

REQUEST FOR PROPOSAL

SARS RFP 16-2020

PROCUREMENT OF AN APPLICATION PERFORMANCE MONITORING SOLUTION INCLUDING MAINTENANCE AND SUPPORT SERVICES

RFP MAIN DOCUMENT

SUMMARY, GUIDELINES, INSTRUCTIONS AND CONDITIONS

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SARS RFP 16-2020

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RFP Main Document

Summary, Guidelines, Instructions and Conditions

1 PREAMBLE

The South African Revenue Service ("SARS") invites certain qualified persons ("Bidders") to submit proposals ("Proposals") in accordance with the rules set out in this RFP for the selection and appointment on a non-exclusive basis of a Service Provider (SP) for the :

- The procurement of an Application Performance Monitoring (APM) solution, and
- The procurement of maintenance and support for the APM solution,
- For a period of 5 (five) years

2 INTERPRETATION AND DEFINITIONS

2.1 Interpretation

- 2.1.1 A capitalised word or expression used in any document in the RFP Pack will have the meaning that has been defined for that word or expression in the document in which the capitalised word or expression appears.
- 2.1.2 If the capitalised word or expression has not been defined in the document in which the capitalised word or expression appears then it will have the meaning given to it in the Table 1: Glossary below in paragraph 2.2.
- 2.1.3 If the capitalised word or expression has not been defined in the Table 1: Glossary below in paragraph 2.2 then it will have the meaning given to it in *the Application Performance Management Agreement*.
- 2.1.4 In the event that a capitalised word or expression has not been defined as per paragraphs 2.1.1, 2.1.2 or 2.1.3 above then:

- 2.1.4.1 if the word or expression is technical in nature, such word or expression will have its generally understood meaning in the Information Communication and Technology (ICT) industries; or
- 2.1.4.2 if the word or expression is not technical in nature, then it will have its generally understood meaning.
- 2.1.5 In any document in the RFP Pack, an underlined and italicised word or expression is a reference to a document in the RFP Pack. The reference can be resolved to the full document filename in Table 3: RFP Pack Contents in paragraph 3.2 below (RFP Pack Contents).
- 2.1.6 Within a document in the RFP Pack, a reference to a paragraph number is a reference to a paragraph within the document in which it appears. If the reference to a paragraph number is followed by a document name, the reference is to that paragraph number in the document so named.
- 2.1.7 In this document, a reference to:
- 2.1.7.1 persons or entities, includes a reference to natural persons, any association, body corporate, trust, partnership, organization or other entity including their respective successors and/or assigns;
- 2.1.7.2 the singular includes the plural and *vice versa*, unless the context otherwise requires; and
- 2.1.7.3 the words "**include**" and "**including**" mean "**include without limitation**" and "**including without limitation**". The use of the words "**include**" and "**including**" followed by a specific example or examples will not be construed as limiting the meaning of the general wording preceding it.

2.2 Definitions (Glossary table)

Table 1: Glossary

AD	Active Directory
ADTD	Application discovery, tracing and diagnostics
AI	Artificial intelligence
AIOPS	Artificial intelligence for IT operations
API	Application Programming Interface
APM	Application performance management
AWS	Amazon Web Services
Azure	Microsoft's public cloud computing platform
Bidder	means a prospective Service Provider who submits a Proposal for this RFP.
B-BBEE	means Broad-Based Black Economic Empowerment.

SARS CONFIDENTIAL

Business Day	All days that are not Saturdays, Sundays or public holidays.
Business Hours	8:00-17:00 on Business Days.
CD	Continuous Delivery
CI	Continuous Integration
CICS	Customer Information Control System
Closing Date and Time	means the date set forth in the Table 4: Key Dates and Activities in Table 4 below.
CPU	Central Processing Unit
DevOps	Practices and tools that combines software development (Dev) and IT operations (Ops).
ITOC	Information Technology Operations Centre
ML	Machine language
OEM	Original Equipment Manufacturer
Proposal	means a response submitted by a Bidder to this RFP.
RFP	means this Request for Proposal.
RFP Pack	means the collection of documents making up this RFP as listed in Table 3: RFP Pack Contents in paragraph 3.2 below.
SARS	means an organ of the State established in terms of the South African Revenue Service Act, 1997 (Act No. 34 of 1997) with its registered address located at its Pretoria Head Office, 299 Bronkhorst Street, Nieuw Muckleneuk, 0181, the Republic of South Africa.
SARS PPS&G	SARS Policies, Procedures, Standards and Guidelines
SBD	means standard bid documents prescribed by National Treasury as listed in section 2 of the Table 3: RFP Pack Contents set out in paragraph 3.2 below.
Service Provider	means a Bidder who is awarded this RFP and with whom SARS has entered into the <u>Application Performance Management Agreement</u> . The Service Provider is also referred to as the SP.
Services	means the duties, services, activities, deliverables, functions and responsibilities to be provided and to be performed in terms of the <u>Application Performance Management Agreement</u> and the <u>Business Requirements Specification</u>
SP	Service Provider
Subcontractor	has the meaning set out in paragraph 9.6 below
Term	means the duration of the <u>Application Performance Management Agreement</u> which the Service Provider and SARS will enter into as set out in paragraph 6.3.2 below
UI	User Interface

3 STRUCTURE OF THE RFP PACK

3.1 Structure

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

Table 2: RFP Pack Outline

Section	Description of section contents
1	Documents outlining the RFP background, conditions, instructions and documents necessary for a Bidder to attend the non-compulsory briefing session.
2	Standard Bid Documents (SBDs). These documents are required by SARS Procurement and National Treasury to be completed and returned to SARS as part of the Bidder's Proposal.
3	Documents outlining the business requirements, technical requirements and other information required by the Bidder to submit a Proposal.
4	The proposed agreement under which SARS wishes to procure the Services.
5	Response templates. Templates that are required to be completed and returned to SARS as part of a Bidder's Proposal.

Each document in the RFP Pack is identified by the following naming convention

SARS RFP 16-2020 <s>-<n> <document name>

Where: <s> is the section number (as above); <n> is an identifying number within the section; and <document name> is a name describing the document contents.

3.2 RFP Pack Contents

Table 3: RFP Pack Contents

Section	Document name	Document filename
1	RFP Main Document	SARS RFP 16-2020 1.1 Summary, Guidelines, Instructions and Conditions
	Confidentiality and Secrecy Undertaking	SARS RFP 16-2020 1.2 Confidentiality and Secrecy Undertaking.
	SARS Oath / Affirmation of Secrecy	SARS RFP 16-2020 1.3 SARS Oath – Affirmation of Secrecy.
2	Invitation to Bid (SBD1)	SARS RFP 16-2020 2.1 Invitation to Bid (SBD 1).
	Declaration of Interest (SBD 4)	SARS RFP 16-2020 2.2 Declaration of Interest (SBD 4).
	Preference Points Claim Form (SBD 6.1)	SARS RFP 16-2020 2.3 Preference Points Claim Form (SBD 6.1).
	Declaration of Past SCM Practices (SBD 8)	SARS RFP 16-2020 2.4 Declaration of Past SCM Practices (SBD 8).
	Certificate of Independent Bid Determination (SBD 9)	SARS RFP 16-2020 2.5 Certificate of Independent Bid Determination (SBD 9)
	Supplier Cost and Risk Assessment Questionnaire	SARS RFP 16-2020 2.6 Supplier Cost and Risk Assessment Questionnaire
3	Business Requirements Specification	SARS RFP 16-2020 3.1 Business Requirements Specification.
4	Application Performance Management Agreement.	SARS RFP 16-2020 4.1 Application Performance Management Agreement.
	Service Level Agreement	SARS RFP 16-2020 4.2 Service Level Agreement.
5	Mandatory Pre-technical Response Template	SARS RFP 16-2020 5.1 Mandatory Response Template.
	Technical Response Template	SARS RFP 16-2020 5.2 Technical Response Template.
	Pricing Response Template	SARS RFP 16-2020 5.3 Pricing Response Template.
	Proposal Checklist	SARS RFP 16-2020 5.4 Proposal Response Checklist.

4 KEY DATES AND ACTIVITIES

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

Table 4: Key Dates and Activities

No	Description	Start Date/Time	End Date/Time
1.	RFP is published in Government Gazette	04/12/2020	-
2.	RFP issued on SARS website	04/12/2020	
3.	Non-Compulsory briefing session (remote via Zoom) refer to paragraph 8.1 for detail	09/12/2020	08h30 - Zoom Meeting Meeting ID: 939 9503 5420 Passcode: 948149
4.	Bidders to submit written questions	10/12/2020	12/01/2021
5.	SARS posts answers to Bidder's questions on the SARS website	11/12/2020	15/01/2021
6.	Proposals due (the " Closing Date and Time ")	-	18/01/2021 (11h00)

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

Any time or date in this RFP is subject to change at SARS's discretion. The establishment of a time or date in this RFP does not create an obligation on the part of SARS to take any action, or create any right in any way for any Bidder to demand that any action be taken on the date established, or on any other date. The Bidder accepts that if SARS extends the Closing Date and Time for RFP submission for any reason, the requirements of this RFP will otherwise apply equally to the extended timeline.

5 CONTACT PERSONS

All communication to SARS must be emailed to:

Email: tenderoffice@sars.gov.za

Communication sent by SARS must only be regarded as official communication if sent from tenderoffice@sars.gov.za or a communication accompanied by a letter of authorisation signed by the SARS Executive: Procurement.

6 OVERVIEW OF SARS'S REQUIREMENTS

6.1 Introduction

SARS's mandate under the South African Revenue Service Act, 1997 (Act No 34 of 1997), includes the collection of all revenues that are due, ensuring maximum compliance with revenue legislation and providing a customs service that will maximise revenue collection, facilitate trade and protect the borders of South Africa. SARS's vision is to be an innovative revenue and customs agency that enhances economic growth and social development and supports South Africa's integration into the global economy in a way that benefits all citizens. SARS strives to exercise its mandate in an efficient and cost effective manner.

