderoffice@sars.gov.za and cc rft-professionalservices@sars.gov.za. Potential bidder(s) must reduce all telephonic enquiries to writing and send them to the above email addresses.

9. SCOPE OF WORK

9.1. BACKGROUND

One of the core strategic functions of the SARS Media Unit is media monitoring and analysis to inform the SARS leadership and management of environmental and organisational developments that have a bearing on SARS' organisational reputation and SARS' mandate of revenue collection and ensuring tax and customs compliance in general.

Media monitoring and media analysis services are required to be aware of all mentions and reporting on SARS in the media and public space, accompanied by an analysis of these mentions and reporting. This includes monitoring and analysis of all print and online articles, audio clips and videos emanating from the media monitoring service.

Objective analysis referencing media reports is required on the perceived image of SARS in the media. This includes analysis of the perceived public image of SARS' services, achievements, organisational developments as well as developments in SARS' environment that have an impact on its reputation. Analysis of public perceptions of SARS as expressed by media commentators, stakeholders and taxpayers in the media, is also required.

Analysis should identify and highlight reporting trends, angles and potential reputational risks, providing strategic insight to SARS. The encompassing nature of the task requires advanced technological solutions that fall beyond SARS' ambit.

9.2. **BID SPECIFICATION**

This is an all-inclusive daily media monitoring and analysis services, including print monitoring, broadcast monitoring, online and social media monitoring. Analysis of the media coverage emerging from these platforms is required.

9.2.1. **Print Monitoring**

Print monitoring services will require the successful bidder to monitor all major daily and weekly titles including regional titles, community newspapers, major national newspapers, magazines, trade journals and periodicals. All these titles will be carefully monitored by the successful bidder for specific keywords or topics, as per agreement with SARS.

Daily monitoring of print media must result in the relevant articles being electronically distributed to SARS as they become publically available, at least three (3) times a day, preferably via e-mail. In addition, 24-hour daily access to digital and/or PDF versions of the relevant articles must be provided.

Print articles are to be provided in the following format:

- 9.2.1.1. Colour PDF file format;
- 9.2.1.2. An alert of incoming articles with short introductory summaries as they become publically available, is required via email, three (3) times a day, preferrably before 8am, 12pm and 4pm;
- 9.2.1.3. Records – All articles must be listed, archived and accessible electronically on a secure portal accessible to designated SARS officials 24 hours a day (including weekends); and
- 9.2.1.4. Electronic access – Access to an online editorial, which includes a fully searchable archive of SARS and other relevant articles, and broadcast items provided daily via e-mail summaries.

9.2.2. **Broadcast Monitoring**

All television and radio news broadcasts, television and radio programmes including phone-in programmes must be monitored on a daily basis.

The daily monitoring of the broadcast media must result in the provision of:

- summaries as well as video and audio clips of the relevant television and radio broadcast; and
- an SMS notification must be sent to designated SARS officials of significant radio and television broadcasts under way in accordance with keywords provided by SARS, and/or relating to other major issues or senior officials of SARS, the Minister and Deputy Minister of Finance.

Broadcast items are to be provided in the following format:

- 9.2.2.1. Alerts - Email summaries of incoming video and audio clips of relevant items / reports sent to SARS at least three (3) times a day, namely 8am, 12pm and 4pm. All video and clips must be made available on a secure electronic portal for download;
- 9.2.2.2. An SMS notification as described above, indicating clearly the media house, programme, time and topic; and
- 9.2.2.3. The successful bidder must upon request be able to provide SARS with copies of radio or television broadcasts on CD or DVD within 6 - 12 hours after broadcast. This will assist with breaking news issues related to SARS.

9.2.3. **Online and Social Media Monitoring**

Daily monitoring of online media must include online versions of all relevant publications as stipulated for print media in paragraph 9.2.1 above, as well as other online publications. The successful bidder would also need to:

- 9.2.3.1. Monitor social media including Facebook, Twitter, websites, blogs, chat rooms and related online media for content that involves the work of SARS;
- 9.2.3.2. Conduct advanced searches of websites on a daily basis and determine the relevance of the content found, as per SARS' brief; and
- 9.2.3.3. Provide daily summaries via e-mail three (3) times a day, namely at 8am, 12pm

and 4pm of all relevant articles published in online publications, as well as posts and comments on social media.

