

**REFERENCE: RFP 39/2021**  
**REQUEST FOR PROPOSAL**

**DESCRIPTION:**

**APPOINTMENT OF A PANEL FOR DESIGN AND ENGINEERING  
CONSULTANTS FOR THE BUILT ENVIRONMENT**

**DATE ISSUED: 12 April 2022**

**CLOSING DATE: 16 May 2022, 11H00**

**TENDER BOX:**

LEHAE LA SARS, PRETORIA HEAD OFFICE,  
299 BRONKHORST STREET,  
NIEUW MUCKLENEUK,  
PRETORIA,  
0181

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## 1. INTRODUCTION

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

## 2. OVERVIEW OF SARS

### **Our Mandate**

The SARS Act, 1997, enables SARS to:

- Collect all revenue due.
- Ensure optimal compliance with Tax and Customs legislation; and
- Provide a Customs service that optimises revenue collection, protect our borders, and facilitate legitimate trade.

The primary legislation that SARS administers includes:

- Income Tax Act, 1962.
- Customs and Excise Act, 1964.
- Value-Added Tax Act, 1991.
- Tax Administration Act, 2011; and
- Employment Tax Incentive Act, 2013.

### **SARS Higher Purpose**

Our work enables Government to build a capable State, to foster sustainable economic growth and social development that serves the wellbeing of all South Africans.

### **Our Strategic Intent**

Our mandate is to collect all revenue due; ensure optimal compliance with tax and customs legislation; provide a customs service to optimise revenue, border protection and facilitate legitimate trade. To give effect to our mandate, our Strategic Intent is to develop a Tax & Customs system based on Voluntary Compliance.

### **Our Vision**

It is our Vision to build a smart modern SARS with unquestionable integrity that is trusted and admired.

## **Our Strategic Objectives**

In support of our Strategic Intent and to give effect to our compliance philosophy, we have identified and committed to achieving nine (9) Strategic Objectives to guide and inform our efforts and decisions and focus our resources over the course of this planning cycle. Our nine (9) Strategic Objectives are as follows:

- Provide Clarity and Certainty for taxpayers and traders of their obligations.
- Make it easy for taxpayers and traders to comply with their obligations.
- Detect taxpayers and traders who do not comply and make non-compliance hard and costly.
- Develop a high performing, diverse, agile, engaged, and evolved workforce.
- Increase and expand the use of data within a comprehensive knowledge management framework to ensure integrity, derive insight and improve outcomes.
- Modernise our systems to provide digital and streamlined online services.
- Demonstrate effective resource stewardship to ensure efficiency and effectiveness in delivering quality outcomes and performance excellence.
- Work with and through stakeholders to improve the tax ecosystem; and
- Build public trust and confidence in the tax administration system.

## **Our Values**

Endeared by a sense that we serve a Higher Purpose in the service of South Africans, and committed to the fulfilment of our Mission & Mandate, we hold the following values dear:

- Uncompromising regard for Taxpayer Confidentiality.
- Unquestionable Integrity, Professionalism and Fairness.
- Exemplary Public Service; and
- Incontestable insights from Data & Evidence.

### 3. PURPOSE OF THIS REQUEST FOR PROPOSAL (RFP)

The purpose of this Request for Proposal (RFP) is to solicit proposals from potential Service Provider(s), to be appointed to the **Panel of Design and Engineering Consultants for the Built Environment** whose services will be required on an as needed basis.

This RFP document details and incorporates, as far as possible, the tasks and responsibilities of the potential Service Provider(s) required by SARS.

This RFP does not constitute an offer to do business with SARS, but merely serves as an invitation to bidders to facilitate a requirements-based decision process.

### 4. LEGISLATIVE FRAMEWORK OF THE BID

#### 4.1 TAX LEGISLATION

When submitting a bid to SARS, Service Provider(s) must be compliant and remain compliant with all applicable tax legislation for the entire contract term, including but not limited to the Tax Administration Act, 2011 (Act No. 28 of 2011), Income Tax Act, 1962 (Act No. 58 of 1962) and Value-Added Tax Act, 1991 (Act No. 89 of 1991).

