



## RFP 06/2016: CLARIFICATION QUESTIONS AND ANSWERS

Question	Answer
<b>A. BRIEFING SESSION QUESTIONS AND ANSWERS – 28 JULY 2016</b>	
1.1 JV's, is it an understanding that each individual company must have registered in the Central Supplier Database?	Yes
1.2 You look at page 38 about reference. My question does it mean reference must in terms of the criteria, excellent, good, average & poor?	Yes, your referee must rate your service to them into the criteria using their own letterhead and as per the category they give reference on, e.g. Tax Law. One reference letter cannot be for all categories as each category is evaluated separately.
1.3 In terms of files, do you want 2 originals and 3 copies each?	It must be 3 originals and 3 copies. That is how you submit, provided you respond to all the categories. If you are responding to one category, sure the number of files you must submit will reduce as you don't have to waste files as your documents can fit in 2 files, e.g. File 1 for Pre-quals and Technical and File 2 for BEE & Financials.
1.4 With regards to personnel information such as Background and experience of staff members who assist Key Personnel, what constitute this information?	This refers to specifically relevant information regarding to their experience and CV's confirming such experiences. It does not have to be detail and, where not applicable, you just have to say so.
1.5 In terms of <b>Available Resources and Infrastructure</b> , if the secretary and support staff has different systems, must they also be stipulated?	Not necessary but just indicate the systems your company uses so as we are sure that the SARS information shall be save if your company gets appointed to the panel and they are briefed.
1.6 Tariff, how do we complete these?	We said complete Annexure C and use Annexure B as a basis and guideline how you may vary the proposed tariffs. But please be informed that SARS will check the correctness and the percentages used to vary. But we cannot tell you how you work around the tariffs.

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1.7 You said you will come back later to share the reason why the current panel is not being extended.	<p>Yes, the current panel expires on 30 November and, for those on the panel, know that it does have room for extension for 2 years of 12 months each. However, SARS has taken a decision not to extend the panel; hence we have issued this new tender.</p> <p>We hope to have this tender awarded by 31 October only if you package your responses in the right way and SARS Technical Evaluators are able to easily find the information to score you accordingly.</p>
1.8 What happens if you on the current panel and you don't get appointed to this new tender whilst you have matters that you are dealing with?	Any matter that is not completed will be allowed to be completed as we know that legal matters can take long to finalise. So room will be allowed for the matters are handed to the service providers before the expiry of RFP 20/2012 to continue until the case is finalised.
1.9 How many suppliers are you going to appoint?	We do not intend to limit the number. If bidders go through all the evaluation stages and meeting the SARS requirements will be appointed.
1.10 Can we substitute a list of client from the other categories?	The fact of the matter is that, if you are responding for the Tax Law, your responses must be in relation to that category, Tax Law. It cannot be for another category or else you may lose points as your bid will be scored according to how you responded and packaged your responses.
1.11 Will <b>Questions &amp; Answers</b> be published?	Yes, they are going to be published on the SARS website as well. Also, please keep on checking the SARS website for updates.
1.12 If we are, say appointed to a Tax matter and we don't have the necessary experience, does SARS help train such small firms to acquire skills in such tax matters?	SARS has not been doing supplier development in the Legal spheres but we will talk to our Legal colleagues to see if we can help do supplier developments. But you are allowed to partner with the bigger firm so as you can acquire the necessary skills and know-how so as you are able to stand for yourself in the future. Please feel free to approach bigger firms to help train you to acquire such skills.

Question	Answer
<p>1.13 Does SARS have a database where small firms can check which are the bigger firms to approach?</p>	<p>Yes we are doing that in other commodities but not done anything for this commodity. But we will engage the Legal team here and begin to do something so as you are able to find a suitable potential partner.</p> <p>But the results of every tender are published so as you can see who the big players for you to approach are. We also encourage small suppliers, however, to partner with bigger players.</p> <p>The nature of this service do allow for certain assignments to be done together by 2 different firms depending on the complexity and experience of the appointed firms.</p>
<p>1.14 My question is with regards to submissions. Let's say you are only applying for category 1, 2 &amp; 3, does it mean we need to put our submissions in other lever arch files instead of just submitting 2?</p>	<p>The answer is that, if you're submitting for one or two categories, you just need to submit 2 files if the information allows and just number your responses accordingly for the evaluators to find the required information when they score you. You need not submit 3 originals even if you just respond to Category 8 only, 2 files will do.</p> <p>What is important is how you package the information for ease of finding the required information needed for scoring purposes.</p>
<p>1.15 Is it true that attendance to the tender briefing concerning this tender is <b>Not</b> compulsory? Will non-attendance not affect those bidders that do not attend?</p>	<p><b>Yes</b>, this was a non-compulsory briefing session. Non-attendance will not disqualify your bid submission</p>
<p><b>B. CLARICATIONS QUESTIONS RECEIVED AFTER THE BRIEFING SESSION</b></p>	
<p>2.1 Category 6: Property law and Insolvency law. <b>Does insolvency law include business rescue?</b></p>	<p>Yes, Insolvency law includes business rescue.</p>
<p>2.2 We refer to your advert on the De Rebus (RFP 06/2016) where you invited law firms to submit proposal to be in SARS legal Panel. Can you please send us more information as to what documents we need to submit to be considered.</p>	<p>Please visit the SARS Website using the link below to access the documents.  <a href="http://www.sars.gov.za/Procurement/Pages/TenderDetails.aspx?tendernumber=06&amp;year=2016&amp;type=Request">http://www.sars.gov.za/Procurement/Pages/TenderDetails.aspx?tendernumber=06&amp;year=2016&amp;type=Request</a> under published tenders</p>

