



South African Revenue Service

RFP19-2023 QUESTIONS & ANSWERS

DATE 01 August 2023

RFP 19/2023: QUESTIONS & ANSWERS V2

	QUESTIONS	ANSWERS
	COMMERCIAL	
1.	<p>The "SARS Graph Database Management Agreement" refers to a subscription agreement, but also refers to ownership of developed software clause 21.2. The proposal is for an "out of the box solution" and development will be mainly integration, limited customisation and mainly configuration based on existing know how and therefore not new IP and impractical to separate. This causes a conflict, can this clause 21.2 in this instance be removed from the agreement?</p>	<p>Question is noted and Bidders are encouraged to make any changes / suggestions / amendments in track changes on the draft agreement provided, for SARS's legal department to consider.</p>
2.	<p>The contemplated term is 3 years with an option to renew for a further 2 years but clause 21.2.4 refers to:</p> <p>"Unless otherwise agreed, where Developed Intellectual Property incorporates the Service Provider Intellectual Property and/or systems, and processes that Service Provider did not develop in the course of supplying Deliverables and/or Services under the Agreement, the Service Provider hereby grants SARS an irrevocable, perpetual, world-wide, fully paid-up, royalty-free, non-exclusive licence for SARS including SARS Personnel to perform any lawful act, including the right to use, copy, maintain, modify, enhance and create derivative works of such Service Provider Intellectual Property insofar as it forms part of the Developed Intellectual Property ("SARS's License").</p> <p>As per question 1, the proposal is for an already built Graph Database Management Tool and the access to use is limited to the term of the agreement. This causes a conflict, can this clause 21.2.4 in this instance be removed from the agreement?</p>	<p>Question is noted and Bidders are encouraged to make any changes / suggestions / amendments in track changes on the draft agreement provided, for SARS's legal department to consider.</p>