9.2.4. Media Analysis and Trends

Analysis of reports and coverage from print, broadcast and online media must be done on a weekly, monthly, quarterly, and annual basis as well as per ad hoc request where for example analysis is required on a trending or topical or extensively reported issue related to SARS. The report should be sent to SARS as follows:

9.2.4.1. Quantitative Analysis

The media content analysis must include a quantitative measurement of actual coverage received (per centimetre column or per second / minute etc.), as well as the equivalent advertising value of such coverage in all media.

9.2.4.2. Qualitative Analysis

The media content analysis report must include qualitative analysis of the key issues covered in the media that is of relevance to SARS, the public perception of the key issues that involve SARS and the nature of coverage (positive, negative or neutral) and the reputational impact of such coverage on SARS.

The analysis should identify the key journalists and media houses covering these issues.

Objective analysis of media reports as they relate to the perceived image of SARS in the media, is required. This includes analysis of the perceived public image of SARS' services, achievements, organisational developments as well as developments in SARS' environment that have an impact on its reputation.

Analysis of public perceptions of SARS as expressed by media commentators, stakeholders and taxpayers in the media, is also required. Analysis should identify and highlight reporting trends, angles and potential reputational risks, providing strategic insight to SARS.

In addition, to the weekly, monthly, quarterly and ad hoc reports, SARS also requires an annual report, coinciding with the financial year end that reflects details of the above analysis over a twelve (12) month period from April to

March.

The successful bidder is also required to provide technical training and after hours and weekend support with regard to accessing the electronic portal where articles (print or online) and broadcast items are stored. Furthermore to provide the online tutorial that enables navigation of summaries provided to SARS.

9.2.4.3. Formats and time frame of submission of the reports

Reports must be submitted electronically in PDF colour file format and also archived. The time frame for submission of the reports is as follows:

- Weekly report – first (1st) day of the working week;
- Monthly report – two (2) working days after month-end;
- Quarterly report – seven (7) working days after every quarter;
- Annual report – fourteen (14) working days after the SARS financial year end; and
- Ad hoc report – within six (6) hours of a request from SARS.

9.2.5. Special Reports

The successful bidder shall provide SARS with the following special reports, including but not limited to the following:

- 9.2.5.1. A comprehensive report on the annual tax season for individuals to be delivered within seven (7) working days of the end of tax season;
- 9.2.5.2. A comprehensive report on the tax season for employers to be delivered within seven (7) working days of the end of tax season for employers; and
- 9.2.5.3. A comprehensive report on the annual Revenue Announcement at the end of the financial year (March) to be delivered within seven (7) working days after the announcement.

9.3. SARS REQUIREMENTS FROM THE BIDDER(S)

Bidders are required to submit their response to all the requested information in this section.

9.3.1. **Company Profile and Resources**

Provide:

- 9.3.1.1. A company profile, organisational structure and infrastructure to render the services;
- 9.3.1.2. Number of key personnel that are being recommended to SARS and their level of expertise, responsibilities, qualifications and competencies relevant to the scope of work; and
- 9.3.1.3. Full name and contact details (landline, cellphone and email address) of a Key Account Manager that the bidder recommends to SARS. Please elaborate on how the Key Account Manager played a key role in at least two (2) projects similar to the scope of work of this bid.

9.3.2. **Experience and Capability**

Provide:

- 9.3.2.1. The bidder's experience and proven track record over the past four (4) years.
- 9.3.2.2. Three (3) most recent testimonials from any contactable clients, where similar services were provided. The testimonials must include but not be limited to:
 - Contact details
 - A brief description of service rendered;
 - Contract period
 - The quality of service received;
 - Performance;
 - Challenges; and
 - Value added services.
- 9.3.2.3. Provide the number of accounts retained and lost over the past four (4) years.
- 9.3.2.4. Detailed proposal on the operational capability including methodology, approach, process and tools / systems to execute an all-inclusive package of media monitoring in the following platforms, as specified in the SARS scope of work:
 - Print;
 - Broadcasting; and
 - Electronic and online media.
- 9.3.2.5. detailed proposal of the tools / systems used to provide the required alerts / updates by outlining:

- An example of alerts that will be sent / delivered to SARS;
- The controls and security around the systems; and
- What are the limitations e.g. number of users.

