

REFERENCE: RFP 62/2018

REQUEST FOR PROPOSAL

DESCRIPTION:

**APPOINTMENT OF A SERVICE PROVIDER FOR
ONE ON ONE EXECUTIVE COACHING SERVICES**

DATE ISSUED: 02 NOVEMBER 2018

CLOSING DATE: 03 DECEMBER 2018, 11H00

TENDER BOX:

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

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1 INTRODUCTION

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

1.1 OVERVIEW OF SARS

Our Mandate

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

- Collect all revenues due;
- Ensure maximum compliance with tax and customs legislation; and
- Provide a customs and excise service that will facilitate legitimate trade as well as protect our borders.

Our Vision

To administer our Tax, Customs and Excise duties in a manner that encourages fiscal citizenship and increased revenue for the state.

Our Mission

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

Our Values

- Fairness
- Integrity
- Trust
- Honesty
- Accountability
- Respect
- Transparency

Our Core Outcomes

- Increased Customs and Excise Compliance
- Increased Tax Compliance
- Increased ease and fairness of doing business with SARS
- Increased cost effectiveness and internal efficiencies
- Increased public trust and credibility.

2 PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)

The purpose of this request for proposal is to solicit bids from potential service providers, hereafter referred to as bidder(s) with minimum BBBEE status level 4, for one-on-one executive coaching services to SARS senior and top management levels.

The RFP incorporates, as far as possible, the tasks and responsibilities of the potential bidder required for one-on-one executive coaching services.

This bid 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.

3 LEGISLATIVE FRAMEWORK OF THE BID

3.1 TAX LEGISLATION

Bidders should be familiar with all tax laws applicable in the Republic of South Africa and should fully comply with such laws.

3.2 PROCUREMENT LEGISLATION

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

3.3 TECHNICAL LEGISLATION AND/OR STANDARDS

Bidder(s) should be cognisant of all legislation and/or standards specifically applicable to the services.

4 BRIEFING SESSION

A **non-compulsory** briefing session will be held at the Linton House, 570 Fehrsen Street, Brooklyn Bridge, Brooklyn, Pretoria, on **12 November 2018 at 11h00**, to clarify the scope and extent of work to be executed.

5 DURATION OF CONTRACT

The successful bidder will be appointed for a period of thirty-six (36) months for the provision of one-on-one executive coaching services to SARS senior and top management levels.

6 TIMELINE OF THE BID PROCESS

The validity period for the tender and withdrawal of offers, after the closing date and time, is 180 days.

The project timeframes of this bid are set out below:

Activity	Date Due
Date of issue RFP	02 November 2018
Briefing Session	12 November 2018
Questions relating to RFP from Bidder(s)	02 Nov – 22 Nov 2018
Closing Date	03 December 2018, 11h00
Notice to bidders	February/ March 2019*

*Please note that this date is subject to change.

All times given in this bid are South African Standard Time.

Any time or date in this bid is subject to change at SARS' discretion. A reference to a time or date in this bid does not create an obligation on the part of SARS to take any action, or create any right in any way for any bidder to demand that any action be taken on that specific date or at that specific time. The bidder accepts that, if SARS extends the deadline for bid submission (the closing date) for any reason, the requirements of this bid will otherwise apply equally to the extended deadline.

7 CONTACT

A nominated official of the Bidder(s) can make enquiries in writing, to the specified person, Ms Vuyokazi Ntshinga (Procurement Tender Office) via email TenderOffice@sars.gov.za and copy rft-professionalservices@sars.gov.za. Bidders must reduce all telephonic enquiries to writing and send same to the above email addresses.

8 SCOPE OF WORK/ SPECIFICATION

8.1 BACKGROUND

8.1.1. Strategic Alignment And Context

The Human Capital and Development Strategic Plan 2017/18 and 2019/2020 has been developed to ensure alignment to SARS strategic intent and outcomes. The vision of Human Capital and Development (HC&D) is: "To be the heartbeat for a high performance culture". The definitive strategy objective is: "To enable SARS to provide service excellence to Traders and Tax-payers".

One of the key HC&D objectives as mapped to the SARS strategic outcomes is to ensure an integrated talent management approach which will enable SARS to build and invest in skilled professionals and managers of people as we deliver on our core business of collecting revenue, increasing customs and tax compliance as well as critical support in other areas.

