

APPOINTMENT OF A PANEL OF ATTORNEYS

Virtual Briefing Session: 05 November 2020 at 14H00
RFP No.: RFP 13/2020
Closing Date: 02 December 2020, 11h00

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Bid Evaluation Committee

Procurement

Sourcing Lead: Professional Services – Project Oversight

Governance, Compliance & Risk Specialist – Audit

Internal Audit – Audit

Tender Office – Bid Opening

Value Delivery Planning – Price Evaluator

Financial Analysis team

B-BBEE Evaluator

SARS Business Unit

Bid Specification Committee

Technical Evaluators X 7 – Evaluating different categories

Corporate Legal Services

Legal Specialist

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RFP Timelines

ACTIVITY	DUE DATE
RFP Advertisement in Government Tender Bulletin & e-Tender	30 October 2020
Tender documents on SARS website	02 November 2020
Non-compulsory (virtual) briefing session	05 November 2020
Questions relating to RFP	02 - 21 November 2020
RFP Closing Date	02 December 2020, 11h00
Notice to bidders	April / May 2021

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Background and Scope of work

SARS may from time to time utilise the services of admitted Attorneys to provide legal services to SARS. These services may include the provision of legal opinions to SARS and/or instituting or defending legal actions on behalf of SARS and/or its employees in accordance with its internal policy and procedures

Bidders should note that SARS also makes use of the legal services of the State Attorney.

SARS requires the services of a Bidder who possesses skills, expertise and knowledge in the various legal fields / categories listed herein below. This includes successfully disposing of litigious matters in the relevant sphere of law and endeavouring to achieve either a win or a favourable outcome for SARS.

Background and Scope of work

CATEGORY 1 - Tax Law;

CATEGORY 2 - Commercial Law; Company Law and/or Banking Law;

CATEGORY 3 - Constitutional Law; Administrative Law and/or Public Procurement Law;

CATEGORY 4 - Information Technology Law and/or Intellectual Property Law;

CATEGORY 5 - Customs & Excise Law;

CATEGORY 6 - Property Law; Mining Law and/or Insolvency Law;

CATEGORY 7 - Labour Law; and

CATEGORY 8 - General Legal Assistance

Refer to section 10.4 - 10.7



Adobe Acrobat
Document

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Gate 0

Pre-Qualification

- Invitation to Bid SBD 1
- Tax Compliance status pin
- Central Registration Report (Central Database System) from NT
- GCC & Draft Services Agreement
- SARS Oath / Affirmation of Secrecy
- Declaration of interest SBD 4
- Preference Point Claim form- SBD 6.1
- Declaration of Bidder's Past SCM Practices – SBD 8
- Certificate of Independent Bid Determination – SBD 9
- Supplier cost and risk assessment questionnaire
- Financial Statements for the three most recent financial periods
- Annexure A0 – Bidder Selection of Categories

Gate 1

Mandatory Requirements

- Minimum B-BBEE Status level 3
- Fidelity Fund Certificate/s
- Letters of Good Standing with the Legal Practice Council of South Africa; and
- Company profile that indicates that the company has been established for a minimum period of five (5) years or one (1) of the directors or partners of the legal practice or the sole proprietor has at least five (5) years post-article experience.

Gate 2

Technical Evaluation

100
points

Achieve overall score
of 75 out of 100
points to proceed
to Gate 3

Refer to:

- Annexure A: Technical Evaluation Criteria
- Annexure A1 –A8: Bidders Experience Schedule

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Bid Evaluation Process Gate 3 (Price & B-BBEE)

PRICING

Bid Evaluation Process Gate 3 – Price

Refer to section 12.4 of the RFP doc

Bidders must refer to Annexure B – SARS Proposed Tariff

Bid Evaluation Process Gate 3 (Price & B-BBEE)

B-BBEE

Bid Evaluation Process Gate 2 – B-BBEE

Stage 2: B-BBEE Evaluation (20 points)

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

Adjudication Criteria	Points
A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1) and a B-BBEE certificate.	10

Bidders, who do not complete SBD 6.1 in its entirety, will not be awarded points for B-BBEE.

B-BBEE Certificate

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

No.	Classification	Turnover	Submission Requirement
1.	Exempted Micro Enterprise (EME)	Below R10 million p.a.	Sworn affidavit or a certificate from the Companies and Intellectual Property Commission (“CIPC”) or a certified copy of a B-BBEE Rating Certificate from a SANAS accredited rating agency.
2.	Qualifying Small Enterprise (QSE)	Between R10 million and R50 million p.a.	Certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency or a DTI Affidavit – only 51% Black Owned (BO) and above.
3.	Large Enterprise (LE)	Above R50 million p.a.	Certified copy of B-BBEE Rating Certificate from a SANAS Accredited rating agency.

SARS reserves the right to request that bidders submit proof of their black ownership and turnover information, in support of their sworn affidavits.

B-BBEE key Sections to complete in SBD6.1

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

6.1 B-BBEE Status Level of Contribution:.....=(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii)The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv)Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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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.

Proof of Existence: Joint Ventures and/or Subcontracting

- Bidders must submit concrete proof of the existence of joint ventures and/or subcontracting arrangements. SARS will accept signed agreements as acceptable proof of the existence of a joint venture and/or subcontracting arrangement.
- The joint venture and/or subcontracting agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or subcontracting party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or subcontracting arrangement.

B-BBEE Points

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4*	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

FINANCIALS

Financial Evaluation

Bidders are required to submit complete sets of audited or reviewed annual financial statements for the three (3) most recent financial periods in the name of the bidding entity.

The financial statement analysis will be conducted on the bidders that proceeded to Gate 3.

The annual financial statements must contain:

- Statement of Financial Performance;
- Statement of Financial Position;
- Cash Flow Statement; and
- Notes to the Financial Statements.

Bidders(s) which are trading for less than three (3) financial periods should provide:

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

In the event that the subsidiary is the bidding entity and submits the financial statements of the holding company for financial evaluation purposes, the holding company must furnish a Performance Guarantee that is signed by a duly authorised representative of the entity.

Financial Evaluation

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

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

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

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Master Services Agreement (MSA)

- The draft MSA constitutes the specialised terms and conditions upon which SARS is prepared to contractually engage the prospective Bidder(s) to render the services under this bid.
- Bidders are requested to indicate their acceptance of the terms and conditions set out in the draft MSA.

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Bid Submission

Bidders must submit copies of each file (Original and Duplicate) and a CD-ROM or USB with content of each file by the **02 December 2020 at 11:00**



TENDER BOX

SARS Brooklyn Bridge, 570 Fehrsen Street, Linton House, Brooklyn

Any enquiries must be referred, in writing via email:
tenderoffice@sars.gov.za cc rft-professionalservices@sars.gov.za
(25 September – 14 October 2020)

File 1: Original/ Duplicate

Exhibit 1

- Pre-qualification documents (SBD documents)



Exhibit 2

- Mandatory Documents
- List of Categories Bidding for. (Annexure A0)
- Company Profile
- Technical responses for each category bidders is bidding for (refer to Annexure A1 to A8)



Exhibit 3

- Signed General Conditions of Contract
- Draft Master Service Agreement



File 2: Original/ Duplicate

Exhibit 1

- B-BBEE Certificate
- SBD 6.1



Exhibit 2

- Pricing Schedule – Annexure C



Exhibit 3

- Three (3) years audited / reviewed financial statements



NB! Each file must be marked correctly and sealed separately for easy reference during the evaluation process. USB marked with Bidder Name

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