



Companies and Intellectual
Property Commission

a member of **the dti** group

ANNEXURE “H”

TERMS OF REFERENCE (“TOR”)

CIPC BID NUMBER: 20/2020/2021

DESCRIPTION: INVITATION FOR REPUTABLE AND ACCREDITED BULK FILING AND STORAGE COMPANIES TO PARTICIPATE IN THE CIPC BID FOR THE “STORAGE OF CIPC RECORDS (IN HARD COPY AND ELECTRONIC FORMAT), SCANNING OF RECORDS AT REQUEST IN THE PRESCRIBED FORMAT AND/OR DISPATCH TO CIPC”.

CONTRACT PERIOD: TEN (10) YEARS

CLOSING DATE: 09 APRIL 2021

PLEASE NOTE: BID PROPOSALS MUST BE SUBMITTED TO CIPC OFFICES BEFORE OR ON THE BID CLOSING DATE AND TIME.

SEE DETAILS OF THE BRIEFING SESSION ON PAGE: 18

1. **TERMS AND CONDITIONS OF REQUEST FOR TENDER (RFP)**
2. CIPC's standard conditions of purchase shall apply.
3. Late and incomplete submissions will not be accepted.
4. Any bidder who has reasons to believe that the RFP specification is based on a specific brand must inform CIPC before BID closing date.
5. Bidders are required to submit an original Tax Clearance Certificate for all price quotations exceeding the value of R30 000 (VAT included). Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of this RFP. Certified copies of the Tax Clearance Certificate will not be acceptable.
6. No services must be rendered or goods delivered before an official CIPC Purchase Order form has been received.
7. This RFP will be evaluated in terms of the **80/20 OR 90/10** system prescribed by the Preferential Procurement Regulations, 2001.
8. The bidder must provide assurance/guarantee to the integrity and safe keeping of the information (that it will not be amended/corrupted/distributed/permanently stored/copied by the service provider) for the duration of the contract and thereafter. Failure to submit will invalidate the bid proposal.
9. CIPC reserves the right to negotiate with the successful bidder on price.
10. The service provider must ensure that their work is confined to the scope as defined.
11. Travel between the consultant's home, places of work to the DTI (CIPC) vice versa will not be for the account of this organization, including any other disbursements.
12. The Government Procurement General Conditions of contractors (GCC) will apply in all instances.
13. As the commencement of this project is of critical importance, it is imperative that the services provided by the Service Provider are available immediately. Failing to commence with this project immediately from date of notification by CIPC would invalidate the prospective Service Provider's proposal.
14. No advance payment(s) will be made. CIPC will pay within the prescribed period as per the PFMA.
15. **All prices quoted must be inclusive of Value Added Tax (VAT)**
16. **All prices must be valid for 120 days**
17. The successful Service Provider must at all times comply with CIPC's policies and procedures as well as maintain a high level of confidentiality of information.
18. All information, documents, programmes and reports must be regarded as confidential and may not be made available to any unauthorized person or institution without the written consent of the Commissioner or his/her delegate.
19. The successful bidder must ensure that the information provided by CIPC during the contract period is not transferred/copied/corrupted/amended in whole or in part by or on behalf of another party.
20. Further, the successful bidder may not keep the provided information by way of storing/copy/transferring of such information internally or to another party in whole or part relating to companies and/or close corporation. As such all information, documents, programs and reports must be regarded as confidential and may not be made available to any unauthorized person or institution without the written consent of the Commissioner or his delegate.
21. The service provider will therefore be required to sign a declaration of secrecy with CIPC. At the end of the contract period or termination of the contract, all information provided by CIPC will become the property of CIPC and the service provider may not keep any copy/store/reproduce/sell/distribute the whole or any part of the information provided by CIPC unless authorized in terms of the declaration of secrecy.
22. The Service Provider is restricted to the time frames as agreed with CIPC for the various phases that will be agreed to on signing of the Service Level Agreement.
23. CIPC will enter into Service Level Agreement with the successful Service Provider.
24. **CIPC reserves the right not to award this bid to any prospective bidder or to split the award.**

25. Fraud and Corruption:

The Service Provider selected through this Terms of Reference must observe the highest standards of ethics during the performance and execution of such contract. In pursuance of this policy, CIPC Defines, that for such purposes, the terms set forth will be as follows:

- i. "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of CIPC or any personnel of Service Provider(s) in contract executions.
- ii. "Fraudulent practice" means a misrepresentation of facts, in order to influence a procurement process or the execution of a contract, to CIPC, and includes collusive practice among bidders (prior to or after Proposal submission) designed to establish Proposal prices at artificially high or non-competitive levels and to deprive CIPC of the benefits of free and open competition;
- iii. "Unfair trade practices" means supply of services different from what is ordered on, or change in the Scope of Work;
- iv. "Coercive practices" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the execution of contract;
- v. CIPC shall reject a proposal for award, if it determines that the bidder recommended for award, has been engaged in corrupt, fraudulent or unfair trade practices;
- vi. **CIPC also reserves the right to terminate this Agreement by giving 10 (ten) business days written notice to the service provider due to any perceived (by CIPC) undue reputational risk to CIPC which CIPC can be exposed to resulting from the service provider or its management/directors being found to be involved in unethical behaviour, whether in its dealings with CIPC or any other business dealings.**
Note: "Unethical behaviour" includes but not limited to an action that falls outside of what is considered morally right or proper for a person, a profession or an industry
- vii. CIPC shall declare a Service Provider ineligible, either indefinitely or for a stated period of time, for awarding the contract, if at any time it determines that the Service Provider has been engaged in corrupt, fraudulent and unfair trade practice including but not limited to the above in competing for, or in executing, the contract.
- viii. The service provider will sign a confidentiality agreement regarding the protection of CIPC information that is not in the public domain.
- ix. **As the commencement of this project is of critical importance, it is imperative that the services provided by the Service Provider are available immediately. Failing to commence with this project immediately from date of notification by CIPC would invalidate the prospective Service Provider's proposal**

26. COMPLUSORY BID REQUIREMENTS (FAILURE TO COMPLY WITH ALL REQUIREMENTS BELOW WILL IMMEDIATELY DISQUALIFY THE PROPOSAL)

INSTRUCTIONS FOR THE SUBMISSIONS OF A PROPOSALS

2.1. SUBMISSION OF ORIGINAL HARD COPY

- a) Bidder's must submit **One (1) original copy (hard printed copy of the technical proposal)**
- b) The Bid Document must be marked with the Bidder's Name
- c) The Bid documents **must be signed in ink** by an authorized employee, agent or representative of the bidder and each and every page of the proposal shall contain the initials of same signatories
- d) All pages of the submitted proposal must be numbered.

2.2. SUBMISSION OF USB

- a) **NO DISC WILL BE ALLOWED**
- b) **ONE (1) USB must be submitted, including technical proposal as well as price proposal saved in separate folders;**
- c) The **USB must be marked with the bidder's name.**
- d) **The USB must have an index page/ table of contents listed all documents included in the proposal for easy referencing during evaluation (group information in separate folders)**
- e) The **USB** must contain the **exact** documents/ information submitted in the original copy
- f) The hard copy submitted will be used by CIPC for records purposes.
- g) Bidders to ensure that the information is properly copied in the USB prior submitting to CIPC and that there are no missing pages. Bidder's to please verify if all documents can open and are properly saved.
- h) **IMPORTANT: THE USB WILL BE USED FOR EVALUATION HENCE THE BIDDER IS REQUIRED TO ENSURE THAT THE USB CONTAINS ALL INFORMATION IN READABLE FORMAT**
- i) **CIPC WILL NOT BE HELD LIABLE FOR INCOMPLETE PROPOSALS/ INFORMATION SUBMITTED IN THE USB'S**
- j) **BIDDERS TO ENSURE THAT THE INFORMATION COPIES IN THE USB'S IS CLEAR**
- k) All pages must be signed; numbered and initial as per the Original copy
- l) The USB must be submitted in **PDF format ONLY and must be read ONLY**
- m) **IF THERE IS NO USB SUBMITTED THE BID PROPOSAL WILL NOT BE EVALUATED**

FAILURE TO COMPLY WITH ALL THE ABOVE MENTIONED REQUIREMENTS WILL IMMEDIATELY INVALIDATE THE BID

2.3. SUBMISSION OF PRICE PROPOSAL

- a) Prospective Bidders must submit a printed hard copy of the Price Proposal in a separate **SEALED** envelope. It is important to separate price from the Technical proposal as Price is evaluated at the last phase of the Evaluation.
- b) The price envelop must be marked with the bidder's name
- c) **Bidders to complete Pricing Schedule SBD 3.3 (Annexure "C")**
- d) **The total Price (Ceiling price) must be carried over to BOTH SBD 3.3 (Pricing Schedule) and SBD FORM 1: (Invitation for Bids).**
- e) The Total Bid Amount will be used for the evaluation of bids therefore it must be inclusive of all costs for the duration of the contract.
- f) All prices must be VAT inclusive and quoted in South African Rand (ZAR).
- g) All prices must be valid for 120 days

2.4. PLEASE NOTE THAT IT IS COMPULSORY THAT BIDDERS SUBMIT PROPOSAL AS PER THE FOLLOWING

- 1. 1 (ONE) ORIGINAL HARD OR PRINTED COPY
- 2. 1 (ONE) USB FOR TECHNICAL PROPOSAL AND PRICE MUST BE INCLUDED IN THE SAME USB BUT SAVED IN A SEPARATE FOLDER ("MARKED PRICE PROPOSAL")
- 3. ONE SEALED ENVELOPE FOR PRICE PROPOSAL (INSIDE THERE MUST BE)
 - ❖ PRICE SCHEDULE – SBD.33
 - ❖ SBD1 - INVITATION TO BIDS
 - ❖ PRICE BREAKDOWN PREFERABLE IN THE BIDDERS LETTERHEAD SIGNED BY AN AUTHORISED REPRESENTATIVE

NB: Bidders must also refer to page 15 of 16 of the Terms of reference under Mandatory Requirements

FAILURE TO COMPLY WITH ALL THE ABOVE MENTIONED REQUIREMENTS WILL IMMEDIATELY INVALIDATE THE BID.