SARS has developed a Leadership Management Development Framework that allows for progressive development. SARS currently offers formal/executive education leadership programmes as a developmental initiative. Hence the need and context for executive coaching as an integrated talent management initiative to build a skills pipeline and to manage its succession risk. SARS would like to extend the developmental initiatives to one-on-one Executive Coaching for talent and development to be explored through a lens where leaders can confront their personal mastery and leadership effectiveness to deliver on the organisational mandate.

8.1.2. SARS Enterprise Structure

The SARS structure is informed by the strategy that underpins delivery of the mandate. The enterprise structure consists of various core and support business units/divisions namely;

- Business and Individual Tax
- Customs and Excise
- Enforcement
- Digital Information Services and Technology
- Human Capital Development
- Strategy and Communication
- Finance
- Legal Counsel
- Internal Audit
- Tax, Customs & Excise Institute

8.1.3. SARS Leadership Levels of Work

SARS occupational levels, work levelling categories and purpose for the various roles that one-on-one Executive Coaching is required is provided in the table below:

Occupational Category	Theme of Work	Position	Definition	Purpose Statement
Top Management	Enterprise Leadership	Commissioner	Jobs in this category formulate organisational enterprise strategy.	To provide strategic direction in the formulation of the organisational business model and strategy, in order to influence and enable organisational wide adoption and delivery on the SARS mandate.
	Strategy Formulation	Chief Officer	Jobs in this category develop broad strategy for a significant part of the organisation such as a division.	To formulate organisational business model in relation to a part of the organisation, in alignment with the overall organisational business model and strategy; contributing to strategy formulation and enabling organisation wide adoption and contribution to the SARS mandate.
Senior Management	Strategy Alignment	Group Executive	Jobs in this category position multiple functions within a broadly defined organisational strategy.	To formulate and position value chain, operating model and frameworks in a broadly defined organisational strategy in order to position and enable horizontal alignment, implementation and adoption.
	Strategy Enablement	Executive	Jobs in this category position a function within a broadly defined organisation strategy and ensure implementation.	To formulate and position a value chain, operating model and framework in a broadly defined organisational strategy and related functional strategy in order to position and enable horizontal alignment, implementation and adoption.
	Strategy Specialisation	Executive	Jobs in this category provide support and expertise from a specialist perspective to assist in the implementation of strategy across the organisation.	To provide expertise, advice and support related to the positioning and interpretation of value chains, operating models and related frameworks in order to enable horizontal alignment, implementation and adoption, through the translation of information and assumptions into meaningful operationally defined goals.

8.1.4. SARS Leadership Capabilities

SARS has defined comprehensive leadership competencies aligned to the organisational core values that are expected of top and senior management. The behavioral clusters and related competencies are provided in the information below:

- **Integrity**
 - Championing the mandate
 - Responsibility for societal impact

- **Empowering Delivery**
 - Driving excellence
 - Mobilising teams

- **Transformation**
 - Developing others
 - Building sustainability
 - Leveraging diversity
 - Influencing others

- **Insight**
 - Conceptual thinking
 - Accurate understanding
 - Humility

Senior and top managers are evaluated by a 360 Leadership Effectiveness tool to measure leadership behavioral competencies and as a basis for psychometric assessments at the recruitment and talent management phases. These reports are provided to individuals and can provide useful data into the coaching process. These behavioral competencies form the basis of coaching in the organisational context.

8.2 TECHNICAL REQUIREMENTS

The successful bidder will be required to deliver one-on-one executive coaching to senior and top management levels as identified by SARS through the talent management process. The services from the successful bidder include but not limited to:

8.2.1. Structure and Duration

- SARS estimate 12 contact sessions per coachee. A session is equivalent to an hour, excluding travelling time.
- The duration for the 12 sessions should as a norm take place over an estimated period of 6-8 months per coachee.
- The number of sessions and the duration may vary depending on the unique requirements of the coachee.

8.2.2. Management of Coaching Sessions

- Manage the coaching sessions for the full duration of the contract and provide resource plans.
- Ensure administration of coaching processes and procedures, the estimated number of coachees are 25 in 2019, 25 in 2020 and 25 in 2021.
- Coordinate and manage the interface between the coachee and the coach.
- Compile and submit comprehensive reports, whilst maintaining confidentiality of information on a monthly basis of all sessions in progress. The reports must include but not limited to: attendance logs, an overview of emerging themes/impact from coaching with recommendations.
- Inform SARS on the conduct of coachees and any foreseeable risk that may impact on the delivery of the coaching sessions or performance as provisioned for in the contractual agreement.
- Ensure a 3 day turnaround time for the coaches to commence engagement/contact with the coachee from the time of notification by SARS.