- 9.3.2.6. Demonstrate enabling IT and telecommunication infrastructure (24 hours portal, email alerts, SMS alerts, automated searches, downtime, innovation and additional value-adding services).
- 9.3.2.7. Sample(s) of the website portals that were previously managed by the bidder.
- 9.3.2.8. Ability and capacity to track media coverage outside of South Africa.

9.3.3. **Data Analysis and Reporting**

Provide:

- 9.3.3.1. A sample of previously produced data analysis reports, which demonstrate the bidder's quantitative and qualitative content analysis. Samples of analysis reports should include a weekly, monthly, quarterly and annual reports.
- 9.3.3.2. A quality assurance / processes in place to ensure reliability, accuracy and validity of data.

9.3.4. **Technical Support**

- 9.3.4.1. Demonstrate the bidder's approach to ensure technical training and after hours / weekend support to SARS' officials with regard to accessing an electronic portal where articles (print or online) and broadcast items are stored, as well as the online editorial, that enables navigation of summaries provided to SARS.

9.3.5. **Presentation and Demonstration**

- 9.3.5.1. Only shortlisted bidders will be invited and notified about the presentation and demonstration requirements.

9.4. TECHNICAL COMPLIANCE CHECKLIST

Bidder(s) are required to complete the compliance checklist as outlined in Annexure A2 in order to guide the SARS evaluators where to find their technical responses.

10. INSTRUCTIONS TO BIDDER(S)

- 10.1. Bids must be properly packaged and deposited in the below mentioned tender box on or before the closing date and time at the SARS Tender Office situated at:

Linton House - Ground Floor
Brooklyn Bridge
570 Fehrsen Street
Brooklyn
Pretoria

- 10.2. Bid documents may also be posted to the Tender Office - SARS Procurement Department, Linton House, Brooklyn Bridge, 570 Fehrsen Street, Brooklyn, Pretoria, 0181.
- 10.3. Bid documents will only be considered if received by SARS before the closing date and time, regardless of the method used to send or deliver such documents to SARS.
- 10.4. Late bids will not be accepted and shall be returned to bidder(s).
- 10.5. The bidder(s) are required to submit two (2) copies of each file (original and duplicate) and one (1) CD-ROM with the contents of each file by 18 May 2016 at 11H00.
- 10.6. Each file and CD-ROM must be **marked correctly and sealed separately** for ease of reference during the evaluation process.
- 10.7. Pricing information should not be included in the technical file (File 1). Furthermore, the files and information in the CD-ROM must be labelled and submitted in the following format:

| FILE 1 (ONLY TECHNICAL PROPOSAL) | |
|--|--|
| Exhibit 1 <ul style="list-style-type: none"> • Pre-qualification documents (SBD documents and others) | Exhibit 2 <ul style="list-style-type: none"> • Bidder Compliance Checklist for the Technical Evaluation (Annexure A2) • Response to Technical Requirements • Supporting documents for the technical responses • Reference letters |
| Exhibit 3 <ul style="list-style-type: none"> • Company profile • Any supplementary / additional information or supporting documents for the technical responses | Exhibit 4 <ul style="list-style-type: none"> • General Conditions of Contract (GCC) • Draft Services Agreement |
| FILE 2 (ONLY PRICE AND BEE PROPOSAL) | |
| Exhibit 1 <ul style="list-style-type: none"> • B-BBEE Certificate | Exhibit 2 <ul style="list-style-type: none"> • Pricing Schedule |

11. EVALUATION AND SELECTION CRITERIA

SARS has set minimum standards (Gates) that bidder(s) must meet in order to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

- **Pre-Qualification Criteria (Gate 0)** – bidder(s) must submit all documents, as outlined in paragraph 11.1 below.
- **Technical Evaluation Criteria (Gate 1)** – bidder(s) will be evaluated out of 100 points during Technical Evaluations. The bidders must achieve a minimum threshold in order to be shortlisted. The process for the shortlisted bidders is outlined in paragraph 11.2 below.
- **Price and B-BBEE Evaluation (Gate 2)** – bidders that have been shortlisted in Gate 1 will be evaluated for price and B-BBEE, as outlined in paragraph 11.3 below.