6.2 Objectives

SARS's primary objective in issuing this RFP is to conclude an agreement with the successful Bidder that will achieve the following:

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

6.3 SARS's Requirements for Services

- 6.3.1 Details of the required services are contained in the Business Requirements Specification and the Application Performance Management Agreement documents.
- 6.3.2 SARS's objective is to enter into an agreement with the Service Provider appointed for a period of 5 (Five) years.

6.4 General Notes Regarding the Services

SARS reserves the right to:

- 6.4.1 request *ad hoc* services within or related to the scope of the Services;
- 6.4.2 exclude Sites, specific devices within the Sites or certain services from the scope of Services;
- 6.4.3 include additional Sites or additional Services;
- 6.4.4 direct that the Services be delivered to other Government Entities;
- 6.4.5 include additional services related to Services; and
- 6.4.6 require that the pricing of any new requirement be aligned with the pricing applicable to existing Services where such Services are similar to those already provided (for example, if a new category of equipment is required by SARS to be supported by the Service

Provider, the pricing of the new category, type or model of equipment must be aligned with existing categories, types or models then supported under the Application Performance Management Agreement.

6.5 Proposed Agreement

- 6.5.1 Any award made to a Bidder under this RFP is conditional, amongst other provisions, upon SARS and such Bidder concluding a written agreement (Application Performance Management Agreement).
- 6.5.2 The proposed agreement that will govern the Services during the intended term is set out in the Application Performance Management Agreement in section 4 of this RFP Pack and reflects the terms and conditions upon which SARS intends to contract with a successful Bidder.
- 6.5.3 While SARS reserves the right to vary the terms and conditions of the proposed Application Performance Management Agreement during the finalisation of the contract with the successful Bidder at SARS's sole discretion (including for purposes of better giving effect to the objectives in paragraph 6.2 above), it is a condition of the RFP that a successful Bidder will be bound by such terms and conditions of the proposed Application Performance Management Agreement.
- 6.5.4 The Bidder should note that the representations made by the Bidder in its Proposal will be incorporated in the proposed Application Performance Management 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 Application Performance Management Agreement between SARS and the Bidder for the provision of the Services in question.
- 6.5.5 The Bidder's Proposal pricing must be firm for six (6) months after the Closing Date and Time provided and the Service Provider will give SARS the benefit of any pricing decreases effected within six (6) months of the Closing Date and Time.
- 6.5.6 The Service Provider will obtain before or within 21 (twenty one) Business Days from the date of the Letter of Award, a performance bond ("Performance Bond") by a financial institution approved by SARS and in the form prescribed by SARS. (regard being had to clause **Error! Reference source not found.** in the Application Performance Management Agreement), or, if SARS does not prescribe a form, in a form proposed by the Service Provider and approved by SARS in its sole discretion (regard being had to clause **Error! Reference source not found.**). Notwithstanding the generality of the above, such Performance Bond will secure the Service Provider's obligations in an amount equal to R 500,000.00 (five hundred thousand Rand). The Service Provider will not be absolved of any of its obligations and liabilities under this Agreement by virtue of it having obtained the Performance Bond
- 6.5.7 In the event that the successful Bidder fails to post a performance bond and sign the proposed Application Performance Management Agreement within 21 (twenty-one) days of SARS calling upon it in writing to do so, SARS reserves the right to:
 - 6.5.7.1 cancel the award to the successful Bidder;

- 6.5.7.2 take any other action SARS deems reasonable and appropriate in the circumstances.

6.6 Conditions precedent

- 6.6.1 The operation of the Application Performance Management Agreement is subject to the conditions precedent that the Parties execute the following within 21 (twenty) Business Days from the date set out in the Letter of Award or such date as requested by SARS in writing:
 - 6.6.1.1 Project Plan
 - 6.6.1.2 Design and Installation Procedure;
 - 6.6.1.3 Skills Transfer Plan
 - 6.6.1.4 Payment Milestone; and
 - 6.6.1.5 Service Level Agreement).
- 6.6.2 Unless all the conditions precedent have been fulfilled or waived by not later than the date specified (or such later date as SARS may notify the Service Provider in writing), the provisions of the Application Performance Management Agreement as well as the letter of award will fall away and be of no further force or effect and the status quo ante will be restored as near as may be possible and the Service Provider will have no claim against SARS in terms hereof or arising from the failure of the conditions precedent.

7 BIDDING QUALIFICATION

7.1 Introduction

SARS has a detailed evaluation methodology premised on Treasury Regulation 16A3 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), which prescribes that SARS's process be:

- 7.1.1 economical, efficient, fair, equitable, transparent, competitive and cost effective;
- 7.1.2 consistent with the Preferential Procurement Policy Framework Act 5 of 2000, read together with the Preferential Procurement Regulations, 2017;
- 7.1.3 consistent with the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003); and
- 7.1.4 Consistent with the prescripts of National Treasury relating to Supply Chain Management ("SCM").

In furtherance of this evaluation methodology, the following bidding qualifications as set out in this paragraph 7 will apply.

7.2 Central Supplier Database ("CSD")

- 7.2.1 Service Providers and suppliers who wish to render services to SARS will no longer register at SARS directly. Suppliers will have to register on National Treasury Central Supplier Database ("CSD") as per National Treasury Instruction No. 4A of 2016/2017 National – Central Supplier Database.
- 7.2.2 National Treasury will maintain the database for all suppliers for Government and its institutions, and all existing and prospective suppliers are requested to self- register on the CSD by accessing the National Treasury website at www.CSD.gov.za.
- 7.2.3 As part of the bid submission, bidders are required to submit their CSD number with their submission.
- 7.2.4 Transactions concluded with foreign suppliers with no local registered entity may be entered into even if the supplier is not registered on the CSD. Bidders must ensure that the Standard Bidding Document (SBD) 1 is completed in full.

7.3 Exclusionary Criteria

- 7.3.1 Prospective Bidders who cannot, or do not, satisfy all of the conditions contained in paragraphs 7.3.1.1 to 7.3.1.4 below should not submit Proposals. If a Bidder is found not to meet any one of the requirements listed in paragraphs 7.3.1.1 to 7.3.1.4 below, then that Bidder's Proposal will be rejected at SARS's sole discretion, without any further consideration.
 - 7.3.1.1 SARS is only interested in organisations that take accountability for service delivery.
 - 7.3.1.2 A Bidder must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) registered in South Africa in terms of South African company law, or have a local branch office in South Africa.
 - 7.3.1.3 No bid may be awarded to a Bidder whose tax matters have not been declared by the SARS to be in order. The Bidder's attention is further drawn to the requirement that the successful Bidder must ensure that it remains compliant with all South African Tax and Customs laws and regulations throughout the Term, and a failure to do so will be a material breach of the agreement
 - 7.3.1.4 The Bidder must comply with all applicable legislation in the Republic of South Africa in the performance of its daily activities, including but not limited to labour legislation and bargaining council agreements, health and safety regulations and environmental laws.
- 7.3.2 Subject to sub-paragraph **Error! Reference source not found.** below, SARS will disqualify any Bidder who either itself or any of whose members (save for such members who hold a minority interest in the Bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least 15% (fifteen percent) of the interests in the Bidder other than in the context of shares listed on a recognised stock exchange), directors or senior management, whether in respect of SARS or any other government organ or entity (and whether of the Republic of South Africa or otherwise) ("**Government Entity**"):

- 7.3.2.1 engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this RFP;
 - 7.3.2.2 seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
 - 7.3.2.3 makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SARS's officers, directors, employees, advisors or other representatives;
 - 7.3.2.4 makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
 - 7.3.2.5 accepts anything of value or an inducement that would, or may, provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
 - 7.3.2.6 pays, or agrees to pay, to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;
 - 7.3.2.7 has in the past engaged in any conduct referred to in sub-paragraphs **Error! Reference source not found.** to **Error! Reference source not found.** above;
 - 7.3.2.8 has been found guilty in a court of law, or administrative or regulatory authority, having appropriate jurisdiction for charges of unethical or improper conduct, regardless of whether or not a prison term or penalty was imposed; or
 - 7.3.2.9 is listed on the National Treasury's Register of Tender Defaulters and/or National Treasury's Database of Restricted Suppliers.
- 7.3.3 SARS in its sole discretion will be entitled (but not obliged) to exempt, in writing, a Bidder from disqualification in terms of sub-paragraph **Error! Reference source not found.** above. A Bidder that stands to be disqualified in term of sub-paragraph **Error! Reference source not found.** above may, prior to submitting a Proposal, approach SARS in writing for an exemption as foresaid, in which event:
- 7.3.3.1 the Bidder is required to provide SARS with full information to enable SARS, in its sole discretion, to consider such application for exemption; and
 - 7.3.3.2 SARS will not be obliged to consider any such application or to grant any exemption, such consideration or granting of exemption being solely within SARS's discretion.
- 7.3.4 By submitting a Proposal the Bidder represents to SARS that it does not stand to be

disqualified in terms of paragraph **Error! Reference source not found.** above, unless it has otherwise applied for exemption or been exempted in terms of paragraph **Error! Reference source not found.** above.

- 7.3.5 SARS will reject a Bidder's Tender without any further consideration where that Bidder makes culpable misrepresentation to SARS in its Tender or at any stage during this RFP process.
- 7.3.6 SARS may disqualify a Bidder:
- 7.3.6.1 whose Proposal contains a misrepresentation;
 - 7.3.6.2 in respect of whom any of the members (save for such members who hold a minority interest in the Bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least 15% (fifteen percent) of the interests in the Bidder other than through shares listed on a recognised stock exchange), directors or senior management are not in full compliance with all applicable laws relating to taxation in South Africa, in which regard SARS further reserves the right to require the Bidder to submit proof of tax compliance status in respect of any one or more such persons;
 - 7.3.6.3 whom SARS considers to be directly or indirectly owned, controlled or managed by persons who are not acceptable to SARS from an ethical, business or governance perspective;
 - 7.3.6.4 who, or whose Subcontractor, unlawfully had access to any of SARS's proprietary information or any other material that may have unlawfully placed that Bidder in a preferential position in relation to any of the other Bidders;
 - 7.3.6.5 who fails to comply with any conditions or requirements of this RFP;
 - 7.3.6.6 who in SARS opinion, has either failed to comply with any of the conditions of any existing or past agreement between such Bidder and SARS or who has performed unsatisfactorily under any such agreement; or
 - 7.3.6.7 who fails to respond as required to written notices given by SARS in connection with its Proposal under this RFP.

