

# **SOUTH AFRICAN REVENUE SERVICE**

## **REQUEST FOR PROPOSAL**

**RFP22-2023**

**APPOINTMENT OF A PANEL OF SERVICE  
PROVIDERS FOR THE SUPPLY, MAINTENANCE  
AND SUPPORT OF NON-INTRUSIVE INSPECTION  
SCANNING AND DETECTION SOLUTIONS**

### **MAIN RFP DOCUMENT**

**INSTRUCTIONS, GUIDELINES, AND CONDITIONS OF TENDER**

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## REQUEST FOR PROPOSAL

### Summary, Guidelines, Conditions and Instructions

#### 1 PURPOSE OF THIS REQUEST FOR PROPOSAL

The purpose of this Request for Proposal (RFP) is for the South African Revenue Service (SARS) to invite suitably qualified service providers (bidders) to submit proposals (tenders) in accordance with the rules set out in this RFP for the appointment of a panel of service providers for the supply, maintenance and support of Non-Intrusive Inspection Scanning and Detection

#### 2 OVERVIEW OF SARS' REQUIREMENTS

##### 2.1 Summary of the scope

- 2.1.1 Details of the scope of work, the required goods and services are defined in more detail in the Business Requirements Specification document and other documents forming an integral part of this RFP.

##### 2.2 Background

The Customs Modernisation Programme (CMP) is intended to drive the SARS compliance philosophy, strategic objectives and to achieve the SARS 2024 Vision in respect of the Customs component over a three-year period (2021 to 2024).

Within the modernisation programme, there is the Smart border project as recommended by World Customs Organisation (WCO) which aims to improve systems and technologies that will expand current processes thereon by means of enhancing and implementing automated processes using technology tools. The scope for the smart borders project which will be delivered in phases include implementing:

- Automatic Number Plate Recognition (ANPR) arrival and exit management.
- Automated booms, retractable spikes, and radiation portals.
- Single inspections to avoid multiple stops, costs, and delays.
- Non-Intrusive In-line cargo scanners.
- Seal integrity programme, track, and trace, etc.
- Inspector body cameras and remote viewing.
- Command centre scanner image analysis and centralised operational control.
- National Targeting Centre for combined agency risk-profiling.
- Alignment of border processes.
- Use of customs connectivity with neighbouring countries for data and information sharing
- Implementation of single window processing
- Consulting Corporate Legal on the implications of protection of personal information (POPI) with reference to the number plates and body cameras.

The main design principles of the Smart Border project include:

- Fully automated border processes to be implemented at the land ports; and

- Use of technology tools to manage border management processes.

It is therefore key to the success of SMART Borders to apply new methodologies and latest technology capabilities to the non-intrusive inspection capabilities.

### 2.3 Objective criteria and allocation methodology

- 2.3.1 SARS's objective criteria is based on its risk management framework as well as the equitable distribution and sharing of resources amongst suppliers. For SARS to achieve its objective criteria, SARS' intention is to appoint a panel of service providers who will participate in the RFx process as and when a need arise. The bid is designed to provide a framework that will enable a broad base of bidders an opportunity to participate.

## 3 STRUCTURE OF THE RFP PACK

### 3.1 Structure

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

**Table 1: RFP pack outline and contents**

Section	Index	Description of section contents
1	<b>Main RFP Document</b>	Documents outlining the main RFP guidelines, instructions, conditions and documents necessary for a bidder to submit a proposal.
2	<b>Business Requirements Specification</b>	Document(s) outlining the business requirements specifications, technical requirements and other information required by a bidder to submit a proposal.
3	<b>SBD Documents</b>	Standard Bid Documents (SBDs) and other administrative documents that are required by National Treasury and SARS Procurement to be read, completed, and returned as part of a bidder's proposal.
4	<b>Contract management</b>	The General Conditions of Contract (GCC) and/or proposed agreement under which SARS wishes to contract the services.
5	<b>Response templates</b>	Where applicable, response templates that are required to be completed and returned as part of a bidder's proposal.

## 4 KEY ACTIVITIES AND DATES

- 4.1 The table below lists certain key dates and activities relevant from the time of issue of the RFP up to and until the closing date:

**Table 2: Key activities and dates**

No.	Activity	Date / Time / Details
1.	<b>Bid Number:</b>	RFP 22-2023
2.	<b>Description:</b>	The appointment of a panel of service providers for the supply, maintenance and support of the Non-Intrusive Inspection Scanning and Detection Solution
3.	<b>Duration of contract:</b>	The successful bidders will be appointed on the panel for a period of five (5) years subject to SARS terms and conditions.
4.	<b>Validity period of proposals:</b>	Bids submitted will be valid for a period of 180 calendar days from closing date. SARS may however, subject to the bidders' consent, extend the validity period prior to expiry thereof.
5.	<b>Advertisement of the RFP:</b>	a) <b>National Treasury e-Tender Portal: Date: 09 November 2023</b> b) <b>SARS website: Date: 09 November 2023</b>
6.	<b>RFP pack (complete set of bid documents) available for download from National Treasury e-Tender Portal and SARS website:</b>	<b>Date: 09 November 2023</b>
7.2	<b>Virtual briefing session date and registration:</b>	The <b>non-compulsory</b> briefing session will be held virtually via a Microsoft Teams meeting and can be accessed at the following link: <a href="#">Microsoft Teams meeting</a> <b>Join on your computer, mobile app or room device</b> <a href="#">Click here to join the meeting</a> Meeting ID: 376 295 175 116 Passcode: TJ8Ecx <a href="#">Download Teams</a>   <a href="#">Join on the web</a> <a href="#">Learn More</a>   <a href="#">Meeting options</a>  <b>Date: 17 November 2023</b> <b>Time: 13:00 – 16:00 South African Time</b>
8.	<b>Bidders to submit written questions on:</b>	<b>13 November 2023 - 24 November 2023</b>
9.	<b>SARS to respond to bidders' written questions on:</b>	<b>14 November 2023 - 27 November 2023</b>
10.	<b>CLOSING DATE AND TIME (proposals due):</b>	<b>Date &amp; Time: 08 December 2023 @11:00am</b>

- 4.2 All dates and times in this RFP are South African Standard Time. The establishment of a time or date in this RFP does not create an obligation on the part of SARS to take any action or create any right or expectation in any way for any bidder to demand that any action be taken on the date established, or on any other date. A bidder accepts that if SARS extends the deadline (closing date) for proposal

submissions for any reason whatsoever, the requirements of this RFP will apply equally to the extended deadline.

## 5 COMMUNICATION

- 5.1 All communications to SARS must be addressed to the SARS Tender Office, emailed to [TenderOffice@sars.gov.za](mailto:TenderOffice@sars.gov.za), and must contain a clear reference to this RFP. Communication sent by SARS must only be regarded as official communication if sent from [TenderOffice@sars.gov.za](mailto:TenderOffice@sars.gov.za) or a communication accompanied by a letter of authorisation signed by the SARS Procurement Executive.
- 5.2 A bidder may not make any communication to SARS regarding this RFP other than through the official contact provided in this document. SARS may, at its sole discretion, disqualify a bidder if the bidder communicates or attempts to communicate any information regarding this RFP to any of SARS' employees; officials; or any third parties involved in the preparation, evaluation, or award of the RFP other than through the official contact provided.