11.1. PRE-QUALIFICATION CRITERIA – GATE 0

Without limiting the generality of SARS' other critical requirements for this bid, bidder(s) must submit the documents listed in **Table 1** below. All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). A bidder(s) proposal may be disqualified for non-submission of any of the listed documents.

Table 1: Documents that must be submitted for Pre-qualification

| Name of the document that must be submitted | Non-submission may result in disqualification |
|---|---|
| Invitation to bid – SBD 1 | YES – Complete and sign the supplied pro forma document. |
| Tax Clearance Certificate – SBD 2 | YES – Please submit a valid and original copy of the certificate. |
| Declaration of Interest – SBD 4 | YES – Complete and sign the supplied pro forma document. |
| Preference Point Claim Form - SBD 6.1 and B-BBEE certificate | NO – Non-submission will lead to a zero score on B-BBEE. |
| Declaration of bidder's Past Supply Chain Management Practices – SBD 8 | YES – Complete and sign the supplied pro forma document. |
| Certificate of Independent bid Determination – SBD 9 | YES – Complete and sign the supplied pro forma document. |
| SARS' Oath of Secrecy | YES – Complete and sign the supplied pro forma document in the presence of a Commissioner of Oaths and initial every page. |
| Pricing Schedule | YES – Submit full details of the pricing proposal to SARS in Annexure B. |
| General Conditions of Contract (GCC) | YES – Sign the supplied GCC. |
| Bidder Compliance Checklist Form for Technical Evaluation (Annexure A2) | NO – Complete to assist with ease of reference during evaluation. |

11.2. TECHNICAL EVALUATION (GATE 1) = 100 POINTS

Only bidder(s) that have met the Pre-Qualification Criteria in (Gate 0) will be evaluated in Gate 1 for functionality. Functionality will be evaluated out of 100 points as follows:

- 11.2.1. Desktop Technical Evaluation – bidder(s) will be evaluated out of 70 points and must achieve a minimum threshold of 49 out of 70 points for the desktop technical evaluation. Bidder(s) who have met the minimum threshold of 49 points for the desktop technical evaluation will be shortlisted and invited for a presentation / demonstration;
- 11.2.2. The presentation / demonstration will be evaluated out of 30 points; and
- 11.2.3. The overall combined score of both desktop technical evaluation and presentation / demonstration must be equal to or above 70 points in order to proceed to Gate 2 for Price and BEE evaluations.

The bidder(s)' information will be scored according to the following points system:

| Functionality | Maximum Points Achievable | Minimum Threshold |
|--|---------------------------|-------------------|
| Desktop Technical Evaluation Details found in Annexure A1 - Technical Scorecard | 70 | 49 |
| Presentation | 30 | N/A |
| OVERALL COMBINED POINTS | 100 | 70 |

11.3. PRICE AND B-BBEE EVALUATION (GATE 2) (90 + 10) = 100 POINTS

11.3.1. Stage 1 – Price Evaluation (90 points)

| Adjudication Criteria | Points |
|---|--------|
| Price Evaluation $P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ | 90 |

Where

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{\min} = Rand value of lowest acceptable bid

11.3.2. Stage 2 – B-BBEE Evaluation (10 points)

| Adjudication Criteria | Points |
|---|--------|
| A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1), including paragraph 8 thereof relating to the sub-contracting of the services, and a B-BBEE certificate. | 10 |

Bidder(s) who do not claim Preference Points will be scored zero for B-BBEE, but will not be excluded from the tender process. Bidders, who do not fill SBD 6.1 in its entirety, will **not** be awarded points for B-BBEE.

Sub-contracting

Bidders who want to claim preference points will have to comply fully with regulations 11(8) and 11(9) of the Preferential Procurement Regulations, 2011 with regard to sub-contracting:

Regulation 11(8)

A person must not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of

the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for, unless the intended sub-contractor is an Exempted Micro Enterprise that has the capability and ability to execute the sub-contract.

Regulation 11(9)

A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an Exempted Micro Enterprise that has the capability and ability to execute the sub-contract.

