

OUR REF RFQ 20700

**ENQUIRIES** Lerato Monyepao

TELEPHONE 012 428 6055

DATE 13 December 2022

# RFQ 20700: APPOINTMENT OF A TAX EXPERT FOR THE SABS AND ITS WHOLLY OWNED SUBSIDIARY SABS **COMMERCIAL SOC FOR A PERIOD OF THREE (3) YEARS**

#### Dear Bidder

The South African Bureau of Standards (SABS) hereby invites you to submit a quotation for the appointment of a tax expert for the SABS and its wholly owned subsidiary SABS Commercial SOC Ltd for a period of three (3) years.

The details of the service to be provided is in the attached Request for Quote, RFQ 20700.

Please note the following:

- Scope of services specified on page 3-4
- Closing date specified on page 5
- SABS Procurement terms and conditions (accessed on the sabs website)
- Bidder must submit the following documents with the quotation:
  - Treasury Central Supplier Database (CSD) registration report
  - A valid certified copy of BBBEE certificate/Sworn Affidavit
  - SBD 4 Bidder's Disclosure
  - SBD 6.1 Preference points claim form in terms of the Preferential procurement Regulation 2017
  - Appendix A Non Disclosure Agreement

SOUTH AFRICAN BUREAU OF STANDARDS - Established in terms of Section 2 of the Standards Act, 1945, as amended

#### 1. Background

The SABS is a statutory body established in term of Standards Act, 1945 (Act No. 24 of 1945) and continues to operate in terms of the Standards Act, 2008 (Act No. 8 of 2008) as the national standardization institution in South Africa, mandated to:

- develop, promote and maintain South African National Standards;
- promote quality in connection with commodities; and
- render conformity assessment services and matters connected therewith.

## 2. Request for Quotation (RFQ)

This RFQ serves as an invitation to submit a quotation for appointment of a tax expert for the SABS and its wholly owned subsidiary SABS Commercial SOC Ltd for a period of three (3) years subject to the SABS Standard Terms and Conditions, of which a copy is available on <a href="https://www.sabs.co.za/procurement/proc\_toc.asp">www.sabs.co.za/procurement/proc\_toc.asp</a>

The Bidder is requested to supply its quotation, in writing, by the date specified. Should the Bidder require any clarification, the clarification should be submitted by e-mail to the Procurement Specialist identified in this document.

By submitting a quotation in response to this RFQ or participating in this RFQ process, the Bidder accepts that it is subject to and bound by all the terms and conditions contained in this RFQ document.

## 3. Confidentiality

This document may not be used for any purpose by the Bidder other than for developing their response to it, and all reasonable efforts must be taken by the Bidder to ensure confidentiality of any information provided. This document and any other information of a confidential nature provided to the Bidder during the course of RFQ process are and will be covered by the non-disclosure agreement to be signed between the SABS and the Bidder.

## 4. No Contract

Bidders shall note that this RFQ does not commit the SABS to any course of action resulting from the receipt of quotations and the SABS may, at its discretion reject any submission which does not conform to instructions and specifications which are contained herein or select a Bidder based upon its own unique set of criteria. The SABS also reserves the right not to select a bidder.

Nothing in this document shall be construed as a contract between the SABS and the Bidder, and no communication, whether verbal or written, by the SABS personnel or agents during the course of this process shall create such a contract in respect of the requirements specified in this RFQ.

## 5. No Obligation to Proceed

The SABS reserves the right to discontinue the RFQ evaluation process at any time and will not be responsible for any losses incurred by the Bidder as a result of discontinuance of the RFQ process

## 6. Validity of Proposals

The Bidder's quotation shall remain valid for a period of one hundred and twenty (120) days from the closing date. The SABS may at any time prior to the expiry of the bid validity period, extend the above validity period by sixty (60) days by written notice to the Bidders. In that event, the SABS will not require any consent from the Bidders, and bidders will not be required or permitted to amend any of their quotations.