8.2.3. Bidder's pre-approved list of Coaches

- Ensure availability of an up to date list of a minimum of six (6) coaches to SARS as and when required, ensure that the list of qualified coaches include their demographic information such as race, age, gender, education and profession that will allow for choice/match of coaches to coachee.
- Ensure maintenance and retention of the proposed coaches.
- Ensure that coaches that are recommended to SARS have 5 years' experience or more in executive coaching at a senior / top management level.
- Ensure that the coaches recommended to SARS hold a minimum of:
 - Post-graduate degree/diploma;
 - Professional Coaching Certificate or equivalent; and
 - Associate Certified Coach/ Senior Coach Practitioner or equivalent credential.
- Ensure management of coaches recommended to SARS and their compliance to industry regulations/ recognised professional bodies.

- The appointed coaches will be required to sign oath of secrecy/ confidentiality agreement in addition to professional coaching requirements.

8.2.4. Alignment of Coaching Sessions

The successful bidder will be required to align the executive coaching as a leadership initiative against the backdrop of SARS background and strategic context.

The delivery of executive coaching within a defined framework (underpinning theories, models and best practices/ tools) entails: the three (3) core initiatives of the coaching approach/framework and must include but not limited to:

- Self-awareness: the development of reflexivity and self-monitoring through creating a safe space for self-exploration, as well as challenging and reflecting on observed pattern of behaviour.
- Result focus: generating a personal growth plan with clear goals and measurable outcomes, through facilitating a defined sense of focus and skills that aid in the development of a personal vision, goals and tasks.
- Skills development: creating an empowering repertoire of resources that are practical, hands-on, facilitate change and are tailored to specific job requirements, this will be achieved through exposure to information and skills and providing opportunities to practice and reflect on the implementation of these skills.

On the basis of a solid coach-coachee relationship and a focus on self- awareness, results orientation and skills development, the outcomes should result in a reflective and empowering journey of personal development that will “raise the bar” for the individual, the teams they lead and for SARS as a whole.

Ensure utilisation of available reports such as: 360 Leadership Effectiveness, Performance Reviews, and other relevant talent information as provided by the coachee.

8.2.5. Learning Resources

- Provide coachee with learning material/ tools required for successful completion of the one-on-one coaching sessions with the understanding where psychological constructs are being measured in addition to the above mentioned, Health Professions Council of South Africa (HPCSA) requirements must be adhered to.

8.2.6. Location and Venue

- SARS estimate that over 85% of the contact coaching sessions will be within Gauteng Province and the 15% is estimated to take place in other regions.

- SARS will provide venues for the coaching sessions as and when required.

8.2.7. Post Tender Award

The expected commencement date of the coaching sessions is March/ April 2019.

9 SARS REQUIREMENTS FROM THE BIDDERS/ BIDDERS RESPONSE

Bidders must respond to all the information required in this section in their bid proposals. Bidders should also refer to the paragraph 8 which details the background and technical requirements.

9.1. COMPANY PROFILE

The bidders should provide in their response detailing:

9.1.1 Organisation structure and services including,

- Organogram
- Services rendered in respect of coaching
- Systems to render the services (Document management, billing, attendance logs and reporting)
- Years of experience.

9.1.2 Resources including,

- The company's support staff that will be assigned to SARS including their roles and responsibilities.
- The company's full contact details of key account manager who will be assigned to SARS including his/her role and responsibilities, with minimum of 5 years of experience and qualifications and his/her CV.

9.2. COACHING PROCESS

The bidder should outline their coaching framework detailing all the stages for the executive coaching process taking into account the following:

9.2.1. Information gathering and expectations

9.2.2. Roles and responsibilities

9.2.3. Recommended timeline, milestones, deliverables and activities

9.2.4. Envisaged coaching plan that describes how the bidder intends to provide the coaching sessions.

9.2.5. Demonstration of how the bidder will manage concerns and challenges that might occur during contractual period.

9.3. CAPABILITY

The bidder should provide in their response:

9.3.1. A schedule

Complete **Annexure A3**, a schedule of the bidder's experience and proven track record in the last three (3) years in providing one-on-one executive coaching services at senior to top management levels to a minimum of four (4) clients.