#### 4.2 PROCUREMENT LEGISLATION

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

#### 4.3 TECHNICAL LEGISLATION AND/OR STANDARDS

Bidders should be cognisant of all legislation and/or standards specifically applicable to the services.

**Acts** (this list is not exhaustive)

- 4.3.1 Architectural Profession Act, 2000 (Act No. 44 of 2000),
- 4.3.2 Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000),
- 4.3.3 Engineering Profession Act, 2000 (Act No. 46 of 2000),
- 4.3.4 Project and Construction Management Profession Act, 2000 (Act No. 48 of 2000),
- 4.3.5 Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000),
- 4.3.6 Construction Industry Development Board Act, 2000 (Act No. 38 of 2000),
- 4.3.7 Planning Professions Act, 2002 (Act No. 36 of 2002).
- 4.3.8 Occupational Health and Safety Act, 1993 (Act No 85 of 1993).

## **5. BRIEFING SESSION**

A non-compulsory virtual briefing session will be facilitated, to clarify to Bidder(s) the scope and extent of work to be executed. Bidders must refer to paragraph 8 of the RFP document for the date and time of the briefing session. Refer to Annexure C for the link to the Teams Meeting:

## **6. DURATION OF CONTRACT**

The successful Bidders will be appointed on the panel for a period of thirty -six (36) months.

## **7. APPOINTMENT TERMS**

SARS does not guarantee that successful Bidders will receive work during their appointment term. SARS will invite service providers on the panel for standard services as described in the related Acts per professional discipline in the Built Environment of South Africa as and when required through a Request for Proposal (RFP) or Request for Quotations [RFQ] process referred to hereinafter as RFX.

Where possible SARS will give preference to local Service Providers on the panel to quote on a specific RFX however SARS reserves the right to invite Service Providers from any other region to quote if justifiable.

## **8. TIMELINE OF THE BID PROCESS**

The validity period of the tender and the withdrawal of offers, after the Closing Date and time, is one hundred and eighty (180) days. SARS reserves the right to extend the validity period.

The project timeframes of this Bid are set out below:

Activity	Date Due
Advertisement of Bid in the: - SARS eSourcing platform. - National Treasury Tender Portal.	12 April 2022
Distribution of Bid documents on SARS website	12 April 2022
Non-compulsory virtual briefing session	21 April 2022 at 11H00
Last date for questions relating to the bid from Service Provider(s)	09 May 2022
Bid Closing Date	16 May 2022
Notice to Service Provider(s)*	July 2022
Contract commencement date*	July/ Aug 2022

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

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

## 9. CONTACT

A nominated official of the Bidder(s) can make enquiries only in writing, to the specified person, Mr Andre Taljaard (Procurement Tender Office) via email [TenderOffice@sars.gov.za](mailto:TenderOffice@sars.gov.za) and copy [rft-professionalservices@sars.gov.za](mailto:rft-professionalservices@sars.gov.za). Bidders must make all enquiries in writing and send them to the email addresses listed above.

## 10. SCOPE OF WORK

### 10.1 BACKGROUND

SARS is undertaking a workplace transformation strategy, which aims to reduce operational costs through the reduction of their occupancy footprint. This will require SARS to embark on a variety of projects to consolidate and internally retro-fit office spaces.

This will support the SARS Footprint reduction strategy and enable termination of leased buildings, sourcing of new buildings in line with the Channel Strategy to support SARS' Vision 2024.

SARS requires the services of suitably qualified and experienced Design and Engineering consulting firms from the Built Environment to provide design engineering services for various projects to supplement the capability and capacity of SARS in-house professional team.

## 10.2 EXPERTISE REQUIRED

The service providers on the panel will provide "NORMAL" professional services as detailed in the Government Gazette of each discipline, where applicable. The appointment may include any specialised sub-contracting within the environment. The service providers will be appointed for stages 1 – 6 (Inception; Concept and Viability; Design Development; Documentation and Procurement; Construction and Close Out) or any of the stages thereof in the specific category. Details of required stages will be specified at the RFX stage.