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2.3 In preparing the Exhibits for the arch-lever files, do we need to insert all the exhibits or may we insert only for the categories that we are bidding for.	You only insert the categories you are bidding for. But please package your files nicely for Technical Evaluators to be able to find the necessary information they need to score your bid.
2.4 Is the service provider expected to work exclusively for SARS? Or is the service provider allowed to take other work against SARS?	<p>Legal firms are not prohibited from acting against SARS. The issue to determine is whether their representation of individuals or companies constitute a conflict of interest, and that will depend on the circumstances of each case.</p> <p>Please refer to the <b>Draft MSA Clause 30 CONFLICT OF INTEREST:</b></p> <p><b>“30.1</b> The Service Provider undertakes to immediately notify SARS in the event that a conflict of interest is identified, pursuant to a Service Request being received from SARS.</p> <p><b>3.2</b> The Service Provider further warrants that it will not disclose any Confidential Information it obtained in rendering the Services to SARS to any client or third party”.</p>
2.5 Must the Tax Clearance Certificate be filed under Exhibit 2, with the company registration documents? If not, where should we file it?	Please you can file in File 3 Exhibit 1 together with the BEE certificate. It must be in File 3 Exhibit 1 together with the BEE certificate.
2.6 Must the Professional Indemnity Insurance policy be filed under Exhibit 2? If not, where should we file it?	Yes as that is part of Technical Response. It will be checked by the Technical Evaluators for the authenticity of the document in File 1: Exhibit 2.
2.7 Must the SARS Oath of Secrecy be filed under Exhibit 1? If not, where should we file it?	Yes in File 1 Exhibit 1 as part of the Pre-qualification documents. It will be checked their for compliance purposes
2.8 Must the Supplier Cost and Risk Assessment Questionnaire be filed under Exhibit 1? If not, where should we file it?	Yes in File 1 Exhibit 1 as part of the Pre-qualification documents. It will be checked their for compliance purposes.
2.9 Do you require certificates of Good Standing in respect of the firm, or do you require in respect of each key personnel and/or professional staff assisting?	<p>Please refer to the RFP document: 11 ANNEXURE A – TECHNICAL SCORECARD on page 25 of 50.</p> <p>In the table, under 11.1 – please see points 3) and 4) in the third column</p>

Question	Answer
<p>2.10 Please clarify – if we have 3 original lever arch files, do we make 1 copy of each of the 3 files, totalling 6 files we would submit?</p> <p><b>OR</b></p> <p>do we make 3 copies of each of the 3 files, totalling 12 files we would submit?</p>	<p>As indicated in the Briefing Session Presentation slide 22, it shows 3 Originals and 3 copies provided you respond to all categories. However, if you're submitting for one or two categories, you just need to submit 2 files if the information allows and just number your responses accordingly for the evaluators to find the required information when they score you. You need not submit 3 originals even if you just respond to Category 8 only, 2 files will do.</p> <p><b>What is important is how you package the information for ease of finding the required information needed for scoring purposes.</b></p> <p>The number of files shall be 6 and not 12 if you respond to all the 8 categories. Please also refer to above.</p>
<p>2.11 May bid documents be completed in clear and legible handwritten form, or must it be typed out?</p>	<p><b>Both methods of completion will suffice.</b> But it is to the bidder's benefit and advantage for the evaluators to be able to read your response for them to score the bidder accordingly.</p>
<p>2.12 If handwriting is allowed, may we use tipex to do corrections?</p>	<p><b>SARS would advise against the use of tipex on the document.</b> If bidders make a mistake, they should rather strike it through and initial next to it.</p>
<p>2.13 If bidders propose changes to the Master Services Agreement which SARS do not agree with or do not accept, would this constitute grounds for rejecting such a bidder's bid, or would SARS negotiate such terms with the bidder?</p>	<p>The answer is no. SARS will further have contract negotiations with all the successful bidders on all contractual matters. No bidder will be disqualified for their mark-ups.</p>
<p>2.14 What is the weight of 11.1 of Annexure A, Technical Scorecard, under Exhibit 2?</p>	<p>This is a <b>MANDATORY REQUIREMENT</b> and all bidders must comply with 11.1 before the bidder's response is evaluated further.</p>
<p>2.15 Do you require original audited financial statements or may we submit certified copies?</p>	<p>In the RFP Section 9.4 (<b>page 19 of 50</b>) SARS specifically says <b>audited/reviewed</b> financial statements which provide a comprehensive view of their financial viability.</p>
<p>2.16 The RFP requests that "<i>Bidders respond to all required information separately should they be submitting proposals in one (1) or any combination of the eight (8) categories.</i>"</p> <p>Does <i>this</i> refer to only having to submit separate information for the "technical responses" (Lever Arch Files 1 &amp; 2) of each category that we are applying for, or are we required to submit a full complete tender response (ie. including corporate profile, CVs, tax clearance, fidelity fund certificates, BEE certificates etc) for each and every</p>	<ul style="list-style-type: none"> <li>• SARS has indicated in the RFP Section 8.5 (page 12 – 13 of 50) how bidders must package their responses. Please refer to 2.10 above how to package your responses.</li> <li>• When it comes to the corporate profile, CVs, tax clearance, fidelity fund certificates, BEE certificates etc. documents, please refer to Annexure A and A1-A8 what is being asked and package as per the Technical Evaluation Annexure A, Annexure A1-A8.</li> <li>• Company Profile and Fidelity Fund certificates are part of Technical</li> </ul>