The SABS retains the right, but is under no obligation, to request Bidders to extend the validity periods of their quotations, prior to expiry thereof, if it has already invoked the extension referred to above and it is in the SABS' interest to further extend the bid validity period. Such request shall be in writing. The Bidder is not obliged to extend the validity period. Also, bidders will not be required or permitted to amend any of their quotations.

## 7. Scope of Work

Appointment of a tax expert for the SABS and its wholly owned subsidiary SABS Commercial SOC Ltd for a period of three (3) years.

## **Objective**

The objective with the appointment of professional service provider for tax services is to retain a tax expert who:

- Understand the public organisation environment;
- Can provide efficient and reliable tax services; and
- Can support the business objectives of the SABS by providing sound and business orientated tax solutions in both public and private areas.

## **High Level Requirements**

Service provider must be able to:

- Support and operate at high level i.e. Board and Executive level;
- Engage with the Board and the Executive, where required;
- Provide tax advice on various aspects in accordance with applicable legislation.

The service provider must be a firm, incorporated or registered as such in the Republic of South Africa. The firm and the partners/directors must be in good standing with their professional body. The firm must also possess adequate and appropriate infrastructure and resources to be able to render the services efficiently.

## Scope of Work

The proposed resources of the service provider must possess at least a minimum of 5 (five) years' experience in providing taxation advice and demonstrate skills and capacity of the below-mentioned specializations:

- Income tax (Corporate taxes, provisional tax, donations tax, employees tax)
- Indirect and other taxes (e.g. VAT, customs & excise duties/tax, etc.)
- Tax compliance
- Tax management/planning consulting.
- Advice on company formation transactions, including mergers and acquisitions.
- Training on the various legislation.

- Resolving of tax issues with SARS where applicable.
- Assessing and enhancing the SABS current operating model to ensure it is efficient and effective.
- Provide efficient and cost-effective ways to manage tax processes.
- Process enhancements -Automating tax processes.
- Companies to provide the value add that they will bring to the assignment.

The scope of work will also include the review of the annual tax and deferred tax calculations (April annually or as agreed).

## **Reservations**

The SABS expressly reserves the following rights:

- To reject all quotes and negotiate prices without foregoing quality.
- To request staff of a senior level to perform the assignment.
- To negotiate the price between 10 and 15%.
- To waive any or all irregularities in the proposals submitted.
- To retain the right not to select any Service Provider.

# 8. Functionality Evaluation

	Selection Criteria		
	Functionality will be measured on a scale of 1-3. Poor:1, Average:2, Excellent:3	sub weight	Weight
1	Company Experience		
	Company years' experience in providing tax advisory service services (Company profile to be		
	provided indicating the number of years' experience in tax advisory services)		
	No relevant experience	0	25%
	<5 years' experience	1	
	> 5 -15 Years	2	
	≥ 15 Years	3	
2	Public Sector Experience		
	Number of years' experience in tax advisory services relating to public sector entities.		
	No relevant experience	0	20%
	< 5 Years	1	
	> 5 -10 Years	2	
	≥ 10 Years	3	
3	Experience of proposed team		
	Bidders must provide a list of key personnel with a one (1) pager CV indicating qualifications,		
	registration with professional bodies and number of years experience in indirect tax, company		
	taxes, employee taxes and/or similar services  Consultants must be in possession of at least a valid Bachelor's Degree/equivalent in TAX or		
	related with tax as one of the major modules. (Bidders to attach a copy of the		
	qualification/academic transcript		
	No team member with relevant qualification and/or relevant experience	0	
3.1	Key personnel with experience in Income tax (Corporate taxes, provisional tax, donations tax, employees tax)		
	<5 years experience	1	15%
	>5 - 9 years experience	2	13/0
	≥ 10 years experience	3	
	Key personnel with experience in Indirect and other taxes (e.g. VAT, customs & excise		
3.2	duties/tax, etc.)		
	< 5 years experience	1	15%
	>5 - 9 years experience	2	
	≥ 10 years experience	3	
3.3	Key personnel with SARS dispute resolution experience		
	< 2 years experience	1	
	>2 - 5 years experience	2	5%
	≥6 years experience	3	
4	References		
	Bidder must provide contactable reference letters where tax consultancy or advisory services		
	were rendered (not older than 5 years) including brief description of services rendered, duration		
	of contract, client contact details, performance, and level of customer satisfaction		
	No references provided	0	20%
	1 – 2 references provided	1	
	3 - 4 references provided	2	
	·	3	
	≥ 5 References Provided	,	
			100%