The checklist below indicates the B-BBEE documents that must be submitted for this bid. Failure to submit the required documents will result in bidder(s) scoring zero (0) for B-BBEE.

| No. | Classification | Turnover | Submission Requirement |
|-----|-----------------------------------|--|---|
| 1. | Exempted Micro Enterprise (EME) | Below R10 million p.a. | Certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency or a Registered Auditor approved by the Independent Regulatory Board for Auditors ("IRBA") or a letter from an Accounting Officer as contemplated in the CCA. |
| 2. | Qualifying Small Enterprise (QSE) | Between R10 million and R50 million p.a. | Certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency or a Registered Auditor approved by the IRBA. |
| 3. | Large Enterprise (LE) | Above R50 million p.a. | Certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency or a Registered Auditor approved by the IRBA. |

SARS will accept B-BBEE Certificates issued under the revised B-BBEE Codes.

Use and acceptance of Sworn Affidavits

SARS reserves the right to request that bidders submit proof of their black ownership and

turnover information, in support of their sworn affidavits.

Joint Ventures (JVs) and Consortiums

Incorporated JVs must submit the B-BBEE status of the entity. Unincorporated JVs must submit a consolidated B-BBEE scorecard as if they were a group structure for every separate bid.

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

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

11.3.3. Stage 3 (90 + 10 = 100 points)

The Price and B-BBEE points will be added together to determine each bidder's overall score out of 100 points.

11.4. FINANCIAL STATEMENTS

Bidders are required to submit complete sets of audited / reviewed annual financial statements for the three (3) most recent financial periods in the name of the bidding entity. The financial statement analysis will be conducted on shortlisted the bidders .

11.4.1. The annual financial statements must contain:

- Statement of Profit and Loss and Other Comprehensive Income;
- Statement of Financial Position;
- Statement of Cash Flows; and
- Accompanying Notes.

11.4.2. Entities which are trading for less than three (3) financial periods should provide:

- A letter detailing that fact, signed by a duly authorised representative of the entity; and

- Any other information or documentation which would provide more clarity on the financial history of the bidder.

11.4.3. In the event that the subsidiary is the bidding entity and submits the financial statements of the holding company for financial evaluation purposes, the holding company must furnish a Performance Guarantee that is signed by a duly authorised representative of the entity.

11.4.4. In the event of the bid being in the form of a JV, the following is required:

- Annual financial statements of the JV; and
- A legal agreement detailing the percentage ownership of each entity.

N.B.: SARS reserves the right to request further information with regards to the annual financial statements of a bidder at a later stage.

12. AGREEMENTS

12.1. GENERAL CONDITIONS OF CONTRACT

Any award made to a bidder under this bid is conditional, amongst others, upon –

12.1.1. The bidder accepting the terms and conditions contained in the General Conditions of Contract, as the minimum terms and conditions upon which SARS is prepared to enter into a contract with the successful bidder.

12.1.2. The bidder submitting the General Conditions of Contract to SARS together with its bid, duly signed by an authorised representative of the bidder.

12.2. SERVICES AGREEMENT

12.2.1. Upon award, SARS and the successful bidder will conclude an agreement regulating the specific terms and conditions applicable to the services being procured by SARS, more or less in the format of the draft Services Agreement included in this tender pack.

12.2.2. SARS reserves the right to vary the proposed terms and conditions of the draft Services Agreement during the course of negotiations with a bidder by amending or adding thereto (including for purposes of better giving effect to the objectives in paragraph 2 above).

Bidders are requested to:

12.2.2.1. Comment on the terms and conditions set out in the draft Services Agreement and where necessary, propose required changes to such terms and conditions;

12.2.2.2. Each comment and/or amendment must be explained; and

12.2.2.3. All changes and/or amendments to the draft Services Agreement must be in an easily identifiable colour font and tracked for ease of reference.

12.2.3. SARS reserves the right to accept or reject any or all amendments or additions proposed by a bidder if such amendments or additions are unacceptable to SARS or pose a risk to the organisation. For this reason, it is not required that the draft Services Agreement be signed on submission of the bidder's proposal.

12.2.4. Insurance

The successful bidder will be required, on or before the Effective Date of the Master Services 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.

