



REQUEST FOR PROPOSAL

RFP11/2021

PROVISION OF INTEGRATED HYGIENE AND SPECIALISED CLEANING, WASTE MANAGEMENT, PEST CONTROL AND GARDENING SERVICES AT VARIOUS SARS OFFICES

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Summary, Guidelines, Conditions and Instructions

The South African Revenue Service (“**SARS**”) invites certain qualified persons (“**Bidders**”) to submit tenders and proposals (“**Tenders**”) in accordance with the rules set out in this Request for Proposal (“RFP”) for the provision of comprehensive hygiene and specialised cleaning services, pest control, waste management and gardening service at SARS offices, nationwide

1 STRUCTURE OF THE RFP PACK

1.1 Structure

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

Section	Description of section contents
1	Documents outlining the RFP background, conditions, instructions and documents necessary for the Bidder to register for the Bidders briefing session.
2	Standard Bid Documents (SBDs). These documents are required by SARS Procurement and National Treasury to be read and to be returned as part of the Bidder's Tender response.
3	Documents outlining the business requirements, technical requirements and other information required by the Bidder to submit a Tender response.
4	The proposed agreement under which SARS wishes to contract the services.
5	Response templates. Templates that are required to form part of the Bidder's Tender response.

2 KEY DATES AND ACTIVITIES

The table below lists certain key dates and activities relevant from time of issuance of the RFP up to and until the Closing Date:

No	Description	Start Date/Time
1.	RFP is published	6 September 2021
2.	RFP issued	6 September 2021
3.	Bidders briefing session	9 September 2021 at 10h30 until 13h00
4.	Bidders to submit written questions	6 September - 23 September 2021
5.	Tenders due (the “ Closing Date ”)	8 October 2021 at 11h00

All dates and times in this RFP are South African Standard Time.

Any time or date in this RFP is subject to change at SARS's discretion. 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 in any way for any Bidder to demand that any action be taken on the date established, or on any other date. The Bidder accepts that; if SARS extends the deadline for RFP submission for any reason, the requirements of this RFP otherwise apply equally to the extended deadline.

3 SARS'S REQUIREMENTS

3.1 Introduction

SARS's mandate under the South African Revenue Service Act 34 of 1997 includes the collection of all revenues that are due, ensuring maximum compliance with revenue legislation and providing a customs service that will maximise revenue collection, facilitate trade and protect the borders of South Africa. SARS's vision is to be an innovative revenue and customs agency that enhances economic growth and social development and supports South Africa's integration into the global economy in a way that benefits all citizens. SARS strives to exercise its mandate in an efficient and cost effective manner.

3.2 Overview of SARS's Requirements

Details of the required services are contained in the Technical Bid Specifications. Annexed hereto-marked "A".

4 SARS'S APPROACH TO THIS RFP

4.1 Objectives

SARS's primary objective in issuing this RFP is to conclude one or more service agreements with successful Bidders that will achieve the following:

- 4.1.1 best value for money;
- 4.1.2 the sustainable supply of Services; and
- 4.1.3 the meeting of SARS's current requirements (at a minimum) and providing for flexibility to meet SARS's future needs related to the scope.

5 BIDDING QUALIFICATION

5.1 Introduction

SARS has a detailed evaluation methodology premised on Treasury Regulation 16A3 of the Public Finance Management Act 1 of 1999, which prescribes that SARS's procurement processes be:

- 5.1.1 economical, efficient, fair, equitable, transparent, competitive and cost effective;
- 5.1.2 consistent with the Preferential Procurement Policy Framework Act 5 of 2000, read together with the Preferential Procurement Regulations, 2017; and
- 5.1.3 consistent with the Broad-Based Black Economic Empowerment Act 53 of 2003.

In furtherance of this evaluation methodology, the following bidding qualifications set out further in this paragraph 5 will apply.

