



**DEVELOPMENT OF AN ONLINE HARMONIZED CUSTOMS AND EXCISE TARIFF DATABASE
AND REFERENCE TOOL**

Tender Number:

SACU/014/2018/O

Closing Date:

17h00 Namibian time on 05 March 2018

Delivery Address:

Attention: Secretary, Tender Committee
Southern African Customs Union (SACU) - Secretariat
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1. INTRODUCTION

- 1.1. The Southern African Customs Union (SACU) was established in 1910 and it consists of five Member States, namely Botswana, Lesotho, Namibia, South Africa and Swaziland.
- 1.2. Article 18(a) of the Agreement provides for the free movement, within the Common Customs area, of domestically grown, produced or manufactured products. This free movement relates specifically to the elimination of customs tariffs and quantitative restrictions on trade among Member States. Article 22 of the 2002 Agreement further requires Member States to apply similar legislation with regard to customs and excise duties. SACU Member States therefore do not apply duties to trade within the Common Customs Area, but do apply a Common External Tariff *vis-a-vis* third parties.
- 1.3. The Common External Tariff includes Most Favoured Nation rates applied to imports from the rest of the world, as well as the preferential rates applied to products originating from trade partners, with whom SACU has negotiated trade agreements. Member States also apply identical excise duties and ad valorem customs duties as reflected in the relevant schedules of the respective Member States' Customs and Excise Acts. In support of this, Member States also do not have Rules of Origin on trade amongst themselves. Once goods enter the Customs Union, they does not need a Rule of Origin certificate to circulate within or move across borders inside the Customs Union. Rules of Origin is only applicable on goods coming into the Customs Union from third parties and also forms an integral part of the common customs regime in SACU. This Common External Tariff and common excise regime provides a cornerstone of the customs union and SACU's relationship with third parties.

2. OBJECTIVE OF THE ASSIGNMENT

- 2.1. The objective of this exercise is to develop an online harmonized customs and excise tariff database and reference tool on importation and exportation requirements, in a central location that is accessible for internal and external use. This will include:
 - a) ordinary customs duties;
 - b) specific excise and specific customs duties;
 - c) ad valorem excise and ad valorem customs duties;
 - d) anti-dumping, safeguard and countervailing duties; and rebate and duty drawback provisions; and
 - e) preferential rates of duties, and any other relevant duties applicable and functioning as part of the common SACU tariff regime.
- 2.2. Internally, the database will serve as an information source as well as a research and planning tool and also assist in trade negotiations. The database will also provide a valuable resource for traders and other interested parties who wish to access information on the customs and excise duty rates applicable across the Customs Union, and trade information on importation and exportation requirements.

- 2.3. The SACU Secretariat therefore wishes to appoint registered Service Provider(s) to develop an interactive online web based database and reference tool for the entire harmonized SACU tariff regime and trade information on importation and exportation requirements.

3. SPECIFIC REQUIREMENT

- 3.1. The interactive online web-based database and reference tool needs to provide the following:
- a) the system needs to be interactive web-based and be accessible on the internet via the SACU website (www.sacu.int);
 - b) relevant Secretariat's officials should be capacitated to manage, update and maintain the system;
 - c) Users of the system will be required to register a username and password with the Secretariat in order to access the system; Users/administrators specification and security measures should be built into the version (model/website) so as to ensure authenticity and accuracy of the information /data;
 - d) the display page should contain a contents page that provides the titles of the respective schedules and sections;
 - e) the system should list explanatory notes of the SACU Customs tariff book as well as notes on the statistical units used in the tariff book;
 - f) the schedule headings need to provide drop down menus for the sections and chapters contained therein. The sections should also provide information on the chapters contained therein, and accessing a chapter should provide the entire content of the particular chapter;
 - g) the information for each of the schedules, sections and chapters should be presented in the same form as they appear in the tariff book. In addition to the Harmonized System (HS) codes, product descriptions and statistical units of measure, this will include the applicable tariff rates for Most Favoured Nation (MFN); the European Free Trade Area (EFTA); the Southern African Development Community (SADC); the EU - SADC Economic Partnership Agreement (EPA) and the MERCOSUR- SACU Preferential Trade Agreement (PTA) and any other rates as determined by the Secretariat;
 - h) within these trade agreements, the system should be able to compare rates of duties under the different trade regimes;
 - i) the system should provide a search function by product description, key word (using ordinary language) or product code. All products related to the description, key word or product code need to be displayed and be available for selection by the user.
 - j) each schedule, section and chapter should contain a link to the legal notes associated and relevant to the schedule, section or chapter;
 - k) information in the various schedules, chapters and trade agreements should be cross referenced in such a way that upon selecting a particular product or product code, all the relevant information from the various schedules, chapters and/or trade agreements related to that product or product code, is also displayed;