The schedule must include for each client the following information:

- Client name;
- The client contact person, phone number;
- Contract period; and
- Description of the services/ themes;

Please note: SARS reserves the right to contact the clients for a reference check. It is therefore important to ensure that the clients listed on the schedule are contactable.

9.3.2. Bidder's pre-approved list of coaches

Complete **Annexure A4**, a schedule of a pre-approved list of a minimum of six (6) coaches that will be recommended to SARS for the duration of the contract as and when required. The provided list should include for each coach:

- Name and surname
- Race with at least 50% Blacks
- Gender with at least 50% Females
- Range of age
- Relevant qualification(s)
- Coaching credentials (number of practice hours) and certification(s)
- Minimum relevant experience in coaching at senior to top management level.

Please note: Bidders must refer to paragraph 8.2.3 to ensure compliance in their response.

9.4. TESTIMONIAL

Bidders are required to submit three (3) testimonials of most recent 3 years clients confirming that coaching services at senior to top management level were rendered by the bidder. Each testimonial must be in a client (i.e. company) letterhead.

10 TECHNICAL COMPLIANCE CHECKLIST

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

11 CENTRAL SUPPLIER DATABASE (CSD) REGISTRATION

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 Circular No 3 of 2015/6 – Central Supplier Database;

National Treasury will maintain the database for all suppliers for Government and its institutions; and all existing and prospective suppliers are requested to register on the CSD by accessing the National Treasury website at www.CSD.gov.za.

12 INSTRUCTIONS TO BIDDER(S)

- 12.1. Bids must be properly packaged and deposited on or before the Closing Date and time in the tender box situated at the main entrance of the:

SARS Procurement Centre
Linton House - Ground floor
Brooklyn Bridge
570 Fehrsen Street
Brooklyn
Pretoria

- 12.2. Bid documents may also be posted to the Tender Office - SARS Procurement Department, Linton House, Brooklyn Bridge, 570 Fehrsen Street, Brooklyn, Pretoria, 0181.

- 12.3. Bid documents will only be considered if received by SARS before the Closing Date and time, regardless of the method used to send or deliver such documents to SARS.

- 12.4. Late bids will not be accepted and shall be returned to Bidder(s).

- 12.5. The Bidder(s) are required to submit two (2) copies of each file (original and duplicate) and 1 CD-ROM / USB with content of each file.

Each file and information in the CD-ROM / USB must be labelled and submitted in the following format:

FILE 1 (ONLY TECHNICAL PROPOSAL)	
Exhibit 1 <ul style="list-style-type: none"> Pre-qualification documents (SBD documents and others) 	Exhibit 2 <ul style="list-style-type: none"> Bidder Compliance Checklist for the Technical Evaluation (Annexure A2) Bidder's responses to Annexure A1 and supporting documents to paragraph 9 Testimonials
Exhibit 3 <ul style="list-style-type: none"> Any supplementary / additional information as part of technical response 	Exhibit 4 <ul style="list-style-type: none"> General Conditions of Contract (GCC) Draft Service Level Agreement
FILE 2 (ONLY PRICE AND BEE PROPOSAL)	
Exhibit 1 <ul style="list-style-type: none"> B-BBEE Certificate SBD 6.1 	Exhibit 2 <ul style="list-style-type: none"> Pricing Schedule
Note: SARS request that bidders use Lever Arch files to package their proposals.	

13 EVALUATION AND SELECTION CRITERIA

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

- Pre-Qualification Criteria (Gate 0)** – bidder(s) must submit all documents, as outlined in paragraph 13.1 below.
- Technical Evaluation Criteria (Gate 1)** – bidders will be evaluated out of 100 points and must achieve a minimum threshold of 70 points. The process is outlined in paragraph 13.2.
- Price and B-BBEE Evaluation (Gate 2)** – This will be evaluated out of 100 points. Price will be evaluated out of 80 and B-BBEE 20 points. The process is outlined in paragraph 13.3.

13.1. Pre-Qualification Criteria – Gate 0

Without limiting the generality of SARS other critical requirements for this bid, a bidder(s) must submit the documents listed in **Table 13A** below. All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). A bidder's proposal may be disqualified for non-submission of any of the documents.