5.2 Central Supplier Database ("CSD")

- 5.2.1 Service Providers and suppliers who wish to render services to SARS will no longer register at SARS directly. Suppliers will have to register on National Treasury Central Supplier Database ("CSD") as per National Treasury Circular No 3 of 2015/6 – Central Supplier Database.
- 5.2.2 National Treasury will maintain the database for all suppliers for Government and its institutions.
- 5.2.3 All existing and prospective suppliers are requested to self- register on the CSD by accessing the National Treasury website at www.CSD.gov.za.
- 5.2.4 As part of the bid submission, bidders are required to submit their CSD number with their submission

5.3 Bidding Qualification

- 5.3.1 Prospective Bidders who cannot, or do not, satisfy all of the conditions contained in paragraphs **5.3.1.1 to 5.3.1.4** should not submit bid proposals. If a Bidder is found not to meet any one of the requirements listed in paragraphs **5.3.1.1 to 5.3.1.4** then that Bidder's Tender will be rejected without any further consideration, at SARS's sole discretion.
 - 5.3.1.1 **SARS is only interested in organisations that take accountability for service delivery.**
 - 5.3.1.2 A Bidder must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) or have a local branch office in South Africa.
 - 5.3.1.3 The Bidder must be fully tax compliant. The Bidder's attention is further drawn to the requirement that the successful Bidder must ensure that it remains compliant with all South African Tax and Customs laws and regulations throughout the Term, and a failure to do so will be a material breach of the Agreement.
 - 5.3.1.4 The Bidder must comply with all applicable legislation in the Republic of South

Africa in the performance of its daily activities, including but not limited to labour legislation and bargaining council agreements, health and safety regulations and environmental laws.

- 5.3.2 Subject to sub-paragraph 5.3.3 below, SARS will 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 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"):
- 5.3.2.1 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;
 - 5.3.2.2 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;
 - 5.3.2.3 makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SARS's officers, directors, employees, advisors or other representatives;
 - 5.3.2.4 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;
 - 5.3.2.5 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;
 - 5.3.2.6 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;
 - 5.3.2.7 has in the past engaged in any matter referred to in sub-paragraphs 5.3.2.1 to 5.3.2.6 foregoing; or
 - 5.3.2.8 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.

- 5.3.3 SARS in its sole discretion will be entitled (but not obliged) to exempt, in writing, a Bidder from disqualification in terms of sub-paragraph 5.3.2.7 foregoing. A Bidder that stands to be disqualified in term of sub-paragraph 5.3.2.7 foregoing may, prior to submitting a Tender, approach SARS in writing for an exemption as foresaid, in which event:
- 5.3.3.1 the Bidder is required to provide SARS with full information to enable SARS to consider such application for exemption; and
- 5.3.3.2 SARS will not be obliged to consider any such application or to grant any exemption, such consideration or granting of exemption being solely within SARS's discretion.
- 5.3.4 By submitting a Tender the Bidder represents to SARS that it does not stand to be disqualified in terms of paragraph 5.3.1 foregoing, unless it has otherwise applied for exemption or been exempted in terms of paragraph 5.3.3 foregoing.
- 5.3.5 SARS will reject a Bidder's Tender without any further consideration where that Bidder makes culpable misrepresentation to SARS in its Tender or at any stage during this RFP process.
- 5.3.6 SARS may disqualify a Bidder:
- 5.3.6.1 whose Tender contains a negligent misrepresentation which is materially incorrect or misleading;
- 5.3.6.2 **in respect of whom any of the 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 15% interest in the Bidder other than through shares listed on a recognised stock exchange), directors or members of senior management are not in full compliance with all applicable laws relating to taxation in South Africa, in which regard SARS further reserves the right to require the Bidder to submit a valid tax clearance certificate in respect of any one or more such persons;**
- 5.3.6.3 whom SARS considers to be directly or indirectly owned, controlled or managed by persons who are not acceptable to SARS from an ethical, business or governance perspective;
- 5.3.6.4 who had access to any of SARS's 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;
- 5.3.6.5 who materially fails to comply with any conditions or requirements of this RFP;
- 5.3.6.6 who in SARS's opinion has either materially failed to comply with any of the conditions of any existing or past agreement between such Bidder and SARS or who has performed unsatisfactorily under any such agreement; or
- 5.3.6.7 who fails to respond as required to written notices given by SARS in connection with its Tender under this RFP.

- 5.3.7 ***Where there is conflict between the Specification and/or any documentation published along with this document. The Provision of this document take precedence overall***

6 BID SUBMISSION

- 6.1.1 Bids must be properly received and deposited in the below mentioned tender box on or before the closing date and before the closing time at the Tender Submission Office situated at:

SARS Procurement Centre

Tender Box,

299 Bronkhorst Street,

Nieuw Muckleneuk;

Pretoria

0181.