- l) users should be able to export information to Excel, pdf or print functions;
- m) the system should provide a link to the texts of the trade agreements concluded by SACU;
- n) an electronic user manual/help function for the online reference tool has to be developed;
- o) the system should be able to calculate indicative duties, taxes and any additional charges related to the importation or exportation of goods, including transit regimes for each Member State taking into account various VAT rates applicable in the Member States;
- p) the system should provide information related to other regulatory requirements for the selected products, such as Sanitary and Phytosanitary Sanitary (SPS) measures that have to be observed before importation, as well as any special licenses or documents required;
- q) the system should outline all the goods that are prohibited or restricted in a SACU Member State of final destination;
- r) the system should list the applicable preferential rules of origin under each trade regime for eligible product and should also enable comparison of different rules of origin;
- s) the system should list the procedure required to certify origin of products; and
- t) the system should list the general information on export/import requirements and relevant contact points of all the SACU Member States.

4. POST IMPLEMENTATION REQUIREMENT

4.1. The following post-implementation requirements are envisaged:

4.1.2 Warranties

- a) The appointed Service Provider will be expected to provide a warranty period of 12 months following the go-live date. This warranty shall serve a guarantee that the system will work in accordance with its specifications and obliges the service provider to eliminate any defects on the system at no additional charge to the SACU Secretariat.

4.1.3 Maintenance and Support

- a) The appointed Service Provider will be expected to provide an option for ongoing maintenance and support following expiry of the warranty.
- b) The required maintenance and support service shall:
 - (i). be 12 months long;
 - (ii). be optionally renewable;
 - (iii). include maintenance of software that entitles the Secretariat to all new patches and updates of the system; and
 - (iv). include a support service that entitles the Secretariat to report and get assistance on any technical issues experienced on the system.

5. APPROACH

5.1. The Service Provider will meet with the relevant officials of the Secretariat to discuss

the Terms of Reference. The Service Provider will be expected to develop a pilot tariff database and reference tool, including a pilot user interface, for consideration and approval by the Secretariat prior to developing the full development of the system.

6. EXPECTED RESULTS AND DELIVERABLES

- 6.1. The Service Provider will produce the prototype tariff database and reference tool version for consideration and testing by the Secretariat within (8) eight weeks, after signing of the Service Level Agreement.
- 6.2. A final live version of the database, incorporating all the changes and information should be available for launch within (16) sixteen weeks, after signing of the Service Level Agreement.
- 6.3. The Service Provider will also produce a detailed process for monitoring and evaluating progress on a continuous basis.
- 6.4. Final design source codes and accompanying documentations.

7. QUALIFICATIONS AND EXPERIENCE

- 7.1. The Service Provider should be highly familiar with the development and hosting of the databases and user interfaces. The Service Provider should also be familiar with the structure of the SACU Tariff Book.
- 7.2. The Service Provider should have undertaken similar assignments aligned to the scope of work of these Terms of Reference.
- 7.3. The Service Provider should possess a minimum of 5 years verifiable track-record on design, development, implementation and support of large web-based information systems.
- 7.4. The assigned development team deployed by the Service Provider **MUST** include at least two experienced developers having no less than 5 years' experience on design, development, implementation and support of large web-based information systems.

8. SUBMISSION OF TENDER PROPOSALS

- 8.1. Submission of the proposals shall be through a two-envelope tender process, meaning that the technical and financial proposals must be submitted separately in sealed envelopes.
- 8.2. The proposals should be delivered or posted to the address specified on page 1 above in **six (6)** hard copies each (**original plus 5 copies**). The technical proposals should be inserted in a separate envelope, clearly marked "**Technical Proposal**" and the financial proposal should be placed in its own separate envelope clearly marked "**Financial Proposal**". All envelopes should be properly sealed and clearly marked as indicated below:

**DEVELOPMENT OF AN ONLINE HARMONIZED CUSTOMS AND EXCISE TARIFF
DATABASE AND REFERENCE TOOL**

NAME OF THE BIDDING COMPANY/ORGANISATION/FIRM

The deadline for submission of tenders is 17h00, Namibian time, on 05 March 2018

9. PRIME CONTRACTOR RELATIONSHIP

- 9.1. SACU will enter into a contract with only one successful bidder.
- 9.2. The selected bidder shall be solely responsible for the deliverables as specified in this document.

10. FINANCIAL ARRANGEMENTS

- 10.1. Bidders are solely responsible for their own costs of preparing the Tender.
- 10.2. Payments for all services covered by this tender shall be made within 30 (thirty) days subject to receipt of appropriate invoices, the satisfactory completion of work, and adherence to the SACU Secretariat's Financial Policies and Procedures.
- 10.3. SACU shall not be liable for any losses, damages, costs, charges or expenses caused by injuries to the bidder's personnel during the execution of their duties.