## 6 TENDER PREPARATION AND SUBMISSION

### 6.1 Introduction

- 6.1.1 SARS has a detailed evaluation methodology premised on Treasury Regulation 16A3 promulgated under section 76 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), which prescribes that SARS' procurement processes be:
- 6.1.1.1 economical, efficient, fair, equitable, transparent, competitive and cost effective; and
  - 6.1.1.2 consistent with the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), its Regulations, and the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003).

### 6.2 Question and answer process

- 6.2.1 A bidder may submit questions to SARS as part of the question-and-answer process to gain a full understanding of any aspect of the RFP that is not clear to the bidder.
- 6.2.2 Between the dates given in paragraph 4, SARS will receive written questions sent by bidders by email through the official contact provided in this document. SARS will respond to these questions, but however is not be obliged to respond to a question which in SARS' opinion is inappropriate and does not reasonably warrant an answer. The questions and answers will be published on the National Treasury e-Tender Portal and the SARS website. The identity of a bidder who has directed a question to SARS will not be disclosed by SARS in such responses.
- 6.2.3 SARS may issue updated versions of documents issued in the RFP pack and/or may issue additional documentation to form part of the RFP pack. Such reissued or additional documentation will be published on the National Treasury e-Tender Portal and SARS website. It is a bidder's responsibility to visit the National Treasury e-Tender Portal and SARS website at regular intervals to ensure that a bidder uses the latest versions of documents in the RFP pack.
- 6.2.4 **The National Treasury e-Tender Portal must be treated as the primary means of**

**communication. In the event of any other communication that conflicts with communications posted on the National Treasury e-Tender Portal, the National Treasury e-Tender Portal communication will prevail.**

### 6.3 Central Supplier Database

- 6.3.1 All bidders wishing to do business with SARS must register on the Government's Central Supplier Database (CSD) at [www.CSD.gov.za](http://www.CSD.gov.za), and to include in their submission their CSD Master Registration Number. The recommended bidder(s) must be registered on the CSD prior to an award letter / purchase order / signed contract being issued.
- 6.3.2 Foreign suppliers with neither South African tax obligations nor history of doing business in South Africa must complete the questionnaire on the Standard Bidding Document (SBD) 1.

### 6.4 Proposal submission

- 6.4.1 For this RFP, SARS will accept proposal submissions in the form of physical proposal submissions, either deposited in the SARS tender box or posted to the SARS Tender Office.
- 6.4.2 The physical proposal submissions must be deposited in the SARS tender box on or before the closing date and time at the SARS Tender Office, situated at the main entrance at:

**SARS Procurement Tender Office,  
Lehae La SARS,  
299 Bronkhorst Street, Nieuw Muckleneuk, Brooklyn,  
Pretoria, 0181.**

- 6.4.3 The proposals may also be couriered to the address provided in the afore mentioned paragraph.
- 6.4.4 Proposals will only be considered if received by the SARS Tender Office before the closing date and time, regardless of the method used.
- 6.4.5 Late proposals will not be accepted.
- 6.4.6 The onus is on the bidder to ensure that its proposal submission and documentation received by SARS in this bid are submitted timeously and are accurate and complete. Failure by any bidder to discharge this onus will result in proposal submissions being disqualified for consideration.

### 6.5 Instruction for submitting a proposal

- 6.5.1 This section details the instructions to bidders for preparing a proposal in response to this RFP, which must be followed in detail to enable the information contained in a bidder's proposal to be read, understood and evaluated in a common and consistent layout, and to ensure that the information submitted is correct, complete and well structured. Should a proposal be received that is not in the correct format, SARS reserves the right to disqualify the entire proposal or portions of the proposal depending on the extent of the deviation from the format described in this document.
- 6.5.2 All proposals and supporting documentation must be submitted in English.
- 6.5.3 A bidder's proposal is required to be submitted in two forms:

<b>1 x Hardcopy submission</b>	One (1) hardcopy submission clearly marked.  A “hardcopy submission” means an A4 ring bound lever arch file.
<b>1 x Electronic submission</b>	One (1) electronic submission of a complete copy of the hardcopy submission.  An “electronic submission” means a memory stick (USB stick) containing a complete copy of the hardcopy submission. The onus is on the bidder to ensure that the electronic submission submitted is a complete copy of the hardcopy submission.

- 6.5.4 The hardcopy and electronic submission must be marked and labelled correctly, and must be outer sealed, wrapped and packaged, for ease of reference during the evaluation process.
- 6.5.5 A bidder is required to submit the contents of its submission (hardcopy and electronic) in the following format:

**Table 3: Format and organisation of proposal**

Files		Section	Responses
<b>Folder 1:</b> TECHNICAL proposal	<ul style="list-style-type: none"> <li>• RFP reference</li> <li>• Description</li> <li>• Bidder name</li> </ul>	<b>1</b>	<ul style="list-style-type: none"> <li>• Prequalification documents (SBD and other documents)</li> </ul>
		<b>2</b>	<ul style="list-style-type: none"> <li>• Response to mandatory requirements</li> <li>• Supporting documents for mandatory requirements</li> </ul>
		<b>3</b>	<ul style="list-style-type: none"> <li>• Response to technical requirements</li> <li>• Supporting documents for technical requirements</li> </ul>
		<b>4</b>	<ul style="list-style-type: none"> <li>• Company profile</li> <li>• Supplementary information</li> </ul>
		<b>5</b>	<ul style="list-style-type: none"> <li>• Draft agreement / GCC</li> </ul>

## 7 EVALUATION OF PROPOSALS

### 7.1 Process after the closing date

- 7.1.1 After the closing date and time, SARS will evaluate the proposals with reference to SARS' evaluation criteria. SARS reserves the right to employ subject matter experts to assist in performing such evaluations.

### 7.2 Prequalification evaluation process (Gate 0)

- 7.2.1 SARS has defined minimum administrative prequalification criteria that must be met by a bidder. The table below contains the administrative prequalification documents that are required as part of a bidder's proposal, which must be completed and signed by the duly authorised representative of the prospective bidder(s).



7.2.2 Where a bidder's proposal fails to comply fully with any of the prequalification criteria, SARS may at its discretion allow the bidder an opportunity to submit and/or supplement the information and/or documentation provided within a grace period of **seven (7) working days** or such alternative period as SARS may determine to achieve full compliance with these criteria before disqualifying the bidder.