- 6.1.2 Bid documents may either be posted to Tender Office–SARS Procurement Department, SARS Tender Box, 299 Bronkhorst Street, Nieuw Muckleneuk; Pretoria; 0181 OR placed in the tender box at the main entrance at the aforesaid address
- 6.1.3 Tender documents will only be considered if received by the Tender Office before the Closing Date and time, regardless of the method used to send or deliver such documents to SARS.
- 6.1.4 Late tenders will not be accepted and shall be returned to bidders, after being recorded by the Tender Office as such.
- 6.1.5 **The price responses, audited / reviewed annual financial statements and BEE response must be submitted in a sealed file or envelope separate from the Technical Response envelope.**
- 6.1.6 In this RFP document the terms “shall” and “must” indicate a mandatory requirement. Bidder compliance with mandatory requirements are essential. Failure to comply with such requirements will lead to the disqualification of a Bidder.
- 6.1.7 All tenders and supporting documentation must be submitted in English.
- 6.1.8 All costs incurred during the preparation and compilation of a Bidder’s proposal, as well as the delivery of a Bidder’s tender documents to SARS will be borne exclusively by the Bidder.
- 6.1.9 ***Tender must be valid for a minimum period of 180 days from the closing date of the tender.***

6.2 TENDER COMPLIANCE

- 6.2.1 The Bidder's attention is drawn to the following documents which are required as part of a Bidder's Tender and which, if omitted, may at SARS's sole discretion result in that Tender being disqualified:

TABLE 1

	Name of the document that must be submitted	Non-submission may result in disqualification?
1	Proof of Registration with Central Supplier Database (CSD)	YES – Please complete and sign the supplied pro forma document.
2	Invitation to bid – SBD 1	YES – Please complete and sign the supplied pro forma document.
3	Pricing Schedule	YES – Please submit full details of pricing proposal to SARS on Annexure “C”.
4	Declaration of Interest – SBD 4	YES - Please complete and sign the supplied pro forma document.
5	SBD 6.1 – Preference Point Claim Form	YES - Please complete and sign the supplied pro forma document.
6	Declaration of Bidder's Past Supply Chain Management Practices – SBD 8	YES - Please complete and sign the supplied pro forma document.
7	Certificate of Independent Bid Determination – SBD 9	YES - Please complete and sign the supplied pro forma document
8	SARS' s Oath of Secrecy	YES – Please complete and sign the supplied pro forma document in the presence of Commissioner of Oaths and initial every page.
9	BEE certificate	YES – Please complete and sign the supplied pro forma document.
10	<p>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 the shortlisted bidders.</p> <p>1.1.The annual financial statements must contain:</p> <ul style="list-style-type: none"> • Signed Auditors / Accounting Officers Opinions • Statement of Profit and Loss and Other 	

	<p>Comprehensive Income; (income statement)</p> <ul style="list-style-type: none"> • Statement of Financial Position; (balance sheet) • Statement of Cash Flows (Cash Flow Statement); and • Accompanying Unabridged Notes for ALL of the above documents <p>1.2. Entities which are trading for less than three (3) financial periods should provide:</p> <ul style="list-style-type: none"> • 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. <p>1.3 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.</p> <p>1.3.1 In the event of the bid being in the form of a JV, the following is required:</p> <ul style="list-style-type: none"> • Annual financial statements of the JV; and • A JV legal agreement detailing the percentage ownership of each entity. <p>SARS reserves the right to request further information with regards to the annual financial statements of a bidder at a later stage.</p>	
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MANDATORY REQUIREMENTS**TABLE 2**

	Name of the document that must be submitted	Non-submission will result in disqualification?
1	Bidder or the bidder's subcontractor must submit a valid waste landfill site registration where applicable	YES – Non-Submission of the required documentation will result in the disqualification of the bidder
2	Bidder or the bidder's subcontractor must submit valid waste management license	YES – Non-Submission of the required documentation will result in the disqualification of the bidder
3	Bidder must submit valid B-BBEE Certificate or sworn affidavit (whichever applicable according to SBD 6.1) with a B-BBEE status levels 1 or 2	YES – Please submit a valid B-BBEE Certificate or sworn affidavit (whichever applicable according to SBD 6.1) with a B-BBEE status level 1 or 2.
4	Bidders must subcontract a minimum of 30% of the value of the contract to an EME or QSE, which is at least 51% owned by black people who are women.	YES – SBD6.1 with section 7 fully completed.
5	Bidders or the bidder's subcontractor must provide a valid Pest control certificate of registration from the Department of Agriculture, Forestry and Fisheries for accredited personnel that will be performing the services as per the tender. NB: This may be requested again at award stage for the appointed bidder	YES – Non-Submission of the required documentation will result in the disqualification of the bidder