8 BID PREPARATION AND SUBMISSION

8.1 Non - Compulsory briefing session/s

Due to "lockdown" restrictions and the business requirements of this tender, a **non - compulsory briefing session** will be held as detailed in table 4 above (the session is to be held remotely via the internet so please refer to the link published on the SARS website):

[SARS is inviting you to a scheduled Zoom meeting:](#)

Topic: APM Tender Non Compulsory Briefing Session.

Time: December 9, 2020 08:30 AM Harare, Pretoria

Join Zoom Meeting

<https://sars-gov-za.zoom.us/j/93995035420?pwd=RXo4MhY2dnZyOGxEc0xKMlhLRThvZz09>

Meeting ID: 939 9503 5420

Passcode: 948149

One tap mobile

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Dial by your location

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+27 21 426 8191 South Africa

+27 87 550 3946 South Africa

+27 87 551 7702 South Africa

Meeting ID: 939 9503 5420

Passcode: 948149

Find your local number: <https://sars-gov-za.zoom.us/j/93995035420>

Join by SIP

93995035420@zoomcrc.com

Join by H.323

Meeting ID: 939 9503 5420

Passcode: 948149

Join by Skype for Business

<https://sars-gov-za.zoom.us/skype/93995035420>

8.2 Question and Answer Process

- 8.2.1 Between the dates given in item 4 of Table 4: Key Dates and Activities above, SARS will receive questions sent by Bidders by email to the address tenderoffice@sars.gov.za. SARS will respond to these questions, provided that SARS will not be obliged to respond to a question should it choose not to do so. The identity of a Bidder who has directed a question to SARS will not be disclosed by SARS in such responses. The questions and answers will also be published on the SARS procurement website at <http://www.sars.gov.za/procurement>.
- 8.2.2 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 re-issued or additional documentation will be published on the SARS procurement website. It is the Bidder's responsibility to visit the SARS procurement website at regular intervals in order to ensure that the Bidder uses the latest versions of documents in the RFP Pack.
- 8.2.3 Depending on SARS's assessment of the nature and extent of Bidders' questions during the question and answer process, SARS may schedule compulsory or optional briefing sessions.
- 8.2.4 The SARS's procurement website must be treated as primary means of communication by SARS to registered Bidders. Communications to registered Bidders made by email are

made as a courtesy. In the event of any communication received by the Bidders that is in conflict with communications posted on the SARS procurement website, the SARS procurement website communication will prevail

8.3 SITE INSPECTIONS

Although SARS does not envisage that any inspections of SARS's Sites will be required, SARS reserves the right to schedule either optional or compulsory site inspections should it become apparent to SARS that it is necessary for prospective Bidders to gain an understanding of the RFP specification.

8.4 PROPOSAL SUBMISSION

- 8.4.1 Proposals must be properly received and deposited in the below mentioned tender box on or before the Closing Date and before the Closing Time in the Tender Office tender box situated at the main entrance of the SARS Procurement centre:

**SARS Procurement Centre
Brooklyn Bridge
Linton House – Ground Floor
570 Fehrson Street
Brooklyn, Pretoria**

- 8.4.2 Bid documents may either be posted to The Tender Office - SARS Procurement Department, Linton House, 570 Fehrson Street, Brooklyn Bridge, Brooklyn, Pretoria, 0181 OR placed in the tender box at the main entrance at the aforesaid address
- 8.4.3 Tender documents will only be considered if received by the Tender Office before the Closing Date and time, regardless of the method used to send or deliver such documents to SARS.
- 8.4.4 Proposals submitted after the Closing Date and Time set out in the Table 4: Key Dates and Activities above will not be considered under any circumstances whatsoever.
- 8.4.5 Prior to submission, the Bidder must check the numbering of the pages of its Proposal and satisfy itself that no pages are missing or duplicated. The Bidder must submit a signed Proposal Checklist in accordance with the instructions contained in paragraph 11 below. No liability is accepted by SARS with regard to Proposals which have missing or duplicated pages and SARS is under no obligation to draw any defect in the Bidder's Proposal to the attention of the Bidder and/or allow the Bidder to correct such defect.
- 8.4.6 All hardcopy documents in the Bidder's Proposal must be signed by a duly authorised signatory on behalf of the Bidder and initialled on every page where a full signature is not required. A signatory's authority to sign must appear from a board resolution duly authorising the signatory to sign the Proposal on behalf of the company. The Bidder must sign and/or initial (as applicable) both the original and all copies of the RFP response. SARS may hold the signatory personally liable in the event that such person is not duly authorised by the Bidder.
- 8.4.7 All Proposal documents must be submitted in original, hard copy format as well as in electronic form on a USB flash drive / compact disc (CD) / digital versatile disk (DVD) in

the document formats specified in paragraph 11 below.

- 8.4.8 All Proposals and supporting documentation must be submitted in English.
- 8.4.9 SARS reserves the right to retain the Bidder's Proposal for audit purposes. SARS will return the Bidder's Proposal only upon written request being made to SARS and on condition that SARS, at its own cost, will be allowed to make the necessary copies of the Bidder's Proposal for record purposes.
- 8.4.10 All costs incurred during the preparation and compilation of a Bidder's Proposal, as well as the delivery of a Bidder's Proposal documents to SARS will be borne exclusively by the Bidder.
- 8.4.11 Proposals must remain valid for a minimum period of six (6) months from the Closing Date.

8.5 PROPOSAL COMPLIANCE

The Bidder must ensure that all provisions and instructions in this paragraph 8 and paragraph 11 below for the completion and submission of a Proposal are followed in detail.

- 8.5.1 SARS may reject a Proposal which:
 - 8.5.1.1 is conditional on SARS's acceptance of deviations from the proposed Application Performance Management Agreement included in this RFP Pack;
 - 8.5.1.2 is conditional of SARS'S acceptance of deviations from provisions of the RFP;
 - 8.5.1.3 fails to commit to the key deliverables required by this RFP;
 - 8.5.1.4 does not contain the correct number of copies, or is in an incorrect format; or
 - 8.5.1.5 is non-compliant in any respect.

9 EVALUATION AND SELECTION

9.1 Process after the Closing Date and Time

After the Closing Date and Time:

- 9.1.1 SARS may request additional information, 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. Only under exceptional circumstances and in line with applicable legislation, SARS may, at its sole discretion, allow the Bidders to make any amendments to or supplement their Proposals submissions after the stipulated Closing Date and Time;
- 9.1.2 SARS may conduct a due diligence exercise on any Bidder or its Subcontractor(s) which may include contacting Bidder-provided customer references or other activities to verify information and capabilities submitted or claimed (including visiting the Bidder's,

Subcontractor's or Bidder-provided 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 will make decisions based on the limited information at hand, taking into account any uncertainties arising from the inability to verify such information;

- 9.1.3 no amendment may be made to a Proposal unless specifically permitted or requested by SARS;
- 9.1.4 SARS may place certain Bidder(s) on a shortlist and may request presentations from short-listed Bidders;
- 9.1.5 SARS will enforce whatever measures it considers necessary to ensure the confidentiality and integrity of the contents of the Proposals; and
- 9.1.6 SARS will evaluate the Proposals with reference to SARS's evaluation criteria. SARS reserves the right to employ subject matter experts to assist in performing such evaluations.

9.2 SARS's Pre-qualification Process – Gate 0

- 9.2.1 SARS has defined minimum pre-qualification criteria that must be met by the Bidder in order for SARS to accept a Proposal for evaluation. In this regard, a pre-evaluation verification will be carried out by SARS in order to determine whether a Bidder complies with the provisions of paragraphs **Error! Reference source not found.** above.
- 9.2.2 Where the Bidder and/or the Bidder's Proposal fails to comply fully with any of the pre-qualification criteria or SARS is for any reason unable to verify whether the pre-qualification criteria are fully complied with, SARS will have the right to either:
 - 9.2.2.1 entirely reject the Proposal in question and not to evaluate it at all;
 - 9.2.2.2 give the Bidder an opportunity to submit and/or supplement the information and/or documentation provided by the Bidder in its Proposal so as to achieve full compliance with the pre-qualification criteria provided that such information and/or documentation can be submitted within a period of 7 (seven) days, or such alternative period as SARS may determine, and is purely administrative in nature;
 - 9.2.2.3 in any event permit the Proposal to be evaluated subject to the outstanding information and/or documentation being submitted prior to the award of the tender.
- 9.2.3 The Bidder's attention is drawn to the following documents required as part of a Bidder's Proposal and which, if omitted, may at SARS's sole discretion result in that Tender being disqualified:

Table: Pre-qualification evaluation

	Name of the document that must be submitted	Non-submission may result in disqualification?
1	Invitation to bid – SBD 1	YES – Please complete and sign the supplied pro forma document.

2	Pricing Response Template	Yes – Please complete and sign the Pricing Response Template
3	Declaration of Interest – SBD 4	YES - Please complete and sign the supplied pro forma document.
4	SBD 6.1 – Preference Point Claim Form	YES - Please complete and sign the supplied pro forma document.
5	Declaration of Bidder's Past Supply Chain Management Practices – SBD 8	YES - Please complete and sign the supplied pro forma document.
6	Certificate of Independent Bid Determination – SBD 9	YES - Please complete and sign the supplied pro forma document
7	SARS Oath/Affirmation of Secrecy	YES – Please complete and sign the supplied pro forma document in the presence of Commissioner of Oaths and initial every page.
8	Supplier cost and risk assessment questionnaire	YES - Please complete and sign the supplied pro forma document
9	Central Supplier Database System Registration Report from National Treasury	YES – Bidders must register on the Central Supplier Database system and submit the report as confirmation of registration. The successful Bidder will be expected to be registered on CSD before contracting.
10	B-BBEE certificate OR Sworn Affidavit (whichever applicable according to SBD 6.1)	No–Non-submission will lead to a zero score on B-BBEE.
11	Three (3) most recent Financial Statements	YES – Bidders are required to submit complete sets of audited / reviewed annual financial statements in the name of the bidding entity.