## 9. Timelines

MILESTONES	DATE AND E-MAIL ADDRESS
Closing Date and Time	17 January 2023 at 16:00PM
No late submissions will be accepted.	
Method of submission.	Responses should be submitted via email <u>Lerato.Monyepao2@sabs.co.za</u> and
	procurement.request@sabs.co.za
	Maximum size 14 MB, Proposals/ Bids must be submitted on PDF Files (compressed zipped folder if necessary), Proposals/Bids submitted via a link and/or "we transfer" will not be accepted  It is the Bidder's responsibility to ensure that the quotation is received on time
	by SABS.  It is the Bidder's responsibility to ensure that the quotation is received on time by SABS.

### 10. Preference Points System

Only Bidders who submitted that meet the 75% minimum threshold on functionality evaluation will be evaluated further on 80/20 preference points system of 2017. (Pricing and BBBEE)

#### 11. Quotation

The quotation should include but not limited to the following:

Level of resource performing work	Rate per hour Including VAT		Number of hours estimated	Total	
	Year 1	Year 2	Year 3		

• Disbursement cost (if applicable)

## 12. Contact information

All enquiries regarding this RFQ must be e-mailed/directed to <u>Lerato.Monyepao2@sabs.co.za</u> and **012 428 6055.** Bibbers must not contact any other SABS' personnel regarding this RFQ, as it may lead to the Bidder's disqualification. Also note that any canvassing by Bidders/Suppliers regarding this RFQ will result in disqualification.

## 13. Advance payment

The SABS will not make an upfront or advance payment to a successful Bidder. Payment will only be made in accordance to the delivery of service or goods that will be agreed upon by the SABS and the successful Bidder.

## 14. Responsibility for costs

Under no circumstances shall the SABS be responsible for any of the Bidder's costs associated with the preparation and/or submission of its quotation, including any costs incurred by the Bidder prior to the signature, by both parties, of an agreement resulting from a successful bid.

### 15. Bidder's contractual terms

The SABS will not be bound by any legal or contractual terms as may be included in the Bidder's quotation, in response to this RFQ.

### **BIDDER'S DISCLOSURE**

#### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

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2.	Ri	ahr	r'c	doc	laratio	nn

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest1 in the enterprise, employed by the state?
YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2	Do you, or any person connected with the bidder employed by the procuring institution? <b>YES/NO</b>	r, have a relationsh	ip with any pers	on who is
2.2.1	1 If so, furnish particulars:			
		••••		

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<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?
YES/NO

2.3.1	If so, furnish particulars:

#### 3 DECLARATION

- I, the undersigned, (name)...... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:
- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium2 will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6

OF PFMA SCM INSTRUCTION 03 OF 2022/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature	Date
Position	Name of bidder

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete* whichever is not applicable for this tender).
- 1.3 Points for this bid shall be awarded for:
  - (a) Price; and
  - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution

are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

#### 2. **DEFINITIONS**

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) "bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) "EME" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) "prices" includes all applicable taxes less all unconditional discounts;
- (h) "proof of B-BBEE status level of contributor" means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) "QSE" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
  - (j) "rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

#### 3. **POINTS AWARDED FOR PRICE**

#### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis: or

90/10

$$Ps = 80 \left( 1 - \frac{Pt - P\min}{P\min} \right)$$

$$Ps = 90 \left( 1 - \frac{Pt - P\min}{P\min} \right)$$

Where

Points scored for price of bid under consideration Ps

Pt Price of bid under consideration Pmin Price of lowest acceptable bid

#### POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR 4.

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

#### 5. **BID DECLARATION**

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

5.	B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1
5.1	B-BBEE Status Level of Contributor: . =(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 of contributor.
7.	SUB-CONTRACTING
7.1	Will any portion of the contract be sub-contracted?
	(Tick applicable box)
7.1.1	YES NO  If yes, indicate:
	<ul> <li>i) What percentage of the contract will be subcontracted</li></ul>