7.2.3 **SARS will disqualify a bidder who does not achieve full compliance of the prequalification Standard Bidding Documents (SBD) after the grace period provided by SARS.**

**Table 4: Prequalification criteria**

	Prequalification documents to be submitted	Instructions	Non-submission will result in disqualification?
1.	SBD 1: Invitation to bid form	Bidder to complete and sign the supplied pro forma document.	YES
2.	SBD 4: Bidder's Disclosure	Bidder to complete and sign the supplied pro forma document.	YES
3.	SBD 5: National Industrial Participation Programme form	Bidder to complete and sign the supplied pro forma document.	YES
4.	Proof of registration on the Central Supplier Database (CSD)	Bidder to submit the proof of registration on CSD.	NO  However, a bidder must be registered on CSD in order to be considered for award.
5.	Draft Agreement and/or General Conditions of Contract (GCC)	Bidder to sign the supplied pro forma document.	NO  The recommended bidder(s) will be required to sign the applicable Agreement / GCC/ NISD Agreement on award.
6.	Oath of Secrecy	Bidder to sign the supplied pro forma document.	NO
7.	Supplier Risk Questionnaire	Bidder to sign the supplied pro forma document.	NO

### 7.3 Mandatory evaluation process (Gate 1)

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

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

**Table 5: Mandatory evaluation criteria: Supplier Response to mandatory compliances on High Energy Transmission Scanners (above 4MeV and below 9MeV)**

No:	Mandatory Compliance	Compliance (Y/N)	Returnable Document
1.	Bidders to ensure that they are authorised by OEMs of all equipment proposed as part of the Non-Intrusive Inspection Solution to supply, install, maintain, and support such equipment and that the authorising letters from the OEMs have been attached.		- Valid Letters from OEM for resellers
2.	Bidders to ensure that they have a qualified resource who possesses valid equipment-based certification from the OEM that is valid as of the closing date of the tender.		- Equipment based certification from the OEM valid as of the closing date of the tender.
3.	Bidders to conform and meet all the criteria and regulations required for X-Ray or other high energy penetration equipment (Gamma, Neutron or X-Ray) as per Bidder's submission products as per SAHPRA legislation and rules as well as the license for the X-Ray (Gamma and Neutron included) machines, issued in terms of the Hazardous Substance Act (Act 15 of 1973). The Bidder must adhere to ISO 45001 and ISO 14001 to meet International health and safety standards.		- Certification of compliance with SAHPRA valid as of the closing date of the tender.
4.	Bidders to ensure that their in-line transmission scanner is relocatable		- 3D Schematic diagram of the equipment with specifications. - Detailed procedure of relocation process
5.	Bidders to ensure that their in-line transmission scanner can penetrate at least 300mm of steel.		- Bidder to confirm by providing proof of a sample of scanned images
6.	Bidders to ensure that the scanner has dual energy transmission to allow simultaneous acquiring of dual-energy transmission images.		- Specifications and datasheet
7.	Bidders to ensure that the scanner has the capability to perform High-throughput scanning of large objects fast, with scan speed up to 10 km/h (6 mph) without losing scan image quality.		- Specifications and datasheet
8.	Bidders to ensure that the scanners have the capability to scan containerized cargo trucks, tautliners, flatbeds, small trucks, busses, and other vehicles.		- Specifications and datasheet
9.	Bidders to ensure that high energy equipment has auto-detect of driver's cab functionality to allow in-line scanning without scanning the driver cab.		- Specifications and datasheet

No:	Mandatory Compliance	Compliance (Y/N)	Returnable Document
10.	A maximum of 3m direct beam radiation exclusion zone where necessary will be accommodated for onsite to meet environmental health and safety standards. Any larger required facility needs to be noted by the respondent with detailed explanation to consider as a qualifying/disqualifying criterion. Exclusion zone details must be stated by each bidder.		- Specifications and datasheet
11.	Bidders to ensure that the scanning equipment must allow for all legally sized (including road legal oddly shaped cargo) cargo to be scanned. Cargo that is not loaded according to the south African road transport act must be prevented from entering the facility through integrated sensors.		- Specifications and datasheet
12.	Bidders to ensure that scanner system is compatible with existing centralised analysis software in the market (i.e. unified image format), and compatible with the follow-up standard data formats, based on meeting the WCO's standards.		- Specifications to meet the UFF2.0 (WCO standard) file format compatibility

**Mandatory evaluation criteria: Supplier Response to mandatory compliances on Low Energy Transmission Scanners (Backscatter type scanners that be used to scan the cab with the driver inside)**

	Mandatory Compliance	Compliance (Y/N)	Returnable Documents
1.	Bidders to ensure that they are authorised by OEMs of all equipment proposed as part of the Non-Intrusive Inspection Solution to supply, install, maintain and support such equipment and that the authorising letters from the OEMs have been attached. Proof of ownership will be required for Bidders who are OEMs		<ul style="list-style-type: none"> <li>- Valid Letters from OEM for resellers or</li> <li>- Letter validating OEM of in-line cargo scanner</li> </ul>
2.	Bidders to ensure that they have a qualified resource who possesses valid equipment-based certification from the OEM that is valid as of the closing date of the tender.		<ul style="list-style-type: none"> <li>- Equipment based certification from the OEM valid as of the closing date of the tender.</li> </ul>

	Mandatory Compliance	Compliance (Y/N)	Returnable Documents
3.	Bidders to conform and meet all the criteria and regulations required for X-Ray or other high energy penetration equipment (Gamma, Neutron or X-Ray) as per Bidder's submission products as per SAHPRA legislation and rules as well as the license for the X-Ray (Gamma and Neutron included) machines, issued in terms of the Hazardous Substance Act (Act 15 of 1973). The Bidder must adhere to ISO 45001 and ISO 14001 to meet international health and safety standards.		- Certification of accreditation from SAHPRA valid as of the closing date of the tender.
4.	Bidders to ensure that their in-line scanner is a relocatable low energy Cargo and Vehicle Screening equipment that is manoeuvrable, versatile, and successful cargo and vehicle screening system.		- 3D Schematic diagram of the equipment with specifications
5.	Bidders to ensure that the scanner has transmission view to allow acquiring of transmission images and photo-like Backscatter images from low energy transmission source.		- Specifications and datasheet - Proof of images
6.	Bidders to ensure that the scanner has the capability to perform high-throughput scanning (>60 vehicles per hour) of large trucks, with scan speed up to 10 km/h (6 mph), without loss of image quality.		- Specifications and datasheet
7.	Bidders to ensure that the scanners have the capability to scan containerized cargo trucks, tautliners, flatbeds, small trucks, busses, and other vehicles.		- Specifications and datasheet
8.	Bidders to ensure that the scanning equipment must allow for all legally sized (including road legal oddly shaped cargo) cargo to be scanned. Cargo that is not loaded according to the south African road transport act must be prevented from entering the facility through integrated sensors.		- Specifications and datasheet
9.	Bidders to ensure that scanner system is compatible with existing centralised analysis software in the market (i.e. unified image format), and compatible with the follow-up standard data formats, based on meeting the WCO's standards.		- Specifications to meet the UFF2.0 (WCO standard) file format compatibility

#### 7.4 Technical evaluation process (Gate 2)

- 7.4.1 Only bidders that have met the prequalification and mandatory evaluation requirements will be evaluated for technical capability and functionality, strictly according to the technical evaluation criteria below. A bidder is required to provide a technical solution for the required goods and services that meet SARS' requirements, and that is financially competitive and offers value for money.