9.3 SARS's Mandatory (Pre-technical) Evaluation Process – Gate 1

- 9.3.1 The table below contains the mandatory (pre-technical) evaluation criteria that are specific to this RFP. If the Bidder does not meet any one of the mandatory evaluation criteria, the Bidder will be disqualified and the Bidder's Proposal will not be evaluated further.
- 9.3.2 The Bidder should be aware that any other requirement that is indicated as a requirement in this or any other document in this RFP Pack may also serve as a mandatory requirement unless stated otherwise.
- 9.3.3 The Bidder must substantiate its compliance to the mandatory evaluation criteria below by completing the Mandatory (Pre-technical) Response Template.

Table 5 – Mandatory (Pre-technical) Evaluation Criteria

	Mandatory (Pre-technical) Evaluation Criteria	Required Proof	Disqualification for non-compliance
1	<p>The bidder must illustrate that the APM solution forms part of the core business of the OEM and must provide a shared product vision that is aligned with the APM expected industry, local and international, market and technology trends.</p> <p>In support of this the bidder must provide the APM solution's roadmap.</p>	<i>The solution's roadmap</i>	Yes
2	<p>In order to ensure that SARS receives the required support during the term the Service Provider must have a back-to-back agreement with the proposed solution's OEM to provide specialised product specific support. Please confirm if such a back-to back agreement is in place.</p> <p>The bidder must confirm that such a back-to back agreement is in place, and must supply a valid official letter from the OEM as support.</p>	<i>An official letter from the OEM to confirm and explain the relationship</i>	Yes

9.4 SARS's Technical Evaluation Process – Gate 2

9.4.1 SARS's evaluation criteria makes provision for the accumulation of points for a Bidder's Proposal based on the extent to which it:

- 9.4.1.1 provides a technical solution and service that meets SARS's requirements. In this regard the Bidder is directed to examine the requirements set out in the Business Requirements Specification and, in particular, to those requirements which are essential to the Bidder's Proposal being acceptable as a technical solution;
- 9.4.1.2 enables SARS to contain its risks, which will include a financial analysis of the Bidder's audited or reviewed financial statements;
- 9.4.1.3 achieves SARS's Broad Based Black Economic Empowerment objectives read with the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) Regulations and National Treasury guidelines; and
- 9.4.1.4 is financially competitive and offers value for money.

9.4.2 SARS's technical evaluation of Proposals includes testing the bidder's functionality and capability of delivering the required goods and/or services in accordance with the technical evaluation criteria listed in the table below.

9.4.3 The bidder(s) must score a **minimum threshold of 75 points out of 100 points** for technical evaluations to proceed to Gate 3: Price and B-BBEE evaluations stage. Only Bidders who achieve the minimum threshold will proceed to Gate 3: Price and B-BBEE.

9.4.4 The table below illustrates the technical evaluation criterion and sub-criteria:

Table 6: Technical Evaluation Criteria

	Technical Evaluation Criteria	Scoring	Weighting	Sub-weighting
1	Product Positioning (BRS reference par 3.1)		10	
1.1	The bidder is required to indicate what percentage of OEM turnover related to the product is invested in research and development of the proposed product set.	25%+ = 3 16 - 25% = 2 6-15% = 1 0-5% = 0		5
1.2	The bidder is required to indicate what percentage of OEM revenue related to the product is spent on support services.	11% + = 2 6-10% = 1 0-5% = 0		3
1.3	The bidder is required to indicate whether any vendor provided and/or independent forums exist for knowledge exchange amongst its customers for your product. The bidder is required to provide links to such forums.	Forums exists and links provided = 2 Forums exist but no links provided = 1 No forums = 0		2
2	Maintenance, Support and Services (BRS reference par 3.2)		15	
2.1	The bidder is required to have local certified support engineers that are proficient in supporting the proposed solution. Additional certified support engineers may be contracted by the bidder from other local vendors, suppliers, distributors and/or service partners.	Provide total number of local certified support engineers • > 5 certified support engineers = 2 • 3-5 certified support engineers = 1 • 0-2 certified support engineers = 0		7
2.2	The bidder is required to provide the total number of local certified individuals in the bidder that are proficient in supporting the proposed solution and provide proof of their certifications.	Provide total number of local support engineers in the bidder • > 3 certified support engineers = 2 • 1-3 certified support engineers = 1 • 0 certified support engineers = 0		3

2.3	The bidder must provide local support backed by OEM support as can be expected for a monitoring solution of this nature. It is SARS' expectation that the bidder at all times acts in the best interest of SARS.	How many years has the OEM relationship been in place? • > 3 years = 2 • 1-3 years = 1 • 0-1 year = 0	5
3	Implementation Services (BRS reference par 3.4)		10
3.1	The bidder is required to provide a detailed project plan including installation and implementation of the proposed solution in line with the requirement specified in the <u>Business Requirement Specification</u> section 3.4 with clear timelines and resource allocations. This should not exceed 2 calendar months from the start date of implementation.	Has a detailed plan been provided? • with clear timeline and resource allocations? = 2 • without clear time timeline and resource allocations? = 1 • no plan = 0	10
4	Solution Architecture (BRS reference par 4.1)		10
4.1	The Bidder is required to propose a single vendor, single product solution that can cover all the requirements within this document and the Business Requirements Specifications. Please list the solution and online references to the solutions capabilities. Additionally, include details of any open source technologies/components being used in or by the solution	• Single vendor, single product solution = 2 • Single vendor, multiple product solution = 1 • Multi-vendor, multi-product solution = 0	0.91
4.2	The Bidder must provide a conceptual solution architecture including a brief overview and description of the various components required within the solution to provide an optimal Unified Enterprise Application Performance Management solution aligned to SARS requirements and industry best practices. This should provide SARS with a holistic view and understanding of the bidder's proposed solution, its components, the role and fit of each component and internal workings	Conceptual solution architecture provided includes: • brief overview and description of the various components required = 2 • brief overview without detail = 1 • Nothing provided = 0	0.91
4.3	The bidder to indicate whether the proposed solution is non-intrusive, with all agents on any given host having a combined average CPU overhead of no more than 2% and a maximum overhead of 5%. This needs to be achievable under full monitoring conditions of the host metrics as well as deep-dive diagnostics of .NET and/or JAVA processes on such a host with no sampling of analysed data.	Combined average CPU overhead of not more than 2% and max of 5% • Yes = 2 • No = 0	1.55
4.4	The bidder to indicate whether the proposed solution is able to be implemented in a high availability configuration (H/A). The bidder is to provide a brief explanation of the various high availability and recovery options available to SARS as part of the proposed solution	H/A on all components • Yes = 2 • No = 0	0.91

4.5	The bidder to indicate whether the proposed solution facilitates multi-tenancy. The bidder to provide details available in its solution to facilitate multi-tenancy	Does the solution facilitate multi-tenancy ? • Yes = 2 • No = 0	0.91
4.6	The bidder to indicate whether the proposed solution has APIs (application programming interfaces) that provides external access to the following information: (please provide reference to your online documentation for each supported item) • Log Monitoring information • Audit logs • Metric data in timeseries and point in time format • Topology information • Entity monitored	APIs providing access to all of the listed information exist = 2 APIs providing access to some of the listed information exist = 1 APIs providing access to the listed information do not exist = 0	0.30
4.7	The bidder to indicate whether the APM solution integrates with BMC Remedy to enable automatic ticket logging for problems identified in the APM solution	• integration exists for problems = 2 • integration exists but for events only = 1 • No integration exists = 0	0.91
4.8	The bidder to indicate whether the APM solution offers bi-directional integration to the Remedy change management tool for the intelligent analysis of metrics against specific changes in infrastructure or application code. If not currently supported, the bidder to indicate a roadmap of the plans to support such integration with Remedy	Bi-directional integration is possible: • Yes = 2 • Not currently, but future plan (Provide roadmap) = 1 • No = 0	0.30
4.9	The bidder to indicate whether the APM solution integrates with IBM Netcool for event correlation. The bidder is to provide details	Integration with IBM Netcool for event correlation: • Yes = 2 • No = 0	0.30
4.10	The bidder to indicate whether the proposed solution provides API (application programming interface) integration. The bidder is to provide details around its API integration approach and options. This is for 3rd Party systems to integrate to the Solution and for the Solution to pull data from 3rd Party systems via API's. The minimum required APIs must include at least 3 of the 4 below API capabilities: • export of a problem identified (not events) • export of individual events • export of user experience monitoring session data • bulk configuration to be made in the solution	At least 3 of the 4 listed API integration capabilities provided: • Yes = 2 • No = 0	3.00
5	Security (BRS reference par 4.2)		15