The required consulting services within construction and related works include: -

- Engineering Services:
  - Structural Engineering.
  - Civil Engineering.
  - Geotechnical Engineering.
  - Mechanical Engineering.
  - Electrical Engineering.
  - Fire Engineering.
- Quantity Surveying Services
- Architectural Services
- Project and Construction Management Services

The appointed bidders on the panel will be expected to value engineer all works to SARS's benefit as the client.

## 11. BIDDERS RESPONSES / DOCUMENTATION REQUIRED

Bidders may submit proposals in respect of any one (1) or more of the nine (9) categories listed below.

Bidders must complete **Annexure A** and clearly indicate the categories they are bidding for as well as the geographical location with their physical address.



Bidders must submit all the required information for each category they are bidding for. Each category will be evaluated independent of each other, and it is therefore important that Bidders respond to all the required information separately should they be submitting proposals in more than one category.

- CATEGORY 1 - Structural engineering.
- CATEGORY 2 - Civil engineering.
- CATEGORY 3 – Geotechnical engineering.
- CATEGORY 4 - Mechanical engineering.
- CATEGORY 5 - Electrical engineering.
- CATEGORY 6 - Fire engineering.
- CATEGORY 7 - Quantity Surveying Services.
- CATEGORY 8 - Architectural Services
- CATEGORY 9 - Project and Construction Management Services

## 11.1 MANDATORY REQUIREMENTS

A bid that fails to meet any of the mandatory requirements stipulated in the tender documents is **NOT** an acceptable tender and will result in the **immediate disqualification** of a Bidder.

### 11.1.1 Proof of a valid Professional registration with the applicable professional body for the registered principal for each selected category the Bidder is bidding for:

- Structural engineering - The Engineering Council of South Africa (ECSA)
- Civil engineering - The Engineering Council of South Africa (ECSA)
- Geotechnical engineering - The Engineering Council of South Africa (ECSA)
- Mechanical engineering - The Engineering Council of South Africa (ECSA)
- Electrical engineering - The Engineering Council of South Africa (ECSA)
- Fire engineering - The Engineering Council of South Africa (ECSA)
- Quantity Surveying Services - The South African Council for the quantity surveying profession (SACQSP)
- Architectural - The South African Council for the Architectural Profession (SACAP)
- Project and Construction Management - The South African Council for Project and Construction Management Professions (SACPCMP).

## 11.2 TECHNICAL REQUIREMENTS

### 11.2.1 COMPANY PROFILE

Bidders should provide a detailed (non-generic) company profile that is purpose written for this bid submission that demonstrate with evidence:

- 11.2.1.1 Bidders company profile should demonstrate the bidders' years of being in Business
- 11.2.1.2 The Bidders ability to provides professional design and engineering services within the bidding category the bidder is bidding for.
- 11.2.1.3 Demonstrate the bidders experience by providing detailed information on at least two (2) projects where the Service Provider was involved in the planning and/ or execution of professional disciplines in the bidding category by describing the level of involvement (Services undertaken & Company Capacity to deliver such services) as below.
  - The problem.
  - The client brief.
  - The solution.
  - Estimated value of the project.
  - Outcome of the project.

**Note:**

- *Bidders should not provide client references for this section of information. The information required should be indicate in the company's background and competence in each bidding category with respect to typical commercial office parks, commercial & retail tenant installation (TI) design and warehousing in the format of a purpose written company CV/profile.*
- *Information for two projects per category are required. If a project covers more than one category, then the project must be re-submitted in the other category/ies.*

### 11.2.2 RESOURCES

The Bidders are required to provide the following information for each bidding category:

- 11.2.2.1 The CV of the registered principal indicating details of their experience in the respective category. The registered principal should have a minimum of five (5) years post registration & PPE/ APC (Professional Practice Exam/ Assessment of Professional Competency) relevant working experience in the selected category.
- 11.2.2.2 The details of a Key Account Manager that will be the SARS contact person. Only one Account Manager is required irrespective of the number of categories applied for however this information should be provided in each category.

- 11.2.2.3** The CV of all registered professionals in the entity relevant to the bidding category (excluding the Principal Accountable Professional indicated above). These CVs should demonstrate the experience of each resource where similar work required by SARS was done.