- 7.4.2 The technical evaluation will be scored out of a total of 100 points, and bidders are required to score a **minimum threshold of 75 out of 100 points** to be appointed on the panel.
- 7.4.3 **If a bidder does not meet the technical evaluation minimum threshold, the bidder will be disqualified.**

Table 6: Technical evaluation criteria

➤ Refer to Tender Pack

RFP 22-2023 Technical Evaluation Criteria						
No.	Criterion	Description	Evaluation values	Weighting	Rating Scale	Source
<b>LOW ENERGY TECHNICAL SPECIFICATIONS</b>						
<b>Non-Intrusive In-Line low energy Cargo Scanner- It has potential applications, where less-destructive examination is required, and can operate even if only one side of the target is available for examination.</b>						
1	<b>Technical, System and Software Requirements</b>	<b>The scanner software must have contraband detection functionalities.</b>	Capability of auto detection of illegal goods or substances	10%	10- Demonstrate latest and upgradeable software to allow automatic detection and apply to existing SARS scanners (Annexure 1) 5- Demonstrate latest and upgradeable software to allow automatic detection and can provide limited capability to existing scanners 0- unable to detect	Technical specifications and presentation must be specific on the capability of auto detection on contraband
2		<b>The scanner solution must cater for the full image analysis data package to be stored and analysed centrally.</b>	All image analysing will be conducted from the SARS National Targeting and Operations Centre. Images need to be transferred for real-time analysis.	10%	10- Demonstrate latest and upgradeable software to allow central analysis and apply to existing SARS scanners (Annexure 1) 5- Demonstrate latest and upgradeable software to allow central analysis and can provide limited capability to existing scanners 0- unable to integrate for central analysis	Presentation must show full image analysis (rotating ability to view images from all angles & zooming capability), with real time viewing as part of the specifications. Presentation to show a software that can generate multi spectrum images with analysis software to differentiate between main material

						groups Technical specifications and presentation must demonstrate central integration capability.
3		<b>NPR- Container number recognition and other identification equipment must be catered for to clearly identify truck and cargo without time consuming manual/human recording/intervention</b>	The NPR must be of latest generation camera equipment to ensure >98% reading accuracy with misreads to be rectified by visual camera footage.	10%	10- Full NPR and Container number and image of vehicle linked to image file 5- Full NPR only linked to scanned image file 0- non-compliant	Technical specifications and the presentation must show NPR camera images
4		<b>The solution setup needs to be configured to form part of a larger network of scans that can be compared with subsequent scans by more deep-level scans in the near future.</b>	Images need to store and sort and compare with advance software with other scanner images of the same conveyance when possible.	5%	5- If active database is provided to use for comparing with second scan, and provide intelligent percentage, match against known cargo shift patterns 3- If only high res image can be compared side by side or through overlay to operator in different colours 0- not possible	Technical specifications of the database Demonstrate comparison of recent scanned images to the previously scanned images.
5		<b>X-Ray Screening systems must function on a secure communication between network sites.</b>	The networked machines must be capable for allowing data and images to be accessed in real time by a centralised supervisory workstation. This system enables the supervisor to perform key tasks for multiple units, including second level screening of suspect objects, centralised monitoring of operators' performance using Threat Image Projection feature.	10%	10- Software must be available to run a centralised analysis solution 0- not possible	Specifications demonstrating a software that is secure and has encryption capability of images between sites
6		<b>Image analysis must be able to overlay for images of selected cargo taken at more than one location.</b>	- Detect differences in overlayed images to prevent circumvention - Detect known patterns of circumvention or signature of items that are not listed on manifest through built in software	5%	5- Fully demonstrable 3- known contraband types in hidden compartments that are visible (alert organic vs non-organic) 0- unable to demonstrate	Technical specifications and presentation of substance images

7(a)	Installation, Maintenance and Operational Requirements	Scanners must be setup to be secure to accidental and deliberate damage through robust barriers and high-volume traffic management conditions to protect the equipment at all costs.	- Scanners must include adequate flood lights and CCTV cameras to record each event in detail and allow for visual external comparison to X-Ray images for anomaly detection, assistance and clear visibility of scan activity. - Images must be able to be viewed remotely	30%	5- meets full requirements 0- does not meet full requirements	Technical design document
7(b)		The scanners must be available 24 hours without interruption, including loadshedding or power failures- seamless UPS power supply backup until the load is transferred to the generator system to ensure continuous operation.	Scanner with few moving parts to be considered above other options to allow for power efficiency given the power challenges of remote locations.		10- 24hrs UPS available and operation 5- 24hrs with interruptions between scans 0- Reliant on local power only	Technical specifications and data sheets
7(c )		Training to be given to all SARS Officers that will be reading and conducting image analysis on the scanner images (i.e.Command Centre).	Centralised image analysis to limit the number of officers and allow for continuous integrated training with Supplier's accredited Resource in image analysis centre.		5- Start-up training at central facility and 6 months hand-holding and support 3-Start-up training and 6 virtual training 0- No training provided	Presentation of training manuals
7(d)		The Supplier must provide regular and scheduled inspections and maintenance in accordance with the manufacturer's specifications and associated infrastructure for the lifespan of the equipment.	The provision of maintenance and support must include all activities necessary to restore the full functionality of the scanning solution after the occurrence of an incident or to rectify a problem in accordance with the service level agreement.		5- 24hrs standby for acting on breakdowns with 12 hour max to site 0- non-compliant	Presentation to be specific on the maintenance effort in terms of hours it would take them to respond to breakdowns
7(e )		The system must be able to operate in extreme conditions that applies at most of our ports, air-conditioned and dust free equipment enclosures with no down-time due to mainly over-heating.	The equipment must be dust proof and be able to operate between: -Temperature: -30° to 50° C (-22° to 122° F) -Relative humidity: 95% (non-condensing) -Wind: 64 km/h (40 mph) operating, 193 km/h (120 mph) stowed		5- meets full requirements 0- does not meet full requirements	The presentation must indicate the scanner's environmental operational requirements and constraints



8	Reporting Requirements	Data should be available for import into SARS case management applications system in a non-proprietary format,	SARS intends integrating and centralising the scanning solutions output, image artefacts and specifically the results of inspection "hits" for evidence in further actions. SARS also intends remotely interrogating the scanner management systems for utilisation statistics, backup and other administrative purposes.	5%	5- meets full requirements 0- does not meet full requirements	Presentation to demonstrate integration capabilities with SARS systems
9		Real time data transmission - All captured information must be sent to the SARS systems and to the Operations and Control Centre.	Data requirements must be described to allow for real time analysis. SARS should provide high bandwidth network connection.	10%	10- meets full requirements 0- does not meet full requirements	Technical specification and a presentation of integration to a front-end system
10		Integration capability with scanners at Central Inspection Hub, Inland Border Processing Centers and other high-volume ports.	Ability to share image analysis with physical inspection teams via mobile devices. Images need to be stored against declared manifest.	5%	5- meets full requirements 0- does not meet full requirements	Presentation to show software integration capabilities
	TOTAL			100		

Minimum Threshold

75%

RFP 22-2023 Technical Evaluation Criteria						
No.	Criterion	Description	Evaluation values	Weighting	Rating Scale	Source
HIGH ENERGY TECHNICAL SPECIFICATIONS						
Non-Intrusive High Energy In-line Cargo Scanner- designed for inspection of containers and vehicles for identification of the cargo compliance						
1	Technical, System and Software Requirements	The system must use a range of dual-energy and a variety of scanning modes.	The scanners must have advanced scanning capabilities to enhance the process of image analysis or interpretation. Must be also able to penetrate at least 300mm of	10%	10- >350mm automatic detailed segregation/detection of dense metals vs light metals 5- >=300mm and <350mm including automatic detailed segregation/detection of dense metals vs light	Data sheet must prove the range of known materials and the detailed design document must show the type steel



			steel		metals 0- < 300mm of steel penetration (Non-compliant)	
2		<b>NPR- Container number recognition and other identification equipment must be catered for to clearly identify truck and cargo without time consuming manual/human recording/intervention.</b>	The NPR must be of latest generation camera equipment to ensure >98% reading accuracy with misreads to be rectified by visual camera footage.	5%	5- Full NPR and Container number and image of vehicle linked to image file 3- Full NPR only linked to scanned image file 0- non-compliant	Technical specifications and the presentation must show NPR camera images
3(a)		<b>The scanner solution must cater for the full image analysis data package to be stored and analysed centrally.</b>	All image analysing will be conducted from the SARS National Targeting and Operations Centre. Images need to be transferred for real-time analysis.	30%	10- Demonstrate latest and upgradeable software to allow central analysis and apply to existing SARS scanners (Annexure 1) 5- Demonstrate latest and upgradeable software to allow central analysis and can provide limited capability to existing scanners 0- unable to integrate for central analysis	Presentation must show full image analysis (rotating ability to view images from all angles & zooming capability), with real time viewing as part of the specifications. Presentation to show a software that can generate multi spectrum images with analysis software to differentiate between main material groups Technical specifications and presentation must demonstrate central integration capability.