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5.1	The bidder to indicate whether the proposed solution provides the option to segregate data from different systems where some systems may contain SARS internal data and others may contain tax payer information	Solution provides the option to segregate data from different systems: • Yes = 2 • No = 0	1
5.2	The Bidder is to provide information that shows the various connectivity from agents to, as well as between other APM solution components and confirm that all data in transit over such connections is encrypted.	Is data encrypted end-to-end? • Yes, between all components = 2 • Partially = 1 • No = 0	2
5.3	The bidder to indicate whether the APM solution is able to secure sensitive data discovered by the solution for the entire data lifecycle. This must comply with the minimum requirements in all applicable regulations and industry standards transactions and measurements are/can be handled. (This includes from the point of data/transaction discovery, transportation, and storage up to presentation in dashboards). Please provide online documentation reference describing this capability	Is sensitive data masked by default? • Yes by default = 2 • No by default = 0	4
5.4	The bidder to indicate whether the proposed solution is certified to comply with the Service Organisation Control 2 audit standard and General Data Protection Regulation (GDPR). The following certifications should be met as a minimum and be provided in either PDF format or online reference: • SOC2 compliance • GDPR compliance	Certification: • Both, SOC2 and GDPR compliance = 2 • Only SOC2 or GDPR compliance = 1 • No SOC2 nor GDPR compliance = 0	4
5.5	The bidder to indicate whether the proposed APM solution provides comprehensive auditing capabilities. The bidder is to show how auditing on the user activities is tracked	Auditing: • Complete Audit trail = 2 • Partial Audit trail = 1 • No Audit trail = 0	1
5.6	The bidder to indicate whether the proposed solution provides Active Directory (AD) integration for role-based security and capable of handling fine-grained access through Security Policies. Please provide details around the user profile and role-based access methodologies and authentication used within the proposed solution	Active Directory (AD) integration provided: • Yes = 2 • No = 0	3
6	Functional Requirements (BRS reference par 4.3)		20

6.1	<p>The bidder to indicate whether the proposed APM solution is able to monitor end-to-end real user experience (UX) as well as the creation and monitoring of synthetic end user transactions.</p> <p>The bidder to indicate whether the proposed solution can offer the monitoring of user experience for on-premise and cloud locations</p>	<ul style="list-style-type: none"> • Complete - Provides real and synthetic UX monitoring for both cloud and on-premise locations = 2 • Partial - Provides either real or synthetic UX for either cloud or on premise location only = 1 • No - Does not provide any user experience monitoring = 0 	1.43
6.2	<p>The bidder to indicate whether the proposed APM solution is able to monitor end-to-end real user experience as well as the creation and monitoring of synthetic end user transactions. The bidder to indicate whether the proposed solution can provide an entire and integrated view of end user experience across real user monitoring, synthetic monitoring, mobile and other browser-based interactions</p>	<ul style="list-style-type: none"> • Fully comply = 2 • Partially comply = 1 • None = 0 	0.86
6.3	<p>The bidder to indicate whether the proposed APM solution is able to monitor end-to-end real user experience as well as the creation and monitoring of synthetic end user transactions. The bidder should provide a list of all supported browsers and browser versions and any known unsupported browsers and browser versions of the user experience monitoring (both synthetic and real user technologies). As a minimum Microsoft Edge and Chrome desktop browsers should be supported for at least versions N and N-1.</p>	<p>Support for MS Edge and Chrome = 2</p> <p>Support for MS Edge or Chrome = 1</p> <p>Neither for MS Edge or Chrome = 0</p>	1.14
6.4	<p>The bidder to indicate whether the proposed APM solution is able to monitor end-to-end real user experience as well as the creation and monitoring of synthetic end user transactions. The bidder should provide a list of all supported browsers and browser versions and any known unsupported browsers and browser versions of the user experience monitoring (both synthetic and real user technologies). As a minimum Chrome, Samsung Internet, Safari and Opera mobile device browsers should be supported under their respective operating systems (Android and/or iOS) for at least versions N and N-1. Please note: Samsung Internet and Opera is only available for Android.</p>	<p>All mentioned browsers and versions supported = 2</p> <p>Only some of the mentioned browsers and/or versions supported = 1</p> <p>No support on any of the mentioned browsers = 0</p>	0.86

6.5	The bidder to indicate whether the proposed APM solution is able to monitor end-to-end real user experience as well as the creation and monitoring of synthetic end user transactions. The proposed solution must be able to monitor mobile device interactions, including insight into how end users engage with native mobile applications, i.e. showing: (1) which application version is used, (2) which device and OS (operating system) they connect with and (3) the user interactions as they navigated through the native mobile application.	Full Native App Support = 2 Partial Native App Support = 1 No Native App Support = 0	1.14
6.6	The bidder to indicate whether the proposed APM solution is able to monitor end-to-end real user experience as well as the creation and monitoring of synthetic end user transactions. The proposed solution must be able to monitor mobile device interactions, including insight into how end users engage with browser based mobile applications, i.e. metrics such as: (1) which browser is used, (2) which browser version is used, (3) which device and OS (operating system) they connect with as they navigated through the browser based mobile application.	Full Mobile Browser App Support = 2 Partial Mobile Browser App Support = 1 No Mobile Browser App Support = 0	0.86
6.7	The bidder to indicate whether the proposed APM solution is able to monitor end-to-end real user experience as well as the creation and monitoring of synthetic end user transactions. The proposed solution must be able to monitor mobile device interactions, including insight into: (1) what connectivity is used, (2) who the Internet Service Provider is and (3) the user interactions as they navigated through the mobile application.	Full Support = 2 Partial Support = 1 No Support = 0	0.86
6.8.1	The bidder to indicate whether the proposed solution can assist SARS to improve its system availability, stability and performance through rapid root cause identification, leveraging advanced analytics and automation with the objective to pro-actively diagnose performance problems and avoid negative impact of application/infrastructure outages. The bidder to indicate whether the proposed solution supports rapid root cause identification by monitoring all user interactions as well as the associated method calls, downstream integration calls and database calls all of the time (no sampling) . Provide screenshots of an example root cause analysis flow.	Criteria met: Yes = 2 No = 0	2.00

6.8.2	The bidder to indicate whether the proposed solution can assist SARS to improve its system availability, stability and performance through rapid root cause identification, leveraging advanced analytics and automation with the objective to pro-actively diagnose performance problems and avoid negative impact of application/infrastructure outages. The bidder to indicate whether the proposed solution supports rapid root cause identification by augmenting user experience and APM data with infrastructure and application log metrics through correlation and causation.	Criteria met: Yes = 2 No = 0	1.43
6.8.3	The bidder to indicate whether the proposed solution can assist SARS to improve its system availability, stability and performance through rapid root cause identification, leveraging advanced analytics and automation with the objective to pro-actively diagnose performance problems and avoid negative impact of application/infrastructure outages. The bidder to indicate whether the proposed solution leverages advanced analytics and automation to pro-actively diagnose performance problems and avoids negative impact of application or infrastructure outages to business.	Criteria met: Yes = 2 No = 0	1.14
6.9	The bidder to indicate whether the proposed solution provides intelligent monitoring software that utilizes anomaly detection and big data analysis.	Criteria met: Yes = 2 No = 0	1.43
6.10	If the solution already offers Artificial Intelligence (AI) / Machine Language (ML) capabilities, the bidder is required to list all metrics that become input to the AI/ML capability to deliver predictive capabilities. As a minimum the following metrics should form input to the AI/ML capability: (1) Log information (2) Host metrics (3) User experience metrics (4) APM metrics (5) Event metric (6) 3rd party tool metrics	All 6 metrics form input to the AI/ML capability = 2 3 to 5 metrics = 1 Less than 3 metrics = 0	0.86
6.11	The bidder to indicate whether the proposed solution has capabilities to baseline the metrics and automatically alert upon breached thresholds based on "learned" behaviour of the application	Yes, auto and manual baselining = 2 Yes, manual baselining only = 1 No baselining = 0	0.86
6.12	The bidder to indicate whether the proposed solution provides interactive web-based dashboards and real-time user monitoring. In other words, does a dashboard have drill-down capabilities	Yes = 2 (must be interactive) No = 0	1.14
6.13	The bidder to indicate whether the proposed solution provides HTML (Hyper Text Markup Language) reporting capability	Provide HTML reporting capability	0.56

		<ul style="list-style-type: none"> • Yes = 2 • No = 0 	
6.14	The bidder to indicate whether the proposed solution's built-in alerting capabilities effectively utilise ML (machine learning), AI (artificial intelligence) and anomaly detection	Effectively utilise ML (machine learning), AI (artificial intelligence) and anomaly detection <ul style="list-style-type: none"> • Yes = 2 • No = 0 	1.43
6.15	The bidder to indicate whether the proposed solution can integrate across operations and development environments leveraging Continuous Integration (CI) / Continuous Delivery (CD) pipeline and DevOps (development and IT operations) principles? Please provide supporting information	Criteria met: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	2.00
7	Additional Technical Requirements (BRS reference par 4.4)		20
7.1	The bidder to indicate whether the proposed solution is able to monitor at least 3000 application hosts. Assuming that host monitoring and full deep-dive diagnostics is enabled on hosts, the bidder must state the number of such hosts fully monitored in the largest implementation of the solution anywhere in the world. Please elaborate on this customer use case.	30000+ fully instrumented hosts = 2 3000 to 30000 fully instrumented hosts = 1 1-2999 fully instrumented hosts = 0	0.57
7.2	The bidder to indicate whether the proposed solution is able to monitor gapless data and provide full stack analysis	Supports gapless data and full stack analysis = 2 Supports gapless data or full stack analysis = 1 Does not support either = 0	0.93
7.3	The bidder to provide detail on how the proposed solution's analytics engine provides root cause analytics and provides actual problems not just symptoms and events.	Does the solution provide actual problems and not just symptoms and events? <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.57
7.4.1	The bidder to indicate whether the proposed solution provides monitoring of VMware and whether the monitoring of VMWare is supported (not the virtual hosts but providing VMWare statistics)	Is the monitoring of VMWare supported: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.93
7.4.2	The bidder to indicate whether the proposed solution provides monitoring of Azure.	Is monitoring Azure supported: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.93
7.4.3	The bidder to indicate whether the proposed solution provides monitoring of Docker.	Is monitoring of Docker supported:	0.57