11. CONFIDENTIALITY

- 11.1. Tenders submitted will not be revealed to any other bidders and will be treated as contractually binding.
- 11.2. The SACU Secretariat reserves the right to seek clarification or verification of any information in the Tenders.
- 11.3. All information pertaining to the SACU Secretariat obtained by the bidder as a result of participation in this RFT is confidential and must not be disclosed without written authorisation from the Executive Secretary of SACU.
- 11.4. SACU reserves the right to undertake a full background check on all references submitted prior to awarding the contract.

12. OWNERSHIP OF TENDERS

- 11.1. All Tenders, including supporting documents, submitted to the SACU Secretariat become the property of SACU.
- 11.2. Ownership of all the data belonging to SACU, whether under its control or the bidder's control shall continue to vest in SACU. Any data of whatever nature resulting from the provision of the Products and Services shall be the property of SACU and may be used by SACU without restriction. All data or information that may be shared with the successful bidder during the provision of the Products and Services shall upon termination of the contract, be returned to the SACU Secretariat.

13. MODIFICATION OF TERMS

- 13.1. The SACU Secretariat reserves the right to add, modify or omit certain portions of the Tenders' scope at any time at its sole discretion. This includes the right to cancel this RFT at any time prior to entering into a contract with the successful bidder.

14. TENDER FORMAT

- 14.1. Bidders are requested to address the issues and requirements in Appendix A to ensure that each Tender receives full consideration.

15. EVALUATION OF TENDERS AND AWARD CRITERIA

15.1. Eligibility

- a) Only Tenders received as specified in section 7 (Submission of Tender Proposals) above will be considered.
- b) Tenders will be disqualified if six (6) copies of each proposal, Technical and Financial, are not submitted in separate envelopes.
- c) Tenders will not be evaluated if the bidder's current or past corporate or other interests may, in the Secretariat's opinion, give rise to a conflict of interest in connection with this RFT.
- d) Tenders will be disqualified if the following documents have not been submitted:
 - i. A certified copy of a Certificate of Registration or Incorporation with the relevant national authorities for companies or corporations;
 - ii. A certified copy of a current Tax Clearance Certificate or exemption thereof from the relevant national authorities; and
 - iii. Where applicable, a certified copy of a legal agreement for partnerships, consortiums and joint ventures.
- e) Tenders will also be disqualified if the bidder is not majority (51%) owned by citizen(s) of a SACU Member State (with proof of shareholding) and registered within a SACU Member State.

15.2. Qualification Criteria

- a) Tenders not so excluded will be initially evaluated by reference to the following qualification criteria:

- i. Completeness of tender documentation as specified in Appendix A of this document.

15.3. Award Criteria

- a) The contract will be awarded from the qualifying Tenders on the basis of the most economically advantageous proposal applying the following award criteria, listed in order of priority:
 - i. Proof of technical knowledge in the area of the required focus of the study;
 - ii. Proof of experience in undertaking similar assignments;
 - iii. Proof of qualifications, relevant skills/knowledge and experience by the team who will undertake the exercise;
 - iv. Availability of Consultant to undertake the exercise; and
 - v. Company Profile and Reputation of the Bidder.

16. CONTRACT ADMINISTRATION

- 16.1. The award will be subject to the successful conclusion of a Service Level Agreement (SLA) to confirm the Terms and Conditions of the Tender.
- 16.2. SACU reserves the right to negotiate the terms of the tender proposal and the value of any financial proposal submitted.

APPENDIX A - FORMAT OF TECHNICAL PROPOSAL (1ST ENVELOPE)

Bidders should address all the issues and requirements in the sequence in which they appear in this Appendix.

1. General Information

- 1.1. One page letter of introduction identifying the bidder and signed by the person(s) authorised to bind the organisation to statements made in the proposal.
- 1.2. Title Page listing the RFT Number, Organisation Name, Postal Address, Physical Address, Telephone No., Fax No., Mobile No., Email Address, Website and Full Names of two Contact Persons.
- 1.3. Profile of the Consultancy Firm or consortium.
- 1.4. A record of previous similar consulting assignments undertaken by the firm or consortium.
- 1.5. Proof of qualifications and experience of key staff that will carry out the assignment, including the team leader.
- 1.6. Full Contact Details of any third-parties involved in the proposal.
- 1.7. Description of role or element of proposal to be fulfilled by any third-party.
- 1.8. Confirmation of acceptance by the bidder and any third parties of the conditions of proposal.
- 1.9. Certified copies of a Certificate of Registration or Incorporation with relevant national authorities.
- 1.10. Certified copies of the majority owner(s) of the company or consortium showing that they are citizens of a SACU Member State
- 1.11. Certified copy of a current Tax Clearance Certificate from relevant national authorities. Where a consortium or a group of companies are jointly delivering a response, then the companies must:
 - a) clearly state the name of the Primary Party with whom SACU will enter into an Agreement;
 - b) provide full details of each of the legal entities involved in the bid;
 - c) provide a certified copy of a legally binding partnership or consortium agreement; and
 - d) provide a detailed description of the role or element fulfilled by each legal entity involved in the bid.