3(b)		<b>The scanner software must have contraband detection functionalities.</b>	Capability of auto detection of illegal goods or substances		10- Demonstrate latest and upgradeable software to allow automatic detection and apply to existing SARS scanners (Annexure 1) 5- Demonstrate latest and upgradeable software to allow automatic detection and can provide limited capability to existing scanners 0- unable to detect	Technical specifications and presentation must be specific on the capability of auto detection on contraband
3(c)		<b>The software that generates the scanned image must be capable of threat image projection to help improve operator proficiency, and calibrate the image analysis software by inserting fictional threat images at configurable intervals.</b>	The software must be capable of automatic threat object detection and be capable of issuing an appropriate alert to the operator.		5- Show automatic threat projection on image and indicate alert to Operator 3- Show automatic threat projection on image or alert only 0- non-compliant	Technical specifications and presentation must be specific on the threat projection on image and indicate alert to operator (this can be shown graphical)
3(d)		<b>The solution setup needs to be configured to form part of a larger network of scans that can be compared with subsequent scans by more deep-level scans in the near future.</b>	Images need to store and sort and compare with advance software with other scanner images of the same conveyance when possible.		5- If active database is provided to use for comparing with second scan, and provide intelligent percentage, match against known cargo shift patterns 3- If only high res image can be compared side by side or through overlay to operator in different colours 0- not possible	Technical specifications of the database Demonstrate comparison of recent scanned images to the previously scanned images.
4		<b>X-Ray Screening systems must function on a secure communication between network sites.</b>	The networked machines must be capable for allowing data and images to be accessed in real time by a centralised supervisory workstation. This system enables the supervisor to perform key tasks for multiple units, including second level screening of suspect objects, centralised monitoring of operators' performance using Threat Image Projection feature.	5%	5- Software must be available to run a centralised analysis solution (Transfer Protocol) 0- not possible	Presentation of a software that is secure and has encryption capability of images between sites

5		<b>Image analysis must be able to overlay for images of selected cargo taken at more than one location.</b>	Detect known patterns of circumvention or signature of items that are not listed on manifest through built in software	5%	5 - fully demonstrable 4 - known contraband types in hidden compartments that are visible 3- alert organic vs non-organic when one of the two items should not be in cargo; i.e. cargo percentage of substance substantially exceeds manifested amounts 0- undemonstrable	Technical specifications and presentation of substance images
6	Installation, Maintenance and Operational Requirements	<b>Scanners must be setup to be secure to accidental and deliberate damage through robust barriers and high-volume traffic management conditions to protect the equipment at all costs.</b>	Scanners must include adequate flood lights and CCTV cameras to record each event in detail and allow for visual external comparison to X-Ray images for anomaly detection, assistance and clear visibility of scan activity	5%	5- meets full requirements 0- does not meet full requirements	Technical design document
7		<b>The scanners must be available 24/7 without interruption, including loadshedding or power failures (power supply backup to ensure continuous and cost-effective operation.)</b>	Scanner with few moving parts to be considered above other options to allow for power efficiency given the power challenges of remote locations.	5%	5- 24hrs UPS available and operation 3- 24hrs with interruptions between scans 0- Reliant on local power only	Technical specifications and data sheets
8		<b>Training to be given to all SARS Officers that will be reading and conducting image analysis on the scanner images (i.e. Command Centre).</b>	Centralised image analysis to limit the number of officers and allow for continuous integrated training with Supplier's accredited Resource in image analysis.	5%	5- Start-up training at central facility and 6 months hand-holding and support 3- Start-up training and 6 virtual training 0- No training provided	Presentation of training manuals Accreditation certificates
9		<b>The Supplier must provide regular and scheduled inspections and maintenance in accordance with the manufacturer's specifications and associated infrastructure for the lifespan of the equipment.</b>	The provision of maintenance and support must include all activities necessary to restore the full functionality of the scanning solution after the occurrence of an incident or to rectify a problem in accordance with the service level agreement.	5%	5- 24hrs standby for acting on breakdowns with 12 hour max to site 0- non compliant	Presentation to be specific on the maintenance effort in terms of hours it would take them to respond to breakdowns

10		Relocatable- It should be possible to install the scanner as a permanent inspection site or moved with minimal effort to another site. The scanner must allow for easy dismantling and packing for transportation to new site.	The scanner must be a self-powered cargo inspection that allows for fast and easy deployment and full reconnection to power and network to any location.	10%	10- 24 hours dismantling and re-deployment and operational at prepared site. 5- between 24 hours to 36 hours dismantling and redeployment and operational at prepared site 3- between 36 hours to 72 hours dismantling and redeployment and operational at prepared site 1- 7 days dismantling and redeployment and operational at prepared site 0- Above 7 days	The Bidder must depict a drawing of a 3D model of the scanner which indicates the dismantling process in the presentation. Bidder must specify relocatable capability on their technical specification and supply proof of experience on work done (provide two contactable references).
11		The system must be able to operate in extreme conditions that applies at most of our ports, air-conditioned and dust free equipment enclosures with no down-time due to mainly over-heating.	The equipment must be dust proof and be able to operate between: -Temperature: -30° to 50° C (-22° to 122° F) -Relative humidity: 95% (non-condensing) -Wind: 64 km/h (40 mph) operating, 193 km/h (120 mph) stowed	5%	5- meets full requirements 0- does not meet full requirements	The presentation must indicate the scanner's environmental operational requirements and constraints
12 (a)	Reporting Requirements	Real time data transmission - All captured information must be sent to the SARS National targeting Operations Centre (NTOC)	Data requirements must be described to allow for real time analysis. SARS should provide high bandwidth network connection. Image processing time needs to align with the bidder's proposed scan- throughput-time.	10%	5- meets full requirements 0- does not meet full requirements	Technical specification and a presentation of integration to a front-end system
12 (b)		Integration capability with scanners at Inland Border Processing Centers (Data should be available for import into SARS case management application systems in a non-proprietary format)	SARS intends integrating and centralising the scanning solutions output, image artefacts and specifically the results of inspection "hits" for evidence in further actions. SARS also intends remotely interrogating the scanner management systems for utilisation statistics, backup and other administrative		3- meets full requirements 0- does not meet full requirements	Presentation to demonstrate software capabilities

			purposes. Images need to be stored against declared manifest.			
12 (c)		<b>The proposed solution must be capable of connecting to SARS network and, the scanners must be able to integrate transparently to the SARS network, systems and processes.</b>	All scanned images and related metadata must be able to be extracted in industry standard formats and data structures, and be transmittable through the SARS network.		2- meets full requirements 0- does not meet full requirements	Presentation to demonstrate integration capabilities with SARS systems
	<b>TOTAL</b>			<b>100</b>		
			<b>Minimum Threshold</b>	<b>75%</b>		