7 EVALUATION AND SELECTION**7.1 Process after Closing Date**

After the Closing Date in paragraph 2:

- 7.1.1 SARS may request additional information, clarification or verification in respect of any information contained in or omitted from a Bidder's Tender, which SARS may do either in writing or at a meeting convened with the Bidder for that purpose;

- 7.1.2 SARS may conduct a due diligence on any Bidder, which may include interviewing customer references or performing other activities to verify a Bidder's submitted or other information and capabilities (including visiting the Bidder's various premises and/or production sites to verify certain stated facts or assumptions) and in which regard the Bidder will be obliged to provide SARS with all such access, assistance and/or information as SARS may reasonably request. The Bidder shall respond within the timeframes set by SARS, failing which SARS reserves the right not to consider the Bidder's Tender any further;
- 7.1.3 no material amendment/s may be made to a Tender, unless specifically permitted or requested by SARS;
- 7.1.4 SARS may shortlist Bidders and may request presentations from such short-listed Bidders. All costs relating to the preparation of such presentations will be borne by the Bidders;
- 7.1.5 SARS may enforce whatever measures it considers necessary to ensure the confidentiality and integrity of the contents of the respective Tenders;
- 7.1.6 SARS will evaluate the Tenders with reference to SARS's Evaluation Criteria. SARS reserves the right to employ subject matter experts to assist in performing such evaluations.
- 7.1.7 Bidders may be awarded a maximum of one cluster of the SARS 2 clusters;

7.2 SARS's Pre-qualification Criteria – Gate 0

- 7.2.1.1 SARS has defined minimum pre-qualification criteria that must be met by the Bidder in order for SARS to accept a Tender for evaluation. In this regard a pre-evaluation verification will be carried out by SARS in order to determine whether a Tender complies with the provisions of paragraphs 5.2 and 6.2:
- 7.2.1.2 Where there is a failure to comply fully with any of the pre-qualification criteria, or SARS is for any reason unable to verify whether the pre-qualification criteria are fully complied with, SARS will have the right to either:
 - 7.2.1.2.1 reject the Tender in question and not to evaluate it at all;
 - 7.2.1.2.2 give the Bidder an opportunity to supplement the information and/or documentation provided by it under its Tender so as to achieve full compliance with the pre-qualification criteria, provided that such information and/or documentation can be provided within a period of 7 (seven) days and is purely administrative in nature;
 - 7.2.1.2.3 in any event permit the Tender to be evaluated, subject to the outstanding information and/or documentation being submitted prior to the award of the tender.

7.3 SARS 's Mandatory Requirements –Gate 1

7.3.1.1 SARS has defined the below as pre-technical (mandatory pre-qualification) criteria that are specific to this RFP. If the bidder does not meet any of the mandatory pre-qualification criteria, the bidder will be disqualified and the bidder's proposal will not be evaluated further.

- Bidder or the bidder's subcontractor must submit a valid waste landfill site registration where applicable
- Bidder or the bidder's subcontractor must submit valid waste management license
- Bidder must submit valid B-BBEE Certificate or sworn affidavit (whichever applicable according to SBD 6.1) with a B-BBEE status levels 1 or 2
- Bidders must subcontract a minimum of 30% of the value of the contract to an EME or QSE, which is at least 51% owned by black people who are women.
- Bidders or the bidder's subcontractor must provide a valid Pest control certificate of registration from the Department of Agriculture, Forestry and Fisheries for accredited personnel that will be performing the services as per the tender

SARS's Technical Evaluation Criteria – Gate 2

Only bidders that have met mandatory requirements (gate 1) will be evaluated in gate 2 for technical adjudication criteria. In the technical analysis criteria, bidders will need to attain a minimum of **65** out of 100 points to proceed to the next stage, i.e. Price and BEE;

TABLE 3 TECHNICAL EVALUATION CRITERIA (ANNEXURE B FOR BREAKDOWN)