		<ul style="list-style-type: none"> • Yes = 2 • No = 0 	
7.4.4	The bidder to indicate whether the solution has containerization monitoring capabilities.	Is monitoring of containers possible: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.93
7.4.5	The bidder must provide detail if a new container is spun up dynamically, whether the application on it is automatically instrumented	Criteria met: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.57
7.5	The bidder must provide detail on monitoring options available for VB5/VB6.	Is monitoring possible for VB5/6: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.19
7.6	The bidder to indicate whether the proposed solution offers dependencies and topology mapping with the ability to access the topology data via Application Programming Interface's (API's).	Does the solution depict dependencies and topology mapping of processes, services and infrastructure: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.57
7.7	The bidder to indicate whether the proposed solution offers network monitoring capabilities, network monitoring metrics such as Quality of Service (QoS), packet loss and connection issues	<ul style="list-style-type: none"> • Yes, supports all 3 (QoS, packet loss, connection issues) = 2 • Partial - supports 2 of the 3 = 1 • No, supports none or only 1 of the 3 = 0 	0.57
7.8	The bidder to indicate whether the proposed solution provides log file analytics and includes log file analytics into the root cause analytics (RCA). The bidder to describe how the proposed solution handles this requirement. Alternatively, provide detail what integration with log analytics vendors is available	<ul style="list-style-type: none"> • Supports log file analytics and includes this into RCA = 2 • Supports log file analytics but does not include it in RCA or makes use of integration with log analytics vendor = 1 • Does not support log analytics at all = 0 	0.57
7.9	The bidder to indicate whether the proposed solution can monitor every process on a monitored host and the detailed metrics associated to this	Criteria met: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.57
7.10	The bidder to indicate whether the metrics get incorporated with the overall root cause analysis	Criteria met: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.19
7.11	The bidder to indicate and provide detail on every file change on a host and when events occur on a host such as server shutdowns.	Criteria met: <ul style="list-style-type: none"> • Yes = 2 • No = 0 	0.19

7.12	The bidder to indicate whether the proposed solution is able to replay the evolution of problems that occurred	Criteria met: • Yes = 2 • No = 0	0.57
7.13	The bidder to indicate whether the proposed solution can provide the customer and environment impact when a problem occurs	Criteria met: • Yes = 2 • No = 0	0.57
7.14.1	The bidder is required to summarize the ease of use of the proposed solution, whether it is possible to drill down from dashboard charts to information and/or charts provided in the solution out of the box	Criteria met: • Yes = 2 • No = 0	0.57
7.14.2	The bidder is required to summarize the ease of use of the proposed solution, whether it is possible to follow every user interaction to the very method it triggered on the web/application server and the query that was executed for that method	Criteria met: • Yes = 2 • No = 0	0.57
7.15	The bidder to indicate whether the proposed solution uses the least amount of agents possible to instrument all tiers of a web application (example IIS Web Server/ .NET app on IIS app pool/ MSSQL DB) hosted on a single server including any instrumentation required for user experience monitoring	Single agent installation with no configuration required = 2 Multiple agents installation with no configuration required = 1 Multiple agents installation with configuration required = 0	0.93
7.16	The bidder to indicate what steps are required to reconfigure the monitoring of the application if the memory allocation of a JAVA Virtual Machine is being upgraded. The bidder to also indicate whether any manual intervention is required for the monitoring solution to pick up this change and/or monitor correctly according to the changed memory footprint.	No manual re-configuration required = 2 Requires reconfiguration through Graphical User Interface (GUI) = 1 Requires adjustments in configuration files = 0	0.57
7.17	The bidder to indicate whether the proposed solution has an auto deployment option. If so, the bidder is required to describe in detail how this works if available	Solution has an auto deployment option: • Yes = 2 • No = 0	0.19

7.18	The bidder to indicate whether the proposed solution is able to auto-discover applications, transactions and monitoring candidates	Supports auto-discovery for all 3 items = 2 Supports auto-discovery for 1 or 2 of the 3 items = 1 Does not support auto-discovery for any of the items = 0	0.57
7.19	The bidder to indicate whether the proposed solution can monitor C/C++ based application including data centre transactions that are not user centric. Examples of these would be windows services and batch jobs	Criteria met: • Yes = 2 • No = 0	0.19
7.20	The bidder to indicate whether the proposed solution supports monitoring of IBM Z systems (Mainframe) using CICS	Criteria met: • Yes = 2 • No = 0	0.19
7.21	The bidder to indicate whether the proposed solution provides host metrics of the IBM Z systems (Mainframe) host showing physical mainframe or logical partitions (LPARs)	Criteria met: • Yes = 2 • No = 0	0.19
7.22	The bidder to indicate whether the monitoring of IBM Z systems (Mainframe) includes showing processes that represent the CICS regions themselves	Criteria met: • Yes = 2 • No = 0	0.19
7.23	The bidder to indicate whether the monitoring of IBM Z systems (Mainframe) includes showing each interaction with a region and how those service calls are connected	Criteria met: • Yes = 2 • No = 0	0.19
7.24	The bidder to indicate whether the transactions from non-mainframe systems that make calls to the mainframe are traced and stitched together with the mainframe transactions called. (E.g. a JAVA method call on an application server that calls a CICS transaction on the mainframe via the middleware layer)	Criteria met: • Yes = 2 • No = 0	0.19
7.25	The bidder to indicate whether the proposed solution supports the monitoring of IBM MQ.	Criteria met: • Yes = 2 • No = 0	0.93
7.26	The bidder to indicate whether the proposed solution includes IBM MQs in the solution's topology view.	Criteria met: • Yes = 2 • No = 0	0.57
7.27	The bidder to indicate whether the proposed solution is able to list the queues that a service sends messages to or receives messages from (assuming IBM MQ)	Criteria met: • Yes = 2 • No = 0	0.93
7.28	The bidder to indicate whether the proposed solution is able to identify the origin of an IBM MQ message	Criteria met: • Yes = 2 • No = 0	0.57

7.29	The bidder to indicate whether the proposed solution includes monitoring of messages to/from z/OS MQ queues for CICS mainframe systems	Criteria met: • Yes = 2 • No = 0	0.19
7.30	The bidder to indicate whether the proposed solution offers monitoring of the Queue Manager metrics such as percentage availability, Connections and active channels	• Yes to all = 2 • To some only = 1 • None = 0	0.57
7.31	The bidder to indicate whether the proposed solution offers monitoring of per channel metrics such as availability, state and number of messages	• Yes to all = 2 • To some only = 1 • None = 0	0.57
7.32	The bidder to indicate whether the proposed solution offers monitoring of IBM MQ Queue metrics such as Queue Depth, Oldest Message Age, Enqueue/Dequeue Rate and time indicator	• Yes to all = 2 • To some only = 1 • None = 0	0.57
7.33	The bidder to indicate whether the proposed solution offers monitoring percentage availability per IBM MQ listener.	Criteria met: • Yes = 2 • No = 0	0.57

TOTAL	100	100
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If, during the evaluation of functionality an aspect of the Bidder's Proposal is found to render the solution unacceptable to SARS, then the Bidder's Proposal will be rejected and not evaluated further.

Only acceptable Proposals that score a number of points for **Functionality in the technical evaluation** that is greater than or equal to a minimum threshold of 75 (seventy five) points will proceed to Gate 3 of the evaluation.

9.5 SARS's Pricing and B-BBEE Evaluation Process – Gate 3

9.5.1 In this stage of the evaluation, Proposals that have qualified after the technical evaluation will be evaluated in terms of the 80/20 preference points system under section 2 of the Preferential Procurement Policy Framework Act 2000 (Act No. 5 of 2000), read together with the Preferential Procurement Regulations 2017, and treasury guidelines.

Table 7: 80/20 Evaluation Criteria

Criterion	Maximum Points
B-BBEE	20
Price	80

9.6 SARS's B-BBEE Evaluation (Gate 3)

In line with the requirements of the PPPFA tenders that have achieved the minimum qualifying score for functionality will be evaluated further in terms of the prescribed preference point systems:

i) Regulation 6 - 80/20: A maximum of 20 points may be allocated to a bidder.

(ii) Regulation 7 - 90/10: A maximum of 10 points may be allocated to a bidder.

Evaluation criteria	POINTS
A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1) and a B-BBEE Certificate or sworn affidavit where applicable	20

The checklist below indicates the B-BBEE documents that must be submitted for this tender. Failure to submit will result in scoring zero for B-BBEE. Bidders who do not claim preference points on the SBD 6.1 document will be scored zero for B-BBEE but cannot be excluded from the tender process.

CLASSIFICATION	Turnover	SUBMISSION REQUIREMENT
Exempted Micro Enterprise (EME)	Below R10 million p.a.	A Sworn Affidavit or Certificate from CIPC
Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	A sworn affidavit – Only enterprises with 51% Black Ownership and above or; A certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency.
Large Entity (LE)	Above R50 million p.a.	Certified Copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency.

9.6.1 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.

9.6.2 Joint Ventures and Consortiums

A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate. A consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

9.6.3 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.

9.6.4 Subcontractors

9.6.4.1 Definition of Subcontractor

A provider who: (i) provides a comprehensive solution to a portion of the scope of this RFP; or (ii) will be applying the Services directly to SARS's equipment or interacting with SARS's staff, and (iii) has engaged with the Bidder in order to enable the Bidder to propose a complete solution to SARS, is regarded as a Subcontractor of such Bidder. For the avoidance of doubt any reference to "partner" in the "Business Requirements Specification" shall for these purposes include a "sub-contractor"

9.6.4.2 Retained Accountability

Although SARS permits Bidders to subcontract areas of scope of the Services, the successful Bidder will be at all times, solely and entirely, accountable to SARS for the performance of its contractual obligations in terms of the Application Performance Management Agreement.

The Bidder's attention is drawn to the provisions of Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2011 issued 6 June 2011, regulations 11(8) and 11(9):

11(8) A person may not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends subcontracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for, unless the intended sub-contractor is an exempted micro-enterprise that has the capability and ability to execute the sub-contract.

11(9) A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is subcontracted to an exempted micro-enterprise that has the capability and ability to execute the sub-contract.

9.6.5 The Bidder must take cognisance of these provisions in negotiating and concluding subcontractor agreements including the provisions of the proposed Application Performance Management Agreement, which requires compliance by the Subcontractors.

9.6.6 Subcontractor Participation

9.6.6.1 An SMME wishing to participate in the RFP, but not able to qualify by itself, should engage with a suitably qualified Bidder(s) to participate as a Subcontractor in the submission of such Bidder's Proposal.