## 7.5 Proposed legal agreement

- 7.5.1 Any award made to a bidder under this RFP is conditional, amongst other provisions, upon SARS and such bidder concluding a written agreement within twenty-one (21) working days of the bidder receiving the written agreement. The timeous finalisation of such an agreement will be an absolute pre-condition to the recommended bidder(s) being awarded the tender and providing the goods or services to SARS.
- 7.5.2 If the recommended bidder(s) fails to sign the proposed agreement within the time frame stipulated, SARS reserves the right to:
- 7.5.2.1 cancel the award to the recommended bidder;
  - 7.5.2.2 enter into negotiations with the second ranked bidder(s) and conclude the proposed agreement with such second ranked bidder(s); or
  - 7.5.2.3 take any other action SARS deems reasonable and appropriate.
- 7.5.3 Bidders are requested to-
- 7.5.3.1 Comment on the terms and conditions set out in the draft agreement and where necessary, propose required changes to such terms and conditions.
  - 7.5.3.2 Each comment and/or amendment must be explained.
  - 7.5.3.3 All changes and/or amendments to the agreement must be in an easily identifiable colour font and tracked for ease of reference.

- 7.5.4 Upon award, SARS and the successful bidder will conclude the agreement which regulates the specific terms and conditions applicable to the goods and services being procured by SARS. In this regard:
- 7.5.4.1 SARS will enter into negotiations with the bidder with a view to concluding the agreement.
  - 7.5.4.2 SARS will be entitled to cease negotiating with a bidder if SARS, in its sole discretion, is of the opinion that: (i) the bidder has made misrepresentations in its proposal; (ii) the bidder is attempting to withdraw from positions or commitments made in its proposal; (iii) the bidder is not negotiating in good faith; or (iv) an agreement may not be expeditiously concluded with the bidder for any other reason.
  - 7.5.4.3 SARS reserves the right to vary the terms and conditions of the proposed agreement during the course of negotiations with a bidder at SARS' sole discretion.
  - 7.5.4.4 SARS reserves the right to accept or reject any or all amendments or additions proposed by the successful bidder if such amendments or additions are unacceptable to SARS or pose a risk to the organisation.
- 7.5.5 A bidder should note that the terms of its proposal will be incorporated in the proposed agreement by reference and that SARS relies upon the bidder's proposal as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder. It follows therefore that any misrepresentations in a proposal may result in legal action or other processes by SARS against the bidder, notwithstanding the conclusion of an agreement between SARS and the bidder for the provision of the goods and services in question. In the event of a conflict between the bidder's proposal and the agreement concluded between the parties, the agreement will prevail.

## 7.6 Performance Standards

- 7.6.1 SARS may prescribe certain performance standards (Service Levels) that a successful bidder must comply with in the performance of the services.
- 7.6.2 Failure to adhere to the Service Levels will result in SARS levying a financial penalty for the Service Level Failure.
- 7.6.3 Multiple Service Level Failures with the SARS' prescribed Service Levels will constitute a material breach of the Service Level Agreement.
- 7.6.4 Notwithstanding the implementation of the Service Levels and Financial Penalties, SARS reserves the right and without derogation to any other remedies it may have in law, to terminate the Service Level Agreement for breach (persistent non-compliance) by the successful bidder.

## 8 TRUSTS, JOINT VENTURES, SUBCONTRACTING AND OTHER ARRANGEMENTS

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

- 8.1.1 Where, for the purposes of this RFP, a bidder submits its proposal as a trust, such bidder must submit concrete proof of the existence of a trust. SARS will accept a registered trust deed as acceptable proof of the existence of a trust. The trust deed must include amongst others:
  - 8.1.1.1 Details of the trustees of the trust; and

- 8.1.1.2 Details of the beneficiaries of the trust. In instances where the beneficiary is a trust, the trust deed of that specific trust is required.
- 8.1.2 Where, for the purposes of this RFP, a bidder submits its proposal as a joint venture or consortium (incorporated or unincorporated), the bidder must submit the joint venture / consortium agreement, which sets forth the following details:
- 8.1.2.1 identification of each party to the agreement in full;
  - 8.1.2.2 the percentage ownership of the joint venture / consortium of each party to the agreement (if applicable);
  - 8.1.2.3 the precise functions and responsibilities which each party will fulfil in terms of the agreement. This should include details of the delimitations of scope within the goods and services to be assigned to such a party(ies);
  - 8.1.2.4 the anticipated percentage of the revenue that the party(ies) would receive (anticipated revenue that the party(ies) would receive as a percentage of the total revenue the bidder would anticipate receiving over the term of the agreement with SARS), if the bidder is successful; and
  - 8.1.2.5 clearly set out the roles and responsibilities of the Lead Partner and the remainder joint venture / consortium party(ies). The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party(ies) in respect of matters pertaining to the joint venture.
- 8.1.2.6 If a bidder is submitting a proposal in the form of an unincorporated joint venture / consortium, the SBD 4 Bidder's disclosure form should be completed by each party participating in the joint venture / consortium agreement, and proof of CSD registration should be submitted for all parties participating in the joint venture / consortium for this RFP.
- 8.1.2.7 Joint venture members should be advised that each member will be held jointly and severally liable for the performance of the joint venture.
- 8.1.3 Where, for the purposes of this RFP, a bidder has or intends to subcontract areas of scope of the goods and services, the bidder must submit the subcontracting agreement, and must note the following:
- 8.1.3.1 the bidder must indicate the name of the subcontractor(s), the percentage of the contract that will be subcontracted, the B-BBEE status level of the subcontractor(s) and whether the subcontractor(s) is an EME or QSE;
  - 8.1.3.2 a bidder awarded a contract, may only enter into a subcontracting arrangement with the approval of SARS;
  - 8.1.3.3 the agreement will be concluded between the main contractor(s) and SARS, therefore, the main contractor(s) and not its/their subcontractor(s) will be held liable for performance in terms of its contractual obligations;
  - 8.1.3.4 the successful bidder must, at all times, be solely and entirely accountable to SARS for the performance of its contractual obligations in terms of the agreement; and
  - 8.1.3.5 Without diminishing the bidder's accountability in any way for the delivery of the services, including the performance standards, SARS may require: access to and transparency in the subcontracting agreements; the full details of the functions which the subcontractor will fulfil in terms of the agreement including details of the delimitations of scope within the services to be assigned to such a subcontractor; monitoring and reporting of subcontractor's participation and performance to SARS; direct participation of subcontractor(s) in the account and project planning activities; and subcontractors'

representation in governance structures and committees. SARS will, at all times, demand fair dealing in the relationship between a bidder and its subcontractor(s).