CRITERIA AND SUB CRITERIA	WEIGHT
1. BIDDER'S EXPERIENCE	40.00
1.1.Bidder's experience (track record) in providing similar bundled soft services	10.00
1.2.Bidders experience (track record) to provide Hygiene and Cleaning Services	10.00
1.3.Bidder's experience (track record) to provide waste management services	7.50
1.4.Bidders experience (track record) to provide integrated pest management Services	7.50
1.5.Bidders experience (track record) to provide gardening services	5.00
2. BIDDER'S PERFORMANCE IN CURRENT AND PAST CONTRACTS	15.00
2.1. Bundled soft facilities services references	5.00
2.2. Hygiene and cleaning services contract references	2.50
2.3. Waste management services references	2.50
2.4. Pest control services references	2.50
2.5. Gardening services references	2.50
3. EXPERIENCE OF THE CONTRACT MANAGER AND TEAM	15.00
3.1. Contract Manager capability	10.00
3.2. Organogram and Staffing plan	5.00
4. BIDDER'S PROPOSAL	30.00
4.1. Hygiene and cleaning services proposal	10.00
4.1.1 Hygiene services Proposal	
4.1.2 Specialised cleaning services proposal	
4.2. Waste Management Proposal	10.00
4.2.1 General Waste Management Proposal	
4.2.2 Waste Recycling Proposal	
4.2.3 Hazardous Waste Management, collection and transportation	

4.2.4 On-site Management and reporting communication	
4.2.5 Capacity (equipment and consumable)	
4.3. Pest Control Services Proposal	2.50
4.4. Landscaping and Gardening services Proposal	2.50
4.5 Bidder's contract management Proposal	5.00
Total	100.00

Note: Only bidders that score 65 points or more will be further evaluated according to the Preferential Procurement Act.

7.4 SARS's Pricing and BEE Evaluation – Gate 3

7.4.1 In the third stage of the evaluation, Tenders that passed the prescribed technical threshold will be evaluated in terms of the 90/10 preference points system under section 2 of the Preferential Procurement Policy Framework Act, 2000, read with the Preferential Procurement Regulations, 2017.

Criterion	Points
BBBEE status	10
Price	90

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

Stage 2 – BEE Evaluation (10 points)

7.4.1.1 In line with the requirements of the Preferential Procurement Regulations, 2017 to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) [the “PPPFA”], tenders that have achieved the minimum qualifying score for functionality will be evaluated further in terms of the prescribed preference point systems:

- (i) Regulation 6 - 80/20: A maximum of 20 points may be allocated to a bidder; or
- (ii) Regulation 7 - 90/10: A maximum of 10 points may be allocated to a bidder.

7.4.1.2 B-BBEE points may be allocated to Bidders on submission of documentation or evidence as follows:

ADJUDICATION CRITERIA	POINTS
A duly completed preference point claim form: SBD 6.1 and a B-BBEE certificate/affidavit.	10

7.4.1.3 The checklist below indicates the specific b-bbee certification documents that must be submitted for this tender.

Classification	Turnover	Submission Requirement
Exempted Micro Enterprise (EME)	Below R10 million p.a.	Sworn affidavit or a certificate from Companies and Intellectual Property Commission (“CIPC”)
Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	Sworn affidavit – Only 51% Black Owned (BO) and above, or certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency.
Large Entity (LE)	Above R50 million p.a.	Certified copy of B-BBEE Rating Certificate from a

Classification	Turnover	Submission Requirement
		SANAS Accredited rating agency.

Failure on the part of a Bidder to submit a B-BBEE Status Level Verification Certificate from a verification agency accredited by the South African Accreditation System (SANAS), or a sworn affidavit confirming annual turnover and level of black ownership in the case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

Bidders who do not claim preference points will be scored zero for BEE but cannot be excluded from the tender process, for that reason.

7.4.2 Use and acceptance of Affidavits

Please note that sworn affidavits must be signed by the Bidder's representative and attested to by a Commissioner of Oaths. SARS reserves the right to request that Bidders submit their Black ownership and turnover information in support of their sworn affidavits.

7.4.3 Joint Ventures and Consortiums

A trust, consortium or joint venture (including unincorporated consortia and joint ventures) will qualify for points for their B-BBEE status level, provided that the entity submits their consolidated B-BBEE status level verification certificate / scorecard and that such consolidated B-BBEE certificate / scorecard is prepared for every separate bid.