9.6.6.2 Subcontractors, in general, are not restricted by SARS to participate in the

submission of only a single Bidder's Proposal.

9.6.7 Subcontractor Details Required

9.6.7.1 Where a Bidder proposes to appoint a Subcontractor, the Bidder must in its Proposal in respect of each proposed Subcontractor:

9.6.7.1.1 identify the Subcontractor in full;

9.6.7.1.2 provide full details of the functions which the Subcontractor will fulfil in terms of the Application Performance Management Agreement. This should include details of the delimitations of scope within the Services to be subcontracted to the Subcontractor;

9.6.7.2 submit the total sub-contract value which will be sub-contracted to the Subcontractor and the anticipated overall percentage which the Subcontractor will receive of the total anticipated revenue which will arise for the Bidder under the Application Performance Management Agreement with SARS; and

9.6.7.3 submit the information specified in paragraph **Error! Reference source not found..**

9.6.8 SARS reserves the right to refuse the Bidder the right to appoint any Subcontractor in respect of whom the Bidder has not fully complied with the provisions of this paragraph 9.6.7 or paragraph **Error! Reference source not found.**; and

9.6.9 SARS may disqualify a Bidder's Proposal in which the Bidder proposes to appoint a subcontractor, which does not comply with the provisions of paragraph **Error! Reference source not found.**

9.7 SARS's Pricing Evaluation (Gate 3)

9.7.1 Points for the price criterion will be calculated in accordance with the formula in the Preferential Procurement Regulations. The price of the Bidder's Proposal will be calculated over the anticipated term of the Application Performance Management Agreement. Additional costs that would be incurred by SARS as a result of dependencies in the Bidder's Proposal may be taken into account during evaluation process.

9.7.2 The electronic version of the Pricing Response Template as completed by the Bidder and submitted with the Bidder's Proposal will be used for the calculation of price. In this regard:

9.7.2.1 the Bidder must ensure the completeness and accuracy of the pricing amounts that it provides in the Pricing Response Template.

9.7.2.2 the Bidder's authorised signatory must warrant that the electronic copy submitted and the hardcopy contain the same information and must initial every page of the hardcopy response of the pricing template(s).

9.7.2.3 the Bidder's Proposal may be regarded as non-responsive if the Pricing Response Template contains omissions.

SARS, in its sole discretion, may regard the Bidder's Proposal as non-responsive if one or more of the required pricing components of the Pricing Response Template provided in the Proposal are: (i) omitted; (ii) not firm; (iii) subject to negotiation; (iv) subject to variation other than by mechanisms contemplated in the proposed Application Performance Management Agreement; (v) dependant on assumptions not provided by SARS in the RFP; or (vi) not reasonably determinable at the time of evaluation for any other reason.

9.8 Financial Analysis

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

- 9.8.1.1 Statement of Profit and Loss and other Comprehensive Income;
- 9.8.1.2 Statement of Financial Position;
- 9.8.1.3 Statement of Cash Flows;
- 9.8.1.4 Statement of Changes in Equity/Net Assets; and
- 9.8.1.5 Accompanying Notes.

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

- 9.8.1.6 a letter, signed by a duly authorised representative of the entity, explain that the entity has been trading for less than 3 (three) financial periods;
- 9.8.1.7 the annual financial statements that the entity is able to provide, taking into account the period it has been trading; and
- 9.8.1.8 Any other information or documentation which would provide more clarity on the above.

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

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

- 9.8.3.1 Annual financial statements of the JV; and
- 9.8.3.2 JV legal agreement detailing the percentage ownership of each entity.
- 9.8.3.3 Unincorporated JV's should submit separate financial statements for each party in the JV and a signed JV legal agreement

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

9.9 Process Following Evaluation

- 9.9.1 Following SARS's evaluation of the Proposals, SARS has the rights, *inter alia*, to, in its sole discretion:
- 9.9.1.1 consider the business case for the award of the RFP based on the Proposals received;
 - 9.9.1.2 consider a Bidder's clarification or Best and Final Offer (BAFO) process with respect to some or all of the items;
 - 9.9.1.3 short list 1 (one) or more Bidders;
 - 9.9.1.4 conduct a risk assessment of a Bidder's capability to: (i) conduct the transition; (ii) perform the Services in accordance with the specified service levels; and/or (iii) achieve SARS's objective(s) as set out in paragraph 6.2 above; and/or
 - 9.9.1.5 take any other action it deems appropriate.
- 9.9.2 Upon completion of its evaluations, SARS may select 1 (one) or more preferred Bidders.
- 9.9.3 SARS will be under no obligation to select the Bidder with the highest number of points. SARS may consider the points accumulated for functionality as an objective criterion for not making an award to the highest ranked Bidder.
- 9.9.4 Upon an award, the successful Bidder will be required to enter into the Application Performance Management Agreement with SARS in accordance with paragraph 6.5 above. In this regard:
- 9.9.4.1 SARS may require the Bidder to enter into an interim agreement under which the Transition Services would commence;
 - 9.9.4.2 SARS will engage with the Bidder with a view to concluding Application Performance Management Agreement. SARS will be entitled to cease the engagement with a Bidder and engage with another 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) agreement may not be concluded with the Bidder expeditiously for any other reason.
- 9.9.5 SARS reserves its rights, in full, to make no award for all or part of the scope if a risk assessment performed in terms of paragraph 9.9.1.4 above discloses unacceptably high risks to SARS.

10 GENERAL CONDITIONS OF TENDER

10.1 Acceptance of RFP Conditions

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

10.2 Reservation of Rights

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 make no award and/or make an award for Services making up a part of the scope;
- 10.2.2 withdraw, suspend or cancel this RFP or the RFP process at any time;
- 10.2.3 change any of its requirements as set out in this RFP by notice on the SARS procurement website;
- 10.2.4 change any condition, procedure or rule of the RFP by notice on the SARS procurement website;
- 10.2.5 supplement any information contained in this RFP by notice on the SARS procurement website;
- 10.2.6 amend, vary, or supplement any of the information, terms or requirements contained in this RFP, by notice on the SARS procurement website;
- 10.2.7 amend, vary, or supplement requirements to be delivered pursuant to this RFP as well as the structure of the RFP process by notice on the SARS procurement website;
- 10.2.8 re-advertise for Proposals;
- 10.2.9 provide further information in respect of, and modify the provisions of, this RFP at any time prior to the Closing Date and Time by notice on the SARS procurement website;
- 10.2.10 conduct site visits and/or perform audits on any Bidder whenever SARS deems it prudent to do so;
- 10.2.11 undertake further checks on Bidders, which may include information on public record or in the public domain;
- 10.2.12 take into account the Bidder's and/or the Bidder's Subcontractors' service history of the Bidder, should services and/or goods previously have been rendered and/or delivered to SARS by the Bidder or its Subcontractors. SARS reserves the right not to award the Proposal to a Bidder whose track record or the track record of its Subcontractors with SARS is unsatisfactory. In such an event the Bidder will be informed accordingly and afforded an opportunity to be heard;
- 10.2.13 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 invited to comment;
- 10.2.14 make the award subject to the successful Bidder entering into the Application Performance Management Agreement with SARS on such terms and conditions as are acceptable to SARS; and/or

- 10.2.15 to disqualify a Bidder whose bid contains a misrepresentation which is materially incorrect or misleading’

10.3 **Validity of Information**

SARS has made reasonable efforts to ensure the accuracy of information in compiling this RFP. However, neither SARS, nor its employees, officers, advisers or agents will be liable (directly or otherwise) to the Bidder or any third party for any inaccuracy or omission of any information in the RFP or in respect of any other additional information SARS may provide to the Bidder as part of the RFP process.

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

The Bidder must 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.

10.4 **RFP not an Offer**

This RFP does not constitute an offer to do business with SARS, but merely serves 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 *Application Performance Management Agreement* with the Bidder.

10.5 **Preparation Costs**

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

10.6 **Conflict of Interest**

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

10.7 **Indemnity**

If a Bidder breaches any condition of this RFP and, as a result of that breach, SARS incurs costs or damages (including, without limit, the cost of any investigations, procedural impairment, repetition of all or part of the RFP process and 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. The Bidder's attention is drawn to paragraph 10.2 above.

10.8 Precedence

The terms and conditions of this RFP Main Document will prevail over any information provided during any briefing session or communication whether oral or written, unless such information is provided in an official communication, as set out in paragraph 5, in writing, and that such communication expressly states that it amends this RFP Main Document.

10.9 Responsibility for Subcontractors and Bidder's Personnel

A Bidder is responsible for ensuring that its Subcontractors, personnel (including officers, directors, employees, advisors and other representatives of the Bidder) and personnel of its Subcontractors comply with all terms and conditions of this RFP and in particular the provisions of paragraph 10.10 below. In the event that SARS allows a Bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the Bidder and SARS will not under any circumstances be liable for any losses or damages incurred by such sub-contractors

10.10 Confidentiality

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, information contained in or relating to this RFP or a Bidder's Proposal(s) may not be disclosed by any Bidder to a person other than a person officially involved with SARS's examination and evaluation of a Proposal.

Throughout this RFP process and thereafter, the Bidders must secure SARS's written approval prior to the release of any information that pertains to: (i) the potential work or activities to which this RFP relates; or (ii) the process which follows this RFP. Failure to adhere to this requirement may result in disqualification from the RFP process and such legal action as SARS may deem suitable.

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

10.11 Communication with SARS

The Bidder may not make any communication to SARS regarding this RFP other than through the official contact provided in paragraph 5 above. SARS may, at its sole discretion, disqualify the Bidder if the Bidder communicates or attempts to communicate any information regarding this RFP to any of SARS's employees; officials; or any third parties engaged by SARS involved in the preparation, evaluation or award of the RFP other than through the official contact provided in paragraph 5 above.