**Note:**

*Requirements will be according to the published Acts per discipline.*

*Typical SARS requirements are:*

- *Design of Commercial Office Blocks for Corporate tenants.*
- *TI Design – Tenant Installation Design for Office Blocks / Shopping Mall areas for corporate type tenants.*
- *Design and layout of Warehousing Complexes or warehouses.*

**11.2.3 REFERENCES FROM CLIENTS**

Bidders are required to provide the name(s) of at least three (3) clients to whom similar services as per the selected category has been rendered. These are to be clearly placed under the folder that the bidder is bidding for to prevent confusion during tender evaluation stage.

Bidder's reference should include the information below for each of the 3 references per category:

- the name of the client, and contact person with Contact details (Contact number &/or Email Address),
- the duration of the Bidder's contract with the Client related to the relevant category,
- a brief description of all services provided to such company related to the relevant category,
- Level of performance related to the relevant category indicating: Excellent Good or Poor.

**12. CONDITIONS APPLICABLE TO APPOINTMENT**

- 12.1** SARS reserve the right to request one Service provider on panellist to work with another service provider on another panellist or as independent professional (e.g., where the landlord has its own independent professional service provider/in house engineers) where the circumstances permit, the terms and conditions will be determined by SARS at the time of the RFX process.
- 12.2** Bidders are encouraged to support the development and employment of Historically Disadvantaged People.
- 12.3** SARS further reserves the right during the term of the appointment of the panel, if necessary, to appoint a Service Provider outside the approved Panel for purposes of rendering the services to SARS, subject to the necessary procurement processes being followed.

### 13. INSTRUCTIONS TO BIDDER(S)

#### 13.1 Registration on Central Supplier Database

Bidders who have no presence in South Africa currently are not required to register on CSD, however should such entities be successful in winning the award, and they will be expected to register on the Central Supplier Database. All other local Bidders or foreign Bidders that have local presence at the time of tendering are expected to abide by these provisions. CSD can be accessed via the following link: <https://secure.csd.gov.za/>

Bidders who wish to render services to SARS will no longer register at SARS directly. Bidders will have to register on National Treasury Central Supplier Database (CSD) as per National Circular No. 4A of 2016/2017 – Central Supplier Database.

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

#### 13.2 Bids must be properly packaged and deposited in the below mentioned tender box on or before Closing Date and time at the SARS Tender Office situated at:

Lehae La SARS  
Pretoria Head Office  
299 Bronkhorst Street,  
Nieuw Muckleneuk,  
Pretoria,  
0181

#### 13.3 Bid documents may also be couriered to the Tender Office – at the address stated above.

#### 13.4 Bid documents **must** also be submitted through the **SARS eSourcing** platform, that will require Bidders to register on the system before they will be able to submit proposals:

[Link: https://esourcing.sars.gov.za/sap/bc/webdynpro/sap/zeso\\_csd\\_create\\_supplier#](https://esourcing.sars.gov.za/sap/bc/webdynpro/sap/zeso_csd_create_supplier#)

#### 13.5 The Bidder(s) are required to ensure that the content of their proposal submitted on the different platforms are the same

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

#### 13.7 Late bids will not be accepted and shall be returned to the Bidder (s).

#### 13.8 The Bidder(s) are required to submit one (1) copy of each file (original and duplicate) and one (1) USB with the contents of each file by the Closing Date and time.

#### 13.9 Each file and USB must be marked correctly and sealed separately for ease of reference during the evaluation process.

#### 13.10 The bidder's proposal must be labelled and submitted in the following format both in hardcopy and the USB.

FILE 1 (ONLY TECHNICAL PROPOSAL)	
<b>Exhibit 1 (Submit only once)</b> <ul style="list-style-type: none"> <li>• Pre-qualification documents (SBD documents)</li> <li>• Proof of Central Supplier Database (CSD) Registration Report (preferably the CSD report in PDF format) from National Treasury</li> <li>• List of Bidding Categories (Annexure A)</li> <li>• B-BBEE Certificate / Sworn Affidavit</li> </ul>	<b>Exhibit 2 –Separate folders for each selected category that is clearly marked.</b> <ul style="list-style-type: none"> <li>• Mandatory documents, per category as per Table 14B</li> <li>• Technical Response per category: <ul style="list-style-type: none"> <li>▪ Company Profile &amp; Projects</li> <li>▪ Resources</li> <li>▪ References</li> </ul> </li> </ul> <p><i>Bidders that are responding to more than one category are required to clearly separate all the documentation for each category.</i></p>
<b>Note:</b> SARS requests that Bidders use Lever Arch files to package their proposals. Please do not submit the published RFP document.	