2. Technical Proposal (Methodology)

- 2.1. A detailed technical proposal indicating a clear understanding of the Terms of Reference and the methodology that will be used by the bidder to complete the assignment should be submitted to the Secretariat.

3. Reference Sites

- 3.1. Bidders must provide a minimum of five (5) customers (names, addresses and telephone numbers) who may be contacted for references in connection with the proposed assignment.
- 3.2 A schedule of five (5) or more recent and similar assignments undertaken by the company. This schedule must indicate the client, the assignment that was undertaken, the year, the client's geographical location and the financial value.

For example:

Client	Services Provided	Year	Location	Financial Value
ABC Corporation	Development of XYZ Web-Based Information System	2017	Windhoek	R XXX, XXX.XX

- 3.3 A schedule of five (5) or more clients (contact names, physical addresses and telephone numbers) who may be contacted for references in connection with the proposed assignment.

For example:

Client	Contact Name	Telephone	Physical Address
ABC Corporation	Mr J. Doe	061-999 9999	20 ABC Street, Windhoek

4. Project Team Skills

- 4.1 A matrix of Team Skills showing the Service Provider's team members that will be involved in the project with their roles and proficiency levels. Service provider may list any skills they deem relevant for the contract.

For example:

	<Name > [Mr. J. Doe]	<Name > [Ms. A. Price]
	<Role> [Project Manager]	<Role> [Developer 1]
Skill/ Area of Expertise	Level of Proficiency	Level of Proficiency
Development of Web Based Applications	P	X

Project Management	X	P
Development of Trade Information Systems	E	X

Proficiency Level Key

E	<i>Exposure</i>	Has exposure in this area but has no hands on experience.
W	<i>Working</i>	Has limited working experience in this area of expertise having been involved in 1 to 4 similar projects before
P	<i>Proficient</i>	Has proven hands-on experience in this area of expertise having been involved in between 5 to 10 similar projects before.
X	<i>Expert</i>	Has tremendous hands-on experience having been involved in more for more than 10 similar projects before.

5. . Additional Information

5.1 Bidders may provide any other information which may be relevant to this proposal.

APPENDIX B - FINANCIAL PROPOSAL

Bidders must address all the issues and requirements which appear in this Appendix B.

APPENDIX B SCHEDULE OF COSTS/FINANCIAL PROPOSAL (2ND ENVELOPE)

All costs must be quoted in South African Rands (ZAR). The schedule must take the following format:

- a) The total cost of the proposal (best and final offer).
- b) A full breakdown of the price.
- c) An itemised breakdown of the cost of any options being proposed beyond the specified Terms of Reference.
- d) The applicable rate of VAT in respect of each product and service being proposed.
- e) Details of any other costs, taxes or duties which may be incurred.
- f) Confirmation that the Financial Proposal remains valid for 90 (ninety) days from the tender closing date.

1. DOCUMENTATION CHECKLIST

Have you submitted the following required information?	YES	NO
A Signed Letter of Introduction		
A Profile of the Company		
Proof of qualifications and experience of key staff that will carry out the assignment		
A Certified Copy of a Certificate of Company Registration or Incorporation		
A Certified Copy of Certificate of a Tax Clearance Certificate		
Certified Proof that the majority owner(s) of the company or corporation are citizens of a SACU Member State		
A written declaration that the bidder's current or past corporate or other interests does not give rise to a conflict of interest on this assignment		
A detailed methodology that will be used to complete the assignment		
A schedule of five (5) or more similar assignments undertaken by the company		
A schedule of 5 (five) or more contactable references		
An itemised break down of the costs in a separate financial proposal		
Written confirmation that the financial proposal remains valid for 90 days		
Six (6) copies each proposal, Technical and Financial, in separate envelopes		
Additional documents required from Consortiums or Partnerships	YES	NO
Written identification of the Primary Contracting Party		
Full details of all legal entities involved in the bid		
Certified Proof that the majority owner(s) of the company or consortium are citizens of a SACU Member State (copy of ID's or Passports will suffice)		
Certified copy of a legally binding partnership or consortium agreement		
Description of the role or element fulfilled by each legal entity		