## 9 COMPLAINTS AND ALLEGATIONS

- 9.1.1 Should a Bidder have rational reasons to believe that the tender process is unfair or irregular, including the fact that the technical specifications are not open and/or are written for a particular bidder, brand or product; the bidder is urged to notify the Procurement Department within ten (10) days after publication of the bid and provide details of its complaint for SARS' consideration.
- 9.1.2 Any suspicious activity, including requests, approaches or calls asking for upfront payment to secure an award of a bid or in lieu of claims that the outcome of a tender can be influenced towards a particular bidder, bidders are requested to immediately inform the *SARS Fraud / Anti-Corruption* Hotline at 0800-002870 or email at [anti-corruption@sars.gov.za](mailto:anti-corruption@sars.gov.za) for further investigation.
- 9.1.3 The "SARS hotline" further provides an anonymous reporting channel for any unethical behaviour that a bidder wants to report.

## 10 GENERAL CONDITIONS OF BIDDING

- 10.1 **By bidding, a bidder, is deemed to have accepted all terms and conditions of this RFP; and is further deemed to have accepted that if successful, any award made will be made subject to the terms and conditions of this RFP.**
- 10.2 **Reservation of rights**
  - 10.2.1 In addition to any rights which SARS has reserved to itself in this document or any other document in the RFP pack, SARS reserves the right in its sole discretion to:
    - 10.2.1.1 make no award, or to accept part of a proposal rather than the whole;
    - 10.2.1.2 withdraw, or cancel this RFP;
    - 10.2.1.3 amend, vary, or supplement any of the information, terms or requirements contained in this RFP, any information or requirements delivered pursuant to this RFP, or the structure of the RFP process;
    - 10.2.1.4 schedule additional briefing sessions / site inspections, and to conduct site visits, site inspections, product evaluations, local content evaluations, and/or perform audits including due diligence exercises on any bidder whenever SARS deems it prudent to do so;
    - 10.2.1.5 no longer consider a bidder's proposal where adverse information about the bidder or its proposal submission has come to the attention of SARS, provided that such bidder is informed accordingly and afforded an opportunity to object;
    - 10.2.1.6 subject to applicable legislation and conditions of tender, award a proposal based on which bidder is offering the best value for money, even if such proposal has not scored the highest points during the evaluation;
    - 10.2.1.7 conduct a risk assessment of a bidder's capability to deliver the goods and perform the services in accordance with the specified service levels and/or achieve SARS' objectives;
    - 10.2.1.8 request clarification or verification in respect of any information contained in or omitted from a bidder's proposal, which SARS may do either in writing or at a meeting convened



with the bidder for that purpose;

- 10.2.1.9 conduct a due diligence on any bidder or its subcontractor, which may include interviewing customer references or performing other activities to verify information and capabilities submitted, claimed, or otherwise, (including visiting a bidder's, subcontractors, or customer reference premises, sites and/or facilities to verify certain stated facts or assumptions). The bidder will be obliged to grant SARS with all such access, assistance and/or information as SARS may reasonably request. The bidder must respond within the timeframes set by SARS, failing which SARS reserves the right not to consider the bidder's proposal any further; and/or
- 10.2.1.10 request presentations from such short-listed bidders. All costs relating to the preparation of such presentations will be borne by the bidders.

10.2.2 SARS will disqualify any bidder, report to the National Treasury and take the necessary steps to restrict a bidder from doing business with the State, who:

- 10.2.2.1 engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this RFP;
- 10.2.2.2 seeks any assistance, other than assistance officially provided by a government entity, from any employee, advisor or other representative of a government entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a government entity;
- 10.2.2.3 makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SARS' officers, directors, employees, advisors or other representatives;
- 10.2.2.4 makes or offers any gift, gratuity, anything of any value or other inducement, to any government entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a government entity;
- 10.2.2.5 accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a government entity;
- 10.2.2.6 pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, which is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a government entity;
- 10.2.2.7 has been found guilty in a court of law or administrative or regulatory authority having appropriate jurisdiction on charges of unethical or improper conduct, regardless of whether or not a prison term or penalty was imposed;
- 10.2.2.8 is listed on the National Treasury's Register for Tender Defaulters or the National Treasury's Database of Restricted Suppliers; or
- 10.2.2.9 whose tender contains a misrepresentation which is materially incorrect or misleading.

10.2.3 Bidders' own conditions

- 10.2.3.1 Bidders may not come up with their own terms and conditions, counter conditions, modify or vary any of the terms, conditions or requirements herein. SARS may disqualify any bidder who fails to comply with this clause.

**10.3 Conflict of interest**

- 10.3.1 If at any time a bidder identifies an actual or potential conflict of interest, the bidder must immediately notify SARS in writing. SARS reserves the right to exclude the proposal submitted by such bidder from further consideration, unless the bidder is able to resolve the conflict to SARS' satisfaction. If it comes to SARS' knowledge that there was indeed a conflict of interest or a potential conflict of interest, same will be grounds for the immediate disqualification of the bidder.

#### **10.4 Confidentiality**

- 10.4.1 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, information contained in a bidder's proposal(s) may not be disclosed by any bidder, other than to a person officially involved with SARS' examination and evaluation of a proposal.
- 10.4.2 Throughout this RFP process and thereafter, the bidders must secure SARS' written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFP relates; or (ii) the process which follows this RFP. Failure to adhere to this requirement may result in disqualification from the RFP process and such legal action as SARS may deem suitable.

#### **10.5 Fronting**

- 10.5.1 SARS supports the spirit of broad-based black economic empowerment and recognises that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background SARS condemns any form of fronting.
- 10.5.2 SARS, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries / investigations to determine the accuracy of the representations made in the bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry be established during such enquiry / investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder / contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies SARS may have against the bidder / contractor concerned.

#### **10.6 Insurance**

- 10.6.1 The successful bidder will be required, on or before the effective date of the agreement and for the duration of the agreement, to have and maintain in force adequate insurance cover consistent with acceptable and prudent business practices and acceptable to SARS, which shall include, without limitation, professional indemnity and public liability insurance cover as appropriate.

#### **10.7 Indemnity**

- 10.7.1 If a bidder breaches any condition of this RFP and, as a result of that breach, SARS incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the RFP process and/or enforcement or defence of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds SARS harmless from any and all such costs which SARS may incur and for any damages or losses SARS may suffer.
- 10.7.2 A successful bidder shall indemnify, hold harmless and agree to defend SARS and its officers, employees, agents, successors-in-title, and assigns, from any and all Losses arising from, or in connection with, any of the following-

- 10.7.2.1 Third party claims attributable to any breach of the provisions of the Services Agreement by the successful bidder;
- 10.7.2.2 Third party claims attributable to theft, fraud or other unlawful activity or any negligent, wilful or fraudulent conduct by the successful bidder or its employees and claims attributable to errors and/or omissions;
- 10.7.2.3 Third party claims arising from or related to the death or bodily injury of any SARS agent, employee, business invitee, or business visitor or other person on SARS's premises caused by the negligent acts or omissions of the successful bidder or its employees; and
- 10.7.2.4 Third party claims arising from damage to property owned or leased by SARS or a third party caused by the successful bidder's or its employees' negligence or misconduct.