13. SPECIAL CONDITIONS OF THIS BID

13.1. SARS reserves the right:

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

13.1.2. To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price and Best and Final Offer (BAFO);

13.1.3. To accept part of a bid rather than the whole bid;

13.1.4. To cancel and/or terminate the bid process at any stage, including after the closing date and/or after presentations have been made, and/or after bids have been evaluated and/or after the preferred bidder(s) have been notified of their status as such;

13.1.5. To carry out site inspections, product evaluations or explanatory meetings in order to

verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the bid; and

- 13.1.6. To correct any mistakes at any stage of the bid that may have been in the bid documents or occurred at any stage of the bid process.

13.2. **SARS requires bidder(s) to declare:**

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

13.2.1. Confirm that the bidder(s) shall:

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

13.3. **Conflict of Interest, Corruption and Fraud**

SARS reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a fifteen percent (15%) interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of SARS or any other government organ or entity and

whether from the Republic of South Africa or otherwise ("Government Entity"):

- 13.3.1. Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;
- 13.3.2. Seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- 13.3.3. Makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SARS' officers, directors, employees, advisors or other representatives;
- 13.3.4. Makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- 13.3.5. Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
- 13.3.6. Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;
- 13.3.7. Has in the past engaged in any matter referred to above; or
- 13.3.8. Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

13.4. Bidder's Own Terms and Conditions or Bid Qualifications

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

13.5. Misrepresentation During The Lifecycle of The Contract

The bidder should note that the terms of its bid will be incorporated in the proposed contract by reference and that SARS relies upon the bidder's bid as a material representation in making an award to a successful bidder and in concluding a Services Agreement with the bidder.

It follows therefore that misrepresentations in a bid may give rise to service termination and a claim by SARS against the bidder notwithstanding the conclusion of the Services Agreement between SARS and the bidder for the provision of the services in question. In the event of a conflict between the bidder's proposal and the Services Agreement concluded between the parties, the Services Agreement will prevail.

13.6. Preparation Costs

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

13.7. Indemnity

If a bidder breaches the conditions of this bid 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 bid 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.

13.8. **Precedence**

This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

13.9. **Limitation of Liability**

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

13.10. **Tax Compliance**

No tender shall be awarded to a bidder who is not tax compliant. SARS reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder in the event that it is established that such bidder was in fact not tax compliant at the time of the award, or has submitted a fraudulent Tax Clearance Certificate (TCC) to SARS. SARS further reserves the right to cancel a contract with a successful bidder in the event that such bidder does not remain tax compliant for the full term of the contract. The bidder will be required to submit a TCC upon expiration thereof, annually.

13.11. **National Treasury**

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

13.12. **Governing Law**

South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African High Courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself

and all processes associated with the bid.

13.13. Responsibility for Sub-contractors and Bidder's Personnel

A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this bid and in particular the provisions of paragraph 11.3.2 above. In the event that SARS allows a bidder to make use of sub-contractors, such sub-contractors 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 or caused by such sub-contractors.

13.14. Confidentiality

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a bidder's bid proposal(s) will be disclosed by any bidder or other person not officially involved with SARS' examination and evaluation of a bid.

No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a bid. This bid and any other documents supplied by SARS remain proprietary to SARS and must be promptly returned to SARS upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

Throughout this bid process and thereafter, bidders must secure SARS' written approval prior to the release of any information that pertains to (i) the potential work or activities to which this bid relates; or (ii) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

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

13.15. Intellectual Property Rights

Subject to pre-existing intellectual property rights of the bidder and/or any third party, all intellectual property right to literary works created in the course of executing the services contemplated in this RFP shall vest exclusively in SARS. By bidding, bidders irrevocably agree to transfer, make over and assign to SARS such relevant intellectual property rights.

13.16. SARS Proprietary Information

On their bid covering letter, bidder(s) will make a declaration that they did not have access to any SARS proprietary information or any other matter that may have unfairly placed that bidder in a preferential position in relation to any of the other bidders.