Designated Group: An EME or QSE which is at last 51% owned	EME	QSE
by:	٧	V
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or		
townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8.	DECLARATION WITH REGARD TO COMPANY/FIRM
8.1	Name of company/firm:
8.2	VAT registration number:
8.3	Company registration number:
8.4	TYPE OF COMPANY/ FIRM
	□ Partnership/Joint Venture / Consortium □ One person business/sole propriety □ Close corporation □ Company □ (Pty) Limited [TICK APPLICABLE BOX]
8.5	DESCRIBE PRINCIPAL BUSINESS ACTIVITIES
8.6	COMPANY CLASSIFICATION
8.7	<ul> <li>Manufacturer</li> <li>Supplier</li> <li>Professional service provider</li> <li>Other service providers, e.g. transporter, etc.</li> <li>[TICK APPLICABLE BOX]</li> <li>Total number of years the company/firm has been in business:</li> </ul>
8.8	I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify
	that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I/W we acknowledge that:
	i) The information furnished is true and correct;
	<ul><li>ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;</li></ul>
	<ul> <li>iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs</li> <li>1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;</li> </ul>
	<ul> <li>iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –</li> </ul>

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES	
1	SIGNATURE(S) OF BIDDERS(S)
2	DATE: ADDRESS

### **APPENDIX A - NON DISCLOSURE AGREEMENT**

#### THIS AGREEMENT is made BETWEEN

The South African Bureau of Standards (SABS), an Public Entity that continues to exist in terms of section 3 of the Standards Act 2008, whose principle place of business is at 1 Dr Lategan Road, Groenkloof, Pretoria, 0001, South Africa.

AND	("the Supplier") whose registered office is at
(Hereinafter referred to as the "parties")	

WHEREAS in the course of discussions and/or negotiations with the South African Bureau of Standards, the Supplier has received or may receive in future information relating to this **RFQ20700** for the South African Bureau of Standards and other related information hereinafter referred to as "Confidential Information".

In consideration of the Supplier to-which the South African Bureau of Standards or any person affiliated with it, including its subsidiary, agent, representative(s) or such related entity may provide Confidential Information in connection with such discussions and/or negotiations to. Therefore the parties wish to agree as follows:

- The Supplier will maintain strictly secret and confidential all information relayed or transmitted to it in any manner or form and will not divulge any part of the Confidential Information directly or indirectly to any person, firm or entity (other than such of its employees who have a need to know the Confidential Information for the purposes of fulfilling the Supplier's obligation to the South African Bureau of Standards.
- 2. The Supplier shall not make copies of the Confidential Information or otherwise disseminate any of the Confidential Information (except as may be required to fulfil specific obligations towards South African Bureau of Standards) without South African Bureau of Standards express prior written consent.
- 3. This agreement applies to information whether or not such information is marked as or appears to be confidential and whether or not such information is of commercial use to South African Bureau of Standards or any other party.
- 4. This agreement shall not apply to information which:-
- (a) the Supplier can show had been lawfully received by it prior to disclosure under this agreement.
- (b) is in the public domain or becomes so otherwise than through breach of this agreement;

- (c) was disclosed to the Supplier by a third party who was under no obligation of confidence in respect thereof;
- 5. The South African Bureau of Standards retains ownership of Intellectual property rights on all material and processes relating to the service provided for and on its behalf by the supplier.
- 6. The Supplier shall observe its obligations under this agreement until expiry of a period of 12 months from the date of signature.

IN WITNESS WHERE OF the parties hereto have executed this agreement in duplicate.

For the Bidder			
Signed at on thisday of2022			
Signed on behalf of the Supplier, duly authorised thereto (signature)			
(title)			
Witness 1			
Witness 2			
For the SABS			
Signed at on thisday of2022			
On behalf of the SABS, duly authorised thereto (signature)			
(title)			
Witness 1			
witness 1			
Witness 2			