## **10.8 Intellectual property**

- 10.8.1 SARS retains ownership of all intellectual property rights in the documents that form part of this RFP.
- 10.8.2 Bidders will retain the intellectual property rights in their proposals but grant SARS the right to reproduce any copyrighted works for the purposes of the tender process.
- 10.8.3 Subject to any specific provisions in any service level agreement, master services agreement, work orders or change orders or any other agreement concluded between SARS and a bidder in terms of this RFP, all intellectual property rights created, generated, coded or designed in terms of this bid to meet SARS' business requirements and needs will be, and remain the perpetual exclusive property of SARS. Successful bidders who so create, generate, code or design any intellectual property for SARS in terms of this RFP, undertake to provide SARS with full access to such intellectual property including the provision of security keys and access codes both during and after the bidders appointment as a service provider or vendor.
- 10.8.4 In the event that any bidder utilises any third party intellectual property, in terms of a license, to submit a bid, or that such third party intellectual property will be utilised to fulfil SARS' business requirements for the bid, bidders firstly warrant that they have the rights to do so, and secondly, agree to fully indemnify SARS against in any claims whatsoever arising from the application of third party intellectual property in the SARS environment and on the basis of SARS' indemnity rights in the Indemnity clause above.

## **10.9 Limitation of liability**

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

## **10.10 Preparation costs**

- 10.10.1 A bidder will bear all its costs in preparing, submitting, delivering, and presenting any response or proposal to this RFP and all other costs incurred by it throughout the RFP process. No statement in this RFP will be construed as placing SARS, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidders in the preparation of their response to this RFP.

## **10.11 Precedence**

- 10.11.1 The terms and conditions of this document will prevail over any information provided during any briefing session or communication, whether oral or written, unless such information is official written communication, as set out per the Communication paragraph in this document, and that such information expressly states that it amends this document.

**10.12 Responsibility for bidder's personnel and subcontractors**

- 10.12.1 A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives of a bidder), its subcontractors (if any), and personnel of its subcontractors comply with all the terms and conditions of this RFP.
- 10.12.2 If SARS allows a bidder to make use of subcontractors, such subcontractors will at all times remain the responsibility of the bidder and SARS will not under any circumstances be liable for any losses or damages incurred by such subcontractors.
- 10.12.3 The proposal shall however be awarded to the bidder as a primary contractor who shall be responsible for the management of the awarded proposal. No separate contract shall be entered into between SARS and/or its client and any such subcontractors.
- 10.12.4 If a bidder includes evidence of experience of individuals that are not currently employed by the said bidder, then the bidder is required include in their submission a letter or agreement from the respective individual whose evidence of experience is included in the proposal, that the individual is aware and is in agreement that their evidence of experience may be included for tendering purposes, and that the said individual confirms to commit and will make him/herself available for the contract period should the contract be awarded.
- 10.12.5 If a bidder includes experience of an entity other than the bidder itself, then the bidder must include in their submission a letter or agreement from the respective entity that the entity is aware and agrees that their experience may be included for tendering purposes. Copies of the signed agreements between the relevant parties must be attached to the proposal responses.

**10.13 Prohibition of participation in resultant tender**

- 10.13.1 Any bidder, whether participating in a trust, joint venture, consortium and/or subcontracting arrangement, who participates in preparatory work on the basis of which another tender will flow, may not participate in the resultant tender because of the advantage of having been privy to the underlying preparatory work.

**10.14 RFP not an offer**

- 10.14.1 This RFP does not constitute an offer to do business with SARS, but merely serves as an invitation to bidders to facilitate a requirements-based decision process. Nothing in this RFP or any other communication made between SARS (including its officers, directors, employees, advisers and representatives) is a representation that SARS will offer, award or enter into an agreement with the bidder.

**10.15 SARS' oath / affirmation of secrecy**

- 10.15.1 SARS has a Policy in terms of which the successful bidder; key personnel or any other personnel as may be determined by SARS will be required, upon award, to individually take a mandatory oath/ declaration/ affirmation of secrecy. The award will therefore be made subject to the condition that the successful bidder along with the personnel referred to above comply with the afore mentioned Policy.

#### **10.16 Screening and vetting of a bidder**

- 10.16.1 Acceptance of a bidder's proposal is subject to the condition that both the successful bidder and its personnel providing the goods and services, must be screened and cleared by the appropriate authorities to the grade of clearance in line with SARS' applicable policies.
- 10.16.2 Obtaining the necessary clearance is the responsibility of the successful bidder concerned. If the successful bidder appoints a subcontractor, the same provisions and measures will apply to the subcontractor.
- 10.16.3 The bidders shall supply and maintain a list of personnel involved on the project indicating their clearance status.

#### **10.17 Tax compliance**

- 10.17.1 It is a requirement that any supplier conducting business with SARS is tax compliant at the date of award of a contract / bid and remains tax compliant throughout the duration of their contracts with SARS.
- 10.17.2 No contract / bid may be awarded to a supplier who is not tax compliant. SARS reserves the right to withdraw an award made, or cancel a contract concluded with a supplier / successful bidder in the event that it is established that such supplier / bidder was in fact not tax compliant at the time of the award. SARS further reserves the right to cancel a contract with a supplier / successful bidder in the event that such supplier/bidder does not remain tax compliant for the full term of its contract.
- 10.17.3 Where the recommended supplier / bidder is not tax compliant, it must be notified in writing of their non-compliant status and be granted a minimum of seven (7) working days to rectify their tax compliance status with SARS. Thereafter the supplier / bidder is responsible to provide SARS with proof of its tax compliance status which must be verified through CSD and / or Tax Compliance System.
- 10.17.4 In line with SARS's strategic objectives, the directors / owners of the bidding entity who are not tax compliant may be referred to the SARS tax compliance unit for further investigation in order to achieve full tax compliance.

#### **10.18 Tender defaulters and restricted suppliers**

- 10.18.1 No bid will be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appears on the National Treasury's Register for Tender Defaulters or the National Treasury's Database of Restricted Suppliers.

#### **10.19 Local production and content**

- 10.19.1 SARS supports and promotes local production and local content, environmentally friendly products, and sustainable sourcing.
- 10.19.2 To enable this objective to be adequately assessed and as part of contract management, bidders shall advise SARS of its local and regional strategy and its initiatives to involve, support and use local/regional entities and workforce.
- 10.19.3 The appointed supplier shall provide and use, for the performance of this contract, local subcontractors or locally acquired materials, equipment and facilities, to the extent available and within reasonable costs, to produce the quality and quantity of work and materials required by this

contract.

**10.20 Validity of information**

- 10.20.1 SARS has made reasonable efforts to ensure the accuracy of the information contained in this RFP. However, neither SARS, nor its employees, officers, advisers or agents will be liable (directly or otherwise) to a bidder or any third party for any inaccuracy or omission of any information in the RFP or in respect of any additional information SARS may provide to a bidder as part of the RFP process.
- 10.20.2 A bidder is deemed to have examined this RFP and any other information supplied by SARS to the bidder and to have satisfied itself as to the correctness and sufficiency of such information before submitting any of its responses.

**10.21 Governing law**

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

## 11 CHECKLIST OF RETURNABLES

**Table 11: Checklist of returnable documents**

	Checklist of returnable documents	Comply	Do not comply
1.	A hardcopy and an electronic copy RFP proposal submission has been submitted for this RFP.		
2.	The tender proposal has been organised as per the format required for this tender (paragraph 6).		
3.	SBD 1: Invitation to bid form has been completed and signed.		
4.	SBD 4: Bidder's Disclosure has been completed and signed.		
5.	Proof of registration on the Central Supplier Database (CSD) has been submitted.		
6.	Draft Agreement / General Conditions of Contract (GCC) has been completed and signed.		
7.	All the mandatory evaluation requirements have been submitted with this bid.		
8.	All the technical evaluation requirements have been submitted with this bid.		