#### 14. EVALUATION AND SELECTION CRITERIA

SARS has set minimum standards (Gates) that Bidders must meet to be evaluated and selected as a Successful Bidder. The minimum standards consist of the following Gates:

- **Pre-Qualification Criteria (Gate 0)** – Bidder(s) must submit all Standard Bidding Documents as outlined in paragraph 14.1.
- **Pre-technical (Mandatory) Criteria (Gate 1)** – The Bidder must meet the mandatory requirements as outlined in paragraph 14.2.
- **Technical Evaluation Criteria (Gate 2)** – Bidder(s) will be evaluated out of hundred (100) points during Technical Evaluations and the minimum threshold of seventy (70) points must be achieved. The process is outlined in paragraph 14.3.

##### 14.1 PRE-QUALIFICATION CRITERIA – GATE 0

Without limiting the generality of SARS' other critical requirements for this Bid, a Bidder must submit the documents listed in **Table 14A** below. Documents must be completed in full and signed by the duly authorised representative of the prospective Bidder. The Bidder's proposal may be disqualified for non-submission of any of the documents.

**Table 14A: Documents that must be submitted for Pre-Qualification**

Name of the document that must be submitted	Non-submission may result in disqualification
Central Registration Report (Central Database System) from National Treasury	<b>YES</b> – Bidders must register on the Central Database System and submit the Report as confirmation of registration.
Tax Compliance status pin	<b>YES</b> – Submit Tax Compliance status pin.
SARS' s Oath / Affirmation of Secrecy	<b>YES</b> – Complete and sign the supplied pro forma document in the presence of a Commissioner of Oaths and initial every page.
Invitation to Bid – SBD 1	<b>YES</b> – Complete and sign the supplied pro forma document.
Declaration of Interest – SBD 4	<b>YES</b> – Complete and sign the supplied pro forma document.
Cost and Risk Assessment Questionnaire	<b>YES</b> – Complete and sign the supplied pro forma document.
B-BBEE Certificate / Sworn Affidavit	<b>NO</b> – Submit a valid B-BBEE verification certificate or sworn affidavit.

## 14.2 MANDATORY REQUIREMENTS - PRE-TECHNICAL (GATE 1)

Only Bidder(s) that have met the pre-qualification criteria mentioned in Table 14A will be evaluated for compliance with the Mandatory Requirements.

A tender that fails to meet any mandatory criteria stipulated in the tender documents is **NOT** an acceptable tender and will result in the **immediate disqualification** of a Bidder.

**Table 14B: Mandatory Requirements**

Mandatory Requirements	Non-submission WILL result in disqualification
Proof of Professional registration with the applicable professional body in the selected category.	<p><b>YES</b> – Evidence of registration of the registered principal for each selected category as per paragraph 11</p> <p><i>Bidders that are responding to more than one category are required to ensure that the certificate appears under the correct category in the file.</i></p>

The Bidders must meet the mandatory requirements as stated above to proceed to Gate 2.

#### 14.3 TECHNICAL EVALUATION (GATE 2)

Only Bidder(s) that have met the Mandatory Criteria in Gate 1 will be evaluated in Gate 2, Functionality (Technical Evaluation) will be out of 100 points.

Bidder(s) that achieve a minimum threshold of **70** points out of **100** points for technical capabilities **for each category** will be considered for appointment to the panel in the specific category.

Bidders should refer to Annexure B for the detailed technical evaluation criteria applicable to all categories

#### 14.4 PRICE AND B-BBEE EVALUATION (GATE 3)

Pricing and BBBEE will not be evaluated for the establishment of the panel however will be conducted at the RFX stage post the establishment of the panel.