10.12 Intellectual Property

SARS retains ownership of all intellectual property rights in the documents that form part of this RFP. The Bidders will retain the intellectual property rights in their Proposals, but grant SARS the right to make copies of, alter, modify or adapt their Proposals or to do anything which in SARS sole discretion is reasonably necessary to do for reasons relating to the RFP process.

No part of the RFP may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Proposal. This RFP and any other documents supplied by SARS remain proprietary to SARS and must be promptly returned to SARS upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived therefrom.

10.13 Limitation of Liability

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.

10.14 Tax Compliance

The RFP will not be awarded to a Bidder who is not tax compliant. SARS reserves the right to withdraw an award made, or terminate the Application Performance Management Agreement 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 terminate the Application Performance Management Agreement with a successful Bidder in the event that such Bidder does not remain tax compliant for the full Term of the aforementioned agreement.

10.15 National Treasury

The RFP will not 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 terminate the Application Performance Management Agreement concluded with a Bidder should it be established, at any time, that: (i) a Bidder's name (or that of any of its members, directors, partners or trustees) appears on the Register of Tender Defaulters kept by National Treasury; or (ii) it has been placed on National Treasury's List of Restricted Suppliers; or (iii) if the Bidder has been blacklisted by any other government institution.

10.16 Screening and Vetting of Service Provider

Acceptance of this tender/quotation is subject to the condition that both the contracting firm and its personnel providing the service must be screened and cleared by the appropriate authorities to the grade of clearance in line to classified information, intelligence in the possession of SARS and areas designated as National Key points that they may have. Obtaining a positive recommendation is the responsibility of the contracting firm concerned. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

10.17 Governing Law

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

11 INSTRUCTIONS FOR SUBMITTING A RESPONSE TO THIS RFP

This paragraph details the instructions to the Bidders for preparing a Proposal in response to this RFP. These instructions must be followed in detail to enable the information contained in the Bidder's Proposal to be read, understood and evaluated in a common and consistent layout. Should a Proposal be received that is not in the correct format, SARS reserves the right to reject the entire Proposal or portions of the Proposal depending on the extent of the deviation from the format described in this RFP Main Document. Information that has not been requested must not be submitted in the Bidder's Proposal.

11.1 Proposal Format

- 11.1.1 The Bidder's Proposal contents are detailed in paragraph 11.2 below.
- 11.1.2 The Bidder's Proposal will consist of a number of Files, where a File consists of an original hardcopy file and a USB/CD/DVD. The USB/CD/DVD must be the electronic copy of the original hardcopy file. Where reference is made to a "hardcopy file" this means an A4 ring bound file. Where reference is made to a "USB/CD/DVD" this means either a USB/CD/DVD or a Digital Versatile Disc (DVD) and does include a memory stick.
- 11.1.3 The Bidder(s) are required to submit two (2) copies of each File (one original and one duplicate) and one (1) electronic copy with the contents of each file.
- 11.1.4 The Bidder's hardcopies must be printed single-sided.
- 11.1.5 A File must be wrapped and sealed in brown paper and must be labelled with the same text as the hardcopy file and CD.

11.2 Organisation and Contents of a Proposal

11.2.1 Non-Pricing File

The Bidder must submit a Non-Pricing File which contains all elements of the Bidder's Proposal except the Pricing components. This file must contain the following sections, each divided by a file divider in the hardcopy file and each section must be placed in separate directories on the USB/CD/DVD electronic copy.

Table 9: Non-Pricing file organisation and contents

Non-Pricing File

Label (on both file cover and USB/CD/DVD)		RFP 16-2020 <Bidder Name> Non-Pricing File
No.	File divider / Directory name	Content required
1	Covering Letter	<p>A letter from the Bidder confirming the submission of the Proposal which is signed by an authorised signatory of the Bidder.</p> <p>No template is provided – this is to be submitted in free format and must be submitted on the Bidder's letterhead.</p> <p>PDF format in electronic copy.</p>
2	Confidentiality and Secrecy Undertaking	<p>Signed <u>Confidentiality and secrecy Undertaking</u>.</p> <p>The original signed document must be included in the hardcopy file.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>
3	SARS Oath / Affirmation of secrecy	<p><u>SARS Oath / Affirmation of Secrecy</u> signed by every member of the Bidder's bid team and attested to by a Commissioner of Oaths.</p> <p>The original signed documents must be included in the hardcopy file.</p> <p>In the electronic copy the original signed documents must be scanned and submitted in PDF format.</p>
4	Board Resolution	<p>Signed Board resolution authorising the Bidder's signatory.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>
5	SBD1	<p>Completed Standard Bidding Document.</p> <p><u>Invitation to Bid (SBD1)</u></p> <p>The original signed documents must be included in the hardcopy file.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>

6	SBD4	<p>Completed Standard Bidding Document.</p> <p><u><i>Declaration of Interest (SBD 4)</i></u></p> <p>The original signed documents must be included in the hardcopy file.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>
7	SBD6.1	<p>Completed Standard Bidding Document.</p> <p><u><i>Preference Points Claim Form (SBD 6.1)</i></u></p> <p>The original fully completed and signed documents must be included in the hardcopy file.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>
8	SBD8	<p>Completed Standard Bidding Document.</p> <p><u><i>Declaration of Past SCM Practices (SBD 8)</i></u></p> <p>The original signed documents must be included in the hardcopy file.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>
9	SBD9	<p>Completed Standard Bidding Document.</p> <p><u><i>Certificate of Independent Bid Determination (SBD 9)</i></u></p> <p>The original signed documents must be included in the hardcopy file.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>
10	Supplier Cost and Risk Assessment Questionnaire	<p>Completed Standard Bidding Document.</p> <p><u><i>Supplier Cost and Risk Assessment Questionnaire</i></u></p> <p>The original signed documents must be included in the hardcopy file.</p> <p>In the electronic copy the original signed document must be scanned and submitted in PDF format.</p>

11	CSD	<p>Bidder's CSD report valid at the Closing Date and Time.</p> <p>In the hardcopy file the original document must be included.</p> <p>In the electronic copy the original hardcopy must be scanned and submitted in PDF format.</p>
12	Mandatory Pre-Technical response template.	<p>A completed template for <u>Mandatory Pre-technical Response Template</u></p> <p>A printout of the completed template(s) must be included in the hardcopy file.</p> <p>The completed template(s) must be submitted in Microsoft Word format in the electronic copy.</p>
13	Annual Financial Statements	<p>The Bidder's last 3 (three) years audited/reviewed annual financial statements.</p> <p>In the electronic copy the original audited/reviewed annual financial statements must be scanned and submitted in PDF format.</p>
14	Checklist	<p>Completed template: <u>Proposal Checklist</u></p> <p>A signed printout of the completed template must be included in the hardcopy file.</p> <p>A scanned copy of the signed checklist must be submitted in PDF format.</p>
15	Technical Response Template	<p>Completed template: <u>Technical Response Template</u></p> <p>A printout of the completed template must be included in the hardcopy file.</p> <p>The completed template must be submitted in Microsoft Word format in the electronic copy.</p>
16	Subcontractor CSD report (if applicable)	<p>For every Subcontractor named by the Bidder in the <u>Preference Points Claim Form (SBD 6.1)</u>, the Bidder must attach a current CSD report</p> <p>Documents must be scanned and submitted as PDF documents on the USB/CD/DVD.</p>

11.2.2 Pricing/B-BBEE File

The Bidder must submit a Pricing/B-BBEE File. This file contains one section to be placed in a file divider in the hardcopy file and in a directory on the electronic copy USB/CD/DVD with the label set out hereunder.

Table 10: Pricing/B-BBEE file organisation and contents

Pricing/B-BBEE File		
Label (on both file cover and USB/CD/DVD)		RFP 16-2020 <Bidder Name> Pricing/B-BBEE File
No.	File divider / Directory name	Content required
1	Pricing template	Completed template: <u>Pricing Response Template</u> A printout of the completed template must be included in the hardcopy file. The completed template must be submitted in Microsoft Excel format in the electronic copy.
2	B-BBEE Certificate	The Bidder's B-BBEE certificate, valid as at the Closing Date and Time. For the electronic copy, the original hardcopy must be scanned and submitted in PDF format.
3	Subcontractor B-BBEE Certificates	For every Subcontractor named by the Bidder in the <u>Preference Points Claim Form (SBD 6.1)</u> in Table 10: Non-Pricing file organisation and contents, the Bidder must attach a B-BBEE certificate or auditor's report in the hardcopy file. The B-BBEE certificates must be scanned and submitted as PDF documents on the CD/DVD.

The Bidder must, therefore, submit 2 (two) sealed packages wrapped in brown paper:

a package containing the hardcopy file of the Non-Pricing File and the USB/CD/DVD of the Non-Pricing File labelled:

RFP 16-2020

<Bidder Name>

Non-Pricing File

a package containing the hardcopy file Pricing/B-BBEE File and the USB/CD/DVD of the Pricing/B-BBEE File labelled:

RFP 16-2020
<Bidder Name>
Pricing/B-BBEE File

11.3 Template Specific Instructions

11.3.1 Mandatory Pre-technical Template

The Bidder must complete and submit the Mandatory Pre-technical Response Template

The completed template(s) must be included in Non-Pricing File.

11.3.2 Pricing Response Template

The detailed instructions for preparing a response to the Pricing Response Template are embedded in the Excel template.

Bidders must submit an electronic copy as well as a hardcopy of the Pricing Response Template. A submission that is not accompanied by an electronic copy may not be considered.

The completed template must be included in the Pricing/B-BBEE File.

11.3.3 Technical Response Template

The Bidder must complete and submit Technical Response Template.

The Bidder must provide responses to all questions, requests for information or detail, or other requests posed to the Bidder in the technical response template document(s). Where a response is requested in the template and no response is supplied by the Bidder it will result in a zero being scored by the Bidder for that section.

The completed template must be included in the Non-Pricing File.

11.3.4 Proposal Checklist

The Bidder must complete, and a duly authorised representative must sign, the checklist Proposal Checklist.

The completed template must be included in the Non-Pricing File