7.4.4 Subcontracting

BIDDERS WHO WANT TO CLAIM PREFERENCE POINTS WILL HAVE TO COMPLY FULLY WITH REGULATION 6(5) AND 12(3) OF THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017 WITH REGARD TO SUB-CONTRACTING:

Regulation 6(5)

A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

Regulation 12(3)

A person awarded a contract may not subcontract 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 of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

7.5 Financial Analysis

7.5.1 A financial statement analysis will be conducted on the qualifying Bidders. In this regard, Bidders are required to submit complete sets of audited/independently reviewed annual financial statements for 3 (three) most recent financial periods in the name of the bidding entity. Bidder(s) must attain a satisfactory financial position. The annual financial statements must contain:

7.5.1.1 Statement of Profit and Loss and other Comprehensive Income;

7.5.1.2 Statement of Financial Position;

7.5.1.3 Statement of Cash Flows;

7.5.1.4 Statement of Changes in Equity/Net Assets; and

7.5.1.5 Accompanying Notes.

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

7.5.2.1 a letter, signed by a duly authorised representative of the entity, explain that the entity has been trading for less than 3 (three) financial periods;

7.5.2.2 the annual financial statements that is able to provide, taking into account the period it has been trading; and

7.5.2.3 Any other information or documentation which would provide more clarity on the above.

7.5.3 If a Bidder is a subsidiary of a holding company and submits the holding company's financial statements for the purpose of the financial statement analysis the holding company is required to furnish a performance guarantee that is signed by a duly authorised representative of the holding company, stating the holding company will undertake to cover any or all risks associated with the Bidder, in the event the Bidder is awarded the RFP.

7.5.4 In the event of the bid being in the form of a Joint Venture (JV), the following is required:

7.5.4.1 Annual financial statements of the JV; and

7.5.4.2 JV legal agreement detailing the percentage ownership of each entity.

7.5.4.3 Unincorporated JV's should submit separate financial statements for each party in the JV and a signed JV legal agreement.

7.5.5 SARS retains the right to request further information with regard to the annual financial statements at a later stage.

7.6 Acceptance of RFP conditions

The Bidder's participation in the RFP process is deemed to constitute acknowledgement and acceptance by the Bidder of the terms and conditions contained in this RFP.

7.7 **Reservation of rights**

SARS reserves the right in its discretion to:

- 7.7.1 make no award
- 7.7.2 to limit the number of clusters to be awarded to one per bidder;
- 7.7.3 to change the award of maximum of one cluster to a service provider in an event it is not practical to do so (example: the premium to be paid between the first and second ranking of the bidders, as per 90/10 evaluation outcome is high and not affordable)
- 7.7.4 withdraw, suspend or cancel this RFP or the RFP process at any time and without providing reasons;
- 7.7.5 not provide reasons for its rejection or the failure of any Bidder or Tender, save on application and in terms of applicable legislation;
- 7.7.6 change any of its requirements as set out in this RFP by giving Bidders reasonable notice;
- 7.7.7 change any condition, procedure or rule of the RFP by giving Bidders reasonable notice;
- 7.7.8 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;
- 7.7.9 re-advertise for Tenders;
- 7.7.10 provide further information in respect of, and modify the provisions of, this RFP at any time prior to the Closing Date by notice to all prospective Bidders;
- 7.7.11 conduct site visits and/or perform audits whenever SARS deems it prudent to do so;
- 7.7.12 undertake further checks on Bidders, which may include information on public record or in the public domain, information contained in internal SARS records or information received from other government institutions;

- 7.7.13 no longer consider a Bidder's Tender where adverse information about the Bidder or its Tender submission has come to the attention of SARS, provided that such Bidder is informed accordingly and invited to comment;
- 7.7.14 to award a Tender based on which Bidder is offering the best value for money, even if such Tender is not the lowest priced tender; and
- 7.7.15 to make the award subject to the successful Bidder entering into a duly signed contract with SARS.
- 7.7.16 The intended commitment period of the contracted service providers will be for a period of thirty six (36) months from the date of the award. The service will always be linked to the lease periods of the various buildings and will not exceed 36 months. SARS reserves the right to terminate the contract before the end of the period of 36 months should the services no longer be required or where a particular lease agreement in respect of a building has terminated and has not been renewed.
- 7.7.17 SARS reserves the right to accept more than one bid from the most economical and/or convenient point of supply. SARS also reserves the right to accept the bid as a whole or partially or not at all. SARS will not be obliged to accept any particular bid for whatever reason.