At the RFX stage the pricing methodology will be governed by the principles of the Government Gazetted rates and the BBBEE evaluation will be conducted out of 20 points as per the SARS Preference Point Policy as indicated below.

##### a. B-BBEE Requirements

In line with, the SARS Internal Preference Point Policy, the SARS Supply Management Policy read with the SARS Application of Preference Point System – Internal Annexure, tenders that have achieved the minimum qualifying score for functionality will be evaluated out of 20 points for BBBEE as per the SARS Internal Preference Point Policy.

##### b. Bid Evaluation Process Gate 2: B-BBEE EVALUATION

B-BBEE points may be allocated to bidders on submission of the following documentation or evidence:

**Table 14A: B-BBEE Points allocation and required documents**

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

The checklist below indicates the B-BBEE documents that must be submitted for this tender. Failure to submit the required documents at the RFX stage will result in bidders scoring zero for B-BBEE.

**Table 14B: Points Awarded for B-BBEE Status Level**

BBBEE Status	Number of points (80/20 system)
EME/QSE/LE 100%BO	20
EME/QSE=>51%BO	18
Level 1	10
Level 2	9
Level 3	8
Level 4	6
Level 5	4
Level 6	3
Level 7	2
Level 8	1
Non-Compliant	0



**Table 14C: B-BBEE Checklist**

Classification	Turnover	Submission Requirement
Exempted Micro Enterprise (EME)	Below R10 million p.a.	A sworn affidavit (Preferably a Department of Trade and Industry [DTI] Affidavit) <b>or</b> a Certificate from the Companies and Intellectual Property Commission (CIPC) <b>or</b> a B-BBEE Rating Certificate from a SANAS Accredited Rating Agency.
Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	Certified copy of B-BBEE Rating Certificate from a SANAS Accredited Rating Agency, <b>or</b> a sworn affidavit (Preferably a DTI Affidavit). This is only applicable to QSEs with 51% Black Ownership and above.
Large Entity (LE)	Above R50 million p.a.	Certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency.

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

#### **Use and acceptance of Sworn Affidavits**

SARS reserves the right to request that Service Providers submit their Black Ownership and turnover information in support of their affidavits.

Bidders will need to provide information which proves Black Ownership and turnover, in addition to the sworn affidavit, or request that their EME/QSE suppliers be verified and have this confirmed in the affidavit.

## **Joint Ventures and Consortiums**

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

### **15. FINANCIAL ANALYSIS**

Financial analysis will not be conducted for the establishment of the panel.

### **16. AGREEMENTS**

#### **16.1 STANDARD PROFESSIONAL SERVICE CONTRACT**

- 16.1.1** The successful bidder will be required to sign a Standard Professional Services Contract issued by the Construction Industry Development Board at the RFX stage.
- 16.1.2** SARS shall make amendments to the Standard Professional Services Contract, which will be available for review at the time the service provider is appointed on a RFX via the panel.
- 16.1.3** SARS shall further include special conditions to the Standard Professional Services Contract which shall be specific to the work being undertaken.

#### **16.2 INSURANCE**

The Successful Bidder shall on or before the effective date and for the duration of the appointment -

- 16.2.1** be in possession of a valid and current Professional Registration as per the appointed category.
- 16.2.2** have adequate professional indemnity insurance to cover any claims, losses and/or damages for which it may be liable in terms of this Agreement.
- 16.2.3** professional indemnity insurance will be adjusted relevant to the RFX.

#### **16.3 LIABILITY**

- 16.3.1** The Successful Bidder shall be liable to SARS for any direct damages and/or Losses incurred by SARS due to failure by the Bidder to perform its obligations in the manner required by the CIDB agreement signed by the Parties.
- 16.3.2** The Successful Bidder shall further be liable to SARS for all indirect and consequential or special damages and/or Losses suffered by SARS because of gross negligence, wilful misconduct, a breach of confidentiality provisions stipulated in the signed CIDB Agreement between the Parties, breach of Applicable Laws, infringement of a third party's intellectual property rights, or a criminal act committed by

the Bidder or any employees of the Bidder.