Table 13A: Documents that must be submitted for Pre-qualification

Name of the document that must be submitted	Non-submission may result in disqualification
Invitation to bid – SBD 1	YES – Complete and sign the supplied pro forma document.
Tax Compliance status pin	YES – Submit Tax Compliance status pin
Central Registration Report (Central Database System) from National Treasury	YES – Bidders must register on Central Database System and submit the Report as confirmation of registration.
Pricing Schedule – Annexure B: Pricing Template	YES – Complete and sign the supplied pro forma document. Submit full details of the pricing proposal to SARS in Annexure B.
Declaration of Interest – SBD 4	YES – Complete and sign the supplied pro forma document.
Preference Point Claim Form - SBD 6.1	YES – Complete and sign the supplied pro forma document.
Declaration of bidder's Past Supply Chain Management Practices – SBD 8	YES – Complete and sign the supplied pro forma document.
Certificate of Independent bid Determination – SBD 9	YES – Complete and sign the supplied pro forma document.
SARS' Oath of Secrecy:	YES – Each recommended consultant to complete and sign the supplied pro forma document in the presence of a Commissioner of Oaths and initial every page.
General Conditions of Contract (GCC)	YES – Sign the supplied GCC.
Supplier cost and risk assessment questionnaire	NO – Complete and sign the supplied pro forma document.
Bidder Compliance Checklist Form for Technical Evaluation (Annexure A2)	NO – Complete to assist with ease of reference during evaluation.

Table 13B: Mandatory Requirements

Mandatory Requirements	Non-compliance with stated B-BBEE status level
Minimum B-BBEE status level 4	YES – Submit a valid B-BBEE certificate or sworn affidavit with minimum B-BBEE status level 4.

13.2. Technical Evaluation (Gate 1) = 100 Points

Only Bidder(s) that have met the Pre-Qualification Criteria in (Gate 0) will be evaluated in Gate 1 for functionality.

Bidders will be evaluated out of 100 points and are required to achieve the minimum threshold of 70 out of 100 points.

Only Bidders that have obtained a threshold of 70 out of 100 points will proceed to Gate 2 for Price and BEE evaluations.

13.3. Price and BBBEE evaluation (Gate 2) = (80 + 20) 100 Points

a. Stage 1 – Price Evaluation (80 points)

Table 13B: Price evaluation formula

Adjudication Criteria	Points
Price Evaluation $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

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

b. Stage 2 – BBBEE Evaluation (20 points)

Table 13C: BBBEE Points allocation and required documents

Adjudication Criteria	Points
A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1) and a B-BBEE certificate.	20

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

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

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 Affidavits.

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 as a legal entity, provided that the entity submits their consolidated B-BBEE status level Verification Certificate scorecard and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Tertiary Institutions and Public Entities

Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

Pre-qualification criteria

In line with the Government's objectives for the advancement of SMMEs and certain designated groups, a Pre-qualification Criteria is being introduced for preferential procurement.

- The Pre-qualification criteria may stipulate that only one or more of the following tenderers may respond to this bid:
 - a) A tenderer having a stipulated minimum B-BBEE status level of contributor.
 - b) An EME or QSE.
 - c) A tenderer subcontracting a minimum of 30% to:
 - i. An EME or QSE which is at least 51% owned by black people;
 - ii. An EME or QSE which is at least 51% owned by black people who are youth;
 - iii. An EME or QSE which is at least 51% owned by black people who are women;
 - iv. An EME or QSE which is at least 51% owned by black people with disabilities;
 - v. An EME or QSE which is at least 51% owned by black people;
 - vi. An EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships;
 - vii. A cooperative which is at least 51% owned by black people; and
 - viii. An EME or QSE which is at least 51% owned by black people who are military veterans.

A tender that fails to meet any qualifying criteria stipulated in the tender documents is NOT an acceptable tender

Bidders have a discretion to subcontract for tender values below R30 million in line with Regulation 12, illustrated below.

- **Regulation 12 – Subcontracting after award of tender**

- (1) A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- (2) A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- (3) A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an Exempted Micro Enterprise that has the capability and ability to execute the sub-contract.

- **Proof of Existence: Joint Ventures and/or Sub-Contracting**

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

The joint venture and/or sub-contracting agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or sub-contracting party. The agreement must also clearly identify the

Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or sub-contracting arrangement.

c. Stage 3 (80 + 20 = 100 points)

The Price and B-BBEE points will be consolidated to determine the successful bidder.

14 FINANCIAL STATEMENTS

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

14.1. The annual financial statements must contain:

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

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

- A letter detailing that fact, signed by a duly authorised representative of the entity; and
- Any other information or documentation which would provide more clarity on the financial history of the bidder.