13.17. Screening and Vetting of Service Provider

Acceptance of this tender is subject to the condition that both the contracting firm and its personnel providing the service must be screened and cleared by the appropriate authorities to the grade of clearance in line to classified information, intelligence in the possession of SARS and areas designated as National Key points that they may have. Obtaining a positive recommendation is the responsibility of the contracting firm concerned. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

14. TECHNICAL EVALUATION CRITERIA

14.1. ANNEXURE A1 - Technical Evaluation Scorecard – 100 points

| No. | Technical Evaluation Criterion | Weight (100) | RFP Doc. Reference |
|-----------|--|--------------|---------------------------|
| 1. | Company Profile and Resources | 15 | |
| 1.1 | Provide a company profile, organisational structure and description of available infrastructure to render the services. | | Refer to section 9.3.1.1. |
| 1.2 | Provide the number of key personnel that are being recommended to SARS and level of expertise, their responsibilities, qualifications and competencies relevant to the scope of work. | | Refer to section 9.3.1.2. |
| 1.3 | Full name and contact details (landline, cellphone and email address) of a Key Account Manager that the bidder recommends to SARS. Please elaborate on how the Key Account Manager played a key role in at least two (2) projects similar to the scope of work of this bid. | | Refer to section 9.3.1.3. |
| 2. | Capability | 40 | |
| 2.1 | Provide a schedule of the bidder's experience and proven track record over the past four (4) years. | | Refer to section 9.3.2.1. |
| 2.2 | Provide three (3) most recent testimonials from any clients, where similar services were provided. The testimonials must include but not be limited to: <ul style="list-style-type: none"> • Contact details • Brief description of service rendered; • Quality of service received; and • Performance. • Contract period | | Refer to section 9.3.2.2. |
| 2.3 | Provide the number of accounts retained and lost over the past four (4) years. | | Refer to section |

| No. | Technical Evaluation Criterion | Weight (100) | RFP Doc. Reference |
|-----------|---|--------------|---------------------------|
| | | | 9.3.2.3. |
| 2.4 | Demonstrate the operational capability including methodology, approach, process and tools / systems to execute an all inclusive package of media monitoring as specified in the SARS scope of work. <ul style="list-style-type: none"> • Print; • Broadcasting; and • Electronic and online media | | Refer to section 9.3.2.4. |
| 2.5 | Provide a detailed proposal of the tools / systems used to provide the required alerts / updates by outlining: <ul style="list-style-type: none"> • An example of alerts that will be sent / delivered to SARS; • The controls and security around the systems; and • What are the limitations e.g. number of users. | | Refer to section 9.3.2.5. |
| 2.6 | Demonstrate enabling IT and telecommunication infrastructure (24 hours portal, email alerts, SMS alerts, automated searches, downtime, innovation and additional value-adding services). | | Refer to section 9.3.2.6. |
| 2.7 | Provide sample(s) of the website portals that were previously managed by the bidder. | | Refer to section 9.3.2.7. |
| 2.8 | Provide the ability and capability to track media coverage outside of South Africa. | | Refer to section 9.3.2.8. |
| 3. | Data Analysis and Reporting | 10 | |
| 3.1 | The proposal must include a sample of previously produced data analysis reports, which demonstrate the bidder's quantitative and qualitative content analysis. Samples of analysis reports should include a weekly, monthly, quarterly and annual reports. | | Refer to section 9.3.3.1. |
| 3.2 | Provide a quality assurance / processes in place to ensure reliability and validity of data. | | Refer to section 9.3.3.2. |
| 4. | Technical Support | 5 | |

| No. | Technical Evaluation Criterion | Weight (100) | RFP Doc. Reference |
|-----------|--|--------------|---------------------------|
| 4.1 | Demonstrate the bidder's approach to ensure technical training and after hours / weekend support to SARS' officials, with regard to accessing the websites / electronic portal where articles (print or online) and broadcast items are uploaded, as well as the online editorial that enables navigation of summaries provided to SARS. | | Refer to section 9.3.4.1. |
| 5. | Presentation and reference checks | 30 | |
| 5.1 | Only shortlisted bidders will be notified about the presentation and demonstration requirements. | | Refer to section 9.3.5.1. |

14.2. ANNEXURE A2 – TECHNICAL COMPLIANCE CHECKLIST

The bidder is required to complete technical compliance checklist in order to guide the evaluators where to find the bidder's technical responses.

15. ANNEXURE B – PRICING SCHEDULE

Refer to Annexure B for pricing schedule for the employee engagement survey.