## **17. SPECIAL CONDITIONS OF THIS BID**

### **17.1 SARS reserves the right:**

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

### **17.2 SARS requires Bidder(s) to declare**

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

Confirm that the Bidder(s) is to:

- 17.2.1** Act honestly, fairly, and with due skill, care, and diligence, in the interests of SARS.
- 17.2.2** Have and effectively employ the resources, procedures, and appropriate technological systems for the proper performance of professional activities.
- 17.2.3** Act with circumspection and treat SARS fairly in a situation of conflicting interests.
- 17.2.4** Comply with all applicable statutory or common law requirements applicable to the conduct of business.
- 17.2.5** Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with SARS.
- 17.2.6** Avoid fraudulent and misleading advertising, canvassing, and marketing.
- 17.2.7** Conduct its business activities with transparency and consistently uphold the interests and needs of SARS as a client before any other consideration; and
- 17.2.8** Ensure that any information acquired by the Bidder(s) from SARS will not be used or disclosed unless the written consent of the client has been obtained to do so.

### **17.3 CONFLICT OF INTEREST, CORRUPTION AND FRAUD**

SARS reserves its right to disqualify any Bidder who either itself or any of whose members, directors, or members of senior management, whether in respect of SARS or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity"):

- 17.3.1** Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this Bid.

- 17.3.2 Seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor, or other representative of a Government Entity to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity.
- 17.3.3 Makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of SARS' officers, directors, employees, advisors, or other representatives.
- 17.3.4 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 to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity.
- 17.3.5 Accepts anything of value or an inducement that would or may provide financial gain, advantage, or benefit in relation to procurement or services provided or to be provided to a Government Entity.
- 17.3.6 Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift, or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity.
- 17.3.7 Has in the past engaged in any matter referred to above; or
- 17.3.8 Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether a prison term was imposed and despite such Bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

#### **17.4 BIDDER'S OWN TERMS AND CONDITIONS OR BID QUALIFICATIONS**

This document contains the terms and conditions of this bid and Bidders must not modify / qualify the specifications or come up with their own terms and conditions. SARS reserves the right to disqualify a bid, which seeks to modify or depart from the specified conditions.

#### **17.5 MISREPRESENTATION DURING THE TENDER PROCESS AND LIFECYCLE OF THE CONTRACT**

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

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

#### **17.6 PREPARATION COSTS**

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

## **17.7 INDEMNITY**

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

## **17.8 PRECEDENCE**

This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

## **17.9 LIMITATION OF LIABILITY**

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

## **17.10 TAX COMPLIANCE**

No tender shall be awarded to a Bidder whose tax affairs are not in order. SARS reserves the right to withdraw an award made, or cancel a contract concluded with a successful Bidder if it is established that such Bidder was in fact not tax compliant at the time of the award. SARS further reserves the right to cancel a contract with a successful Bidder if such Bidder does not remain tax compliant for the full term of the contract.

## **17.11 NATIONAL TREASURY**

No tender shall be awarded to a Bidder whose name (or any of its members, directors, partners, or trustees) appears on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. SARS reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a Bidder has been blacklisted with National Treasury by another government institution.

## **17.12 GOVERNING LAW**

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

#### **17.13 RESPONSIBILITY FOR BIDDER'S PERSONNEL**

A Bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors, and other representatives) comply with all terms and conditions of this Bid.

#### **17.14 CONFIDENTIALITY**

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

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

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

#### **17.15 INTELLECTUAL PROPERTY**

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

#### **17.16 SARS PROPRIETARY INFORMATION**

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

#### **17.17 SCREENING AND VETTING OF SERVICE PROVIDER**

Acceptance of this tender is subject to the condition that both the successful Bidder 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 Successful Bidder concerned.

#### **18. ANNEXURE A – LIST OF BIDDING CATEGORIES**

#### **19. ANNEXURE B – TECHNICAL EVALUATION CRITERIA APPLICABLE TO ALL CATEGORIES**

#### **20. ANNEXURE C – LINK TO BRIEFING SESSION**