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category of law that we are applying for?	<p>Response Annexure A. CV's are as per the category you respond to (Annexure A1-A8).</p> <ul style="list-style-type: none"> <li>• BEE and Tax Clearance certificates must be in File 3, Exhibit 1.</li> </ul>
2.17 Will you be publishing a list of questions or answers on your website?	Yes please be informed that all queries/questions will be answered by 16 August and uploaded on the SARS website.
<p>2.18 We refer to the above Bid Documentation, downloaded from the eTenders website. Upon perusing same, we noted that the following SBD documents are missing from the copy on the website (SBD 2, SDB 3, SBD 5, SBD 6 &amp; SBD 7). What we do have in our possession though are the following: SDB 1, SDB 4; SBD 6.1, SBD 8 and SBD 9.</p> <p>In the light of the foregoing, could you be so kind as to provide us with copies of the missing SBD documents should same be part of this bid. If the documents referred to in paragraphs (1) – (5) above are not part of the foregoing bid, could we please have your written confirmation thereof.</p>	<p>You will notice that when you read the RFP document, these documents are not referenced. Reason being the following:</p> <ol style="list-style-type: none"> <li>1. SBD 2: The CSD document that you will submit will reference the Tax Clearance Certificate and we just need the certificate as a confirmation of your compliance.</li> <li>2. SBD 3: SARS has issued you with Annexure C that replaces SBD 3. Please Complete Annexure C as requested, using Annexure B as a guide.</li> <li>4. SBD 5: This is not relevant to our requirements.</li> <li>5. SBD 6: We have SBD 6.1 for you to complete.</li> <li>6. SBD 7: This is not relevant to our requirements.</li> </ol> <p>The above documents are not part of RFP 06/2016</p>
<p>2.19 We are in the process of compiling and finalising our tender proposal and we have a query relating to the fees and the deviation allowed from the fees (<b>annexure B and annexure C</b>).</p> <p>Our fees for the teams bidding for the panel appointment exceed the maximum allowed deviation in each category. For purposes of the bid and completing annexure C, we would like to clarify the following:</p> <p>should we complete the annexure C with our current fees reflected in each category; or</p> <p>should we complete annexure C according to the maximum deviation allowed and attach an extra document to the tender proposal reflecting our current fee structure.</p>	<p>Please refer to the RFP section 7.2.7 about how bidders must submit their fees. Bidders may also attach their current fee structure and should stay within the parameters of the maximum deviations that are allowed for the different tiers.</p>
2.20 The abovementioned tender calls for practice management certificates. I called the Law Society and established that practice management certificates only apply to newly qualified attorneys and our directors are exempt from same.	Please refer to the RFP Annexure A 11.1 (4). The bidder can submit a letter from the relevant Law Society in respect of the exemption

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Please would you confirm that we do not need to submit any practice management certificates.	
2.21 Please advise if the above mentioned RFP requires documents such as tax clearance certificate, ID copies, company documents etc. or that a duly completed document is sufficient	Bidders may submit for the relevant field, i.e. Property Law in that category
2.22 We note that legal services categories have been grouped together. In the case of property law and insolvency law, will a bid be considered if submitted only in respect of property law?	Bidders may submit for the relevant field, i.e. Property Law in that category
2.23 Kindly advise whether each file should have 3 duplicate copies or is it 3 copies of the 3 files?	Please refer to 2.10 above how to package your responses.
2.24 As a private firm it is our policy not to distribute our financials. Seeing that we provided our auditor' report in our previous response to SARS, would this be acceptable?	Please refer to the <b>RFP Section 9.4</b> as it is a requirement of the tender that <b>Audited/Reviewed Financial Statements</b> must be submitted. Also, please treat this tender as different from the previous.