14.3. 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.

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

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

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

15 SPECIAL CONDITIONS OF THIS BID

15.1. SARS reserves the right:

- 15.1.1 Not to award or to cancel this bid at any time and shall not be bound to accept the lowest or any bid;
- 15.1.2 To negotiate with one or more Preferred Bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other Bidder(s) who has not been awarded the status of the Preferred Bidder(s);
- 15.1.3 To accept part of a Bid rather than the whole Bid;
- 15.1.4 To cancel and/or terminate the Bid process at any stage, including after the Closing Date and/or after presentations have been made, and/or after Bids have been evaluated and/or after the Preferred Bidder(s) have been notified of their status as such;
- 15.1.5 To correct any mistakes at any stage of the Bid that may have been in the Bid documents or that occurred at any stage of the Bid process; and/or
- 15.1.6 To disqualify a Bidder whose bid contains a misrepresentation which is materially incorrect or misleading.

16 SARS requires Bidder(s) to declare

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

16.1. Confirm that the Bidder(s) is to:

- 16.1.1. Act honestly, fairly, and with due skill, care and diligence, in the interests of SARS;
- 16.1.2. Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of professional activities;
- 16.1.3. Act with circumspection and treat SARS fairly in a situation of conflicting interests;
- 16.1.4. Comply with all applicable statutory or common law requirements applicable to the conduct of business;
- 16.1.5. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with SARS;
- 16.1.6. Avoid fraudulent and misleading advertising, canvassing and marketing;

- Conduct its business activities with transparency and consistently uphold the interests and needs of SARS as a client before any other consideration; and
- Ensure that any information acquired by the Bidder(s) from SARS will not be used or disclosed unless the written consent of the client has been obtained to do so.

17 CONFLICT OF INTEREST, CORRUPTION AND FRAUD

SARS reserves its right to disqualify any Bidder who either itself or any of whose members (save for such members who hold a minority interest in the Bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 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"):

- 17.1. Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this Bid;
- 17.2. 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;
- 17.3. 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;
- 17.4. 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;
- 17.5. 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;
- 17.6. 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;
- 17.7. Has in the past engaged in any matter referred to above; or
- 17.8. 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.

18 MISREPRESENTATION DURING THE TENDER PROCESS AND LIFECYCLE OF THE CONTRACT

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

It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by SARS against the Bidder notwithstanding the conclusion of the Master Services Agreement between SARS and the Bidder for the provision of the Service in question.

18.1. PREPARATION COSTS

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

18.2. INDEMNITY

If a Bidder breaches the conditions of this Bid and, as a result of that breach, SARS incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the Bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds SARS harmless from any and all such costs which SARS may incur and for any damages or losses SARS may suffer.

18.3. 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.

18.4. LIMITATION OF LIABILITY

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

18.5. TAX COMPLIANCE

No tender shall be awarded to a Bidder whose tax affairs are not in order. 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. SARS further reserves the right to cancel a contract

with a successful bidder in the event that such Bidder does not remain tax compliant for the full term of the contract.

18.6. NATIONAL TREASURY

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

18.7. GOVERNING LAW

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

19 RESPONSIBILITY FOR SUB-CONTRACTORS AND BIDDER'S PERSONNEL

A Bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this Bid and in particular the provisions of paragraph. In the event that SARS allows a Bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the Bidder and SARS will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

19.1. CONFIDENTIALITY

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

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

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

19.2. SCREENING AND VETTING OF SERVICE PROVIDER

Acceptance of this tender is subject to the condition that both the contracting firm and its personnel providing the service must be screened and cleared by the appropriate authorities to the grade of clearance in line to classified

information, intelligence in the possession of SARS and areas designated as National Key points that they may have. Obtaining a positive recommendation is the responsibility of the contracting firm concerned. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

19.3. 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.

19.4. SARS PROPRIETARY INFORMATION

A Bidder must make a declaration on their Bid covering letter that they did not have access to any SARS proprietary information or any other matter that may have unfairly placed that Bidder in a preferential position in relation to any of the other Bidders.

ANNEXURE A1 – TECHNICAL EVALUATION SCORECARD

ANNEXURE A2 – TECHNICAL COMPLIANCE CHECKLIST

ANNEXURE A3 – BIDDERS EXPERIENCE SCHEDULE

ANNEXURE A4 – PRE-APPROVED LIST OF COACHES SCHEDULE

ANNEXURE B – PRICING SCHEDULE