7.8 Validity of information

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 to the Bidder or any third party for any inaccuracy, the omission of any information in the RFP or in respect of any additional information SARS may provide to the Bidder as part of the RFP process.

The Bidder is deemed to have examined this RFP and any other information supplied by SARS to the Bidder and to have satisfied itself before submitting any of its responses as to the correctness and sufficiency of such information.

7.9 RFP not an offer

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 a contract with the Bidder.

7.10 Preparation Costs

The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this RFP and all other costs incurred by it throughout the RFP process. Furthermore, 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.

7.11 Conflict of Interest

If at any time the Bidder identifies an actual or potential conflict of interest, the bidder must immediately notify SARS in writing. SARS reserves the right to exclude the Tender submitted by such Bidder from further consideration, unless the Bidder is able to resolve the conflict.

7.12 Indemnity

If a Bidder breaches the conditions 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.

7.13 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.

7.14 Responsibility for sub-contractors and Bidder's personnel

A Bidder is responsible for ensuring that its sub-contractors (if any), personnel (including officers, directors, employees, advisors and other representatives of a Bidder) and personnel of its sub-contractors comply with all terms and conditions of this RFP and in particular the provisions of paragraph 7.1510 below. 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 such sub-contractors,

7.15 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 RFP or a Bidder's Tender(s) will be disclosed by any Bidder or other person not officially involved with SARS's examination and evaluation of a Tender.

No part of the RFP 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 Tender. This RFP 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 therefrom.

Throughout this RFP process and thereafter, Bidders must secure SARS's 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 civil action.

After the Closing Date, no confidential information relating to the process of evaluating or adjudicating Tenders or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

7.16 Intellectual Property

SARS retains ownership of all Intellectual Property Rights in the tender information documents that form part of this RFP. Bidders will retain the Intellectual Property Rights in their tender responses, but grant SARS the right to make copies of, alter, modify or adapt their responses, or to do anything which in its sole discretion is necessary to do for reasons relating to the RFP process.

7.17 Limitation of Liability

A Bidder participates in this RFP 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 RFP process.

7.18 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 to SARS. SARS further reserves the right to cancel a contract with a successful Bidder in the event that such Bidder do not remain tax compliant for the full term of the contract.

No tender shall be awarded to a Bidder (or any of its members, directors, partners or trustees) whose names 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.

7.19 Screening and Vetting of Service Provider

Acceptance of this tender/quotation 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.

7.20 Governing Law

South African law governs this RFP and the RFP response process. The Bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this RFP, the RFP itself and all processes associated with the RFP.

8 INSTRUCTIONS FOR SUBMITTING A RESPONSE TO THIS RFP

This paragraph 8 details the instructions to Bidders for preparing a Tender response to RFP11/2021. These instructions must be followed in detail to ensure that the information contained in the Bidder's Tender is correct, complete and well structured. All Tenders must comply with the requirements and instructions as set out in the RFP. Bidders must ensure that information and documentation supplied can be easily understood and thus, evaluated in a fair and consistent manner. Should a Tender be received that is not in the correct format, SARS reserves the right to reject the entire Tender or portions of the Tender depending on the extent of the deviation from the format described in this document. Information that has not been requested must not be submitted in the Bidder's Tender.

8.1 Organisation of a Tender response

- 8.1.1 Irrespective of whether the Bidder is responding to portions of the Tender, or the Tender as a whole, the Bidder will be required to submit the following:

FILE 1	Section 1	
		Pre-qualification documents (SBD documents)
	Section 2	<ul style="list-style-type: none"> • Technical Responses • Supporting documents for technical responses • References/testimonials • 3 years audited /reviewed Financial statements
	Section 3	<ul style="list-style-type: none"> • Company profile • Supplementary information
FILE 2	Section 1	<ul style="list-style-type: none"> • BEE Certificate/ sworn Affidavit
	Section 2	<ul style="list-style-type: none"> • Pricing Schedule

NB: The price responses, audited / reviewed annual financial statements and BEE response must be submitted in a sealed file or envelope separate from the Technical Response file.