I, the undersigned (NAME).....certify that:

I have read and understood the conditions of this tender.

I have supplied the required information and the information submitted as part of this tender is true and correct.

.....
Signature

.....
Date

2. BACKGROUND

The Companies and Intellectual Property Commission (CIPC), a member of the “**the dtic group**”, (Department of Trade and Industry and Competition) is responsible for the registration of companies, external companies and co-operatives; registration of intellectual property rights; maintenance of information on its registers; promotion of education and awareness of company and intellectual property law; promotion of compliance with relevant legislation; and efficient and effective enforcement of all relevant legislation. CIPC wishes to invite reputable and accredited companies to participate in the bid for the “Storage of CIPC Records (in hard copy and electronic format), scanning of records at request in the prescribed format and/or dispatch to CIPC”.

The majority of CIPC records estimated at more than 7.2 Million (files, documents, microfiche, etc.) are currently stored at the offsite storage with the current service provider and CIPC desires to secure a new medium term contract no later than May 2021 for the smooth transition of records to the successful bidder.

The successful bidder will be required to have a safe and secure and adequate file storage facility readily available, which is in accordance to the minimum NARS requirement for the storage of records and which is to be inspected as part of the bid evaluation.

3. SCOPE OF WORK

On being awarded the contract, the successful bidder shall be required to:

- Collect all CIPC records in storage at the current service provider warehouse facility in Midrand, as well as records (existing and newly created files), at the CIPC offices, at the dti Campus, 77 Meintjies Street, Sunnyside, Pretoria or at the new CIPC offices within the Pretoria area.
- An electronic copy the CIPC records captured on the database of the current service provider, shall be provided to the successful bidder to “verify the records received from the current service provider and CIPC” and to compile an electronic inventory and electronic database thereof on their “document management system”.
- All files received are to be secure in transit and within the approved records storage facility for the duration of the contract.
- The successful bidder shall be required to develop and/or customise an effective document management system and maintain a comprehensive record in respect of the records managed from the onset of the contract, including the accurate tracking- of files, scanning, physical dispatch of such, electronic dispatch, etc. and this is to include the generation of statistical reports as well as exceptional reports at request, i.e. specific files requested, files, requested by an individual, etc.
- The service provider shall be required to create a “hub” within the CIPC building, where new files to be taken-on, existing files delivered to CIPC and existing files to be returned to the warehouse facility are to be temporarily stored and managed.
- During the term of this storage contract CIPC will be embarking on an organisational wide scanning project to digitize all paper files across all CIPC divisions. This will result in files being requested from storage in bulk, for scanning purposes. Provision is thus required to be made in the costing for this contract for the retrieval, transport and collection of approximately 25 million paper files for the scanning project, according to a plan and schedule for such scanning project still to be determined by CIPC.

Storage Facility

4. Location:

The successful bidder's document storage warehouse facility must be located in a demographic area where it will be feasible and practical for multiple daily deliveries to CIPC and from where urgent physical files can be delivered to CIPC within a period of (2) hours after being requested.

5. Storage Area:

The warehouse storage facility must be large enough to cater for all the current CIPC files, documents, records, etc. held within the current service provider facility, as well as CIPC offices and cater for a 5% expansion per annum over the contract period.

6. NARS Standards:

The National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996) prescripts, need to be complied with in respect of all aspects pertaining to records.

The physical building structure, doors, windows, ceiling, roof, floor, air-conditioning, water pipes, electrical installations, etc. of the facility must be in compliance with NARS standards in respect of being constructed of non-flammable materials and minimise possible electrical faults.

The positioning and location of racks, shelves, cabinets, etc. in/on which records are to be stored, must be constructed of non-flammable materials and placed in areas where the risks of fire-, water-, humidity-, electrical- and normal light exposure-, as well as dust- and pest- damage is minimised.

7. Security:

Adequate physical security measures need to be in place from the outer perimeter, secured windows and doors, access control, CCTV monitoring, Intrusion- and Fire detection to comply with the MISS (Minimum Information Security Standards Policy) as approved in cabinet on 6 December 1996.

The premises also need to be secured by means of a fire suppression system which will not damage any of CIPC records, data, etc. in the event of fire, etc.

The premises need to be safeguarded by a 24 hours security guarding service, in which access is controlled effectively in terms of the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985).

8. Safety:

The premises must be in compliance with the prescripts of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

9. Emergency Power:

The premises must be equipped with an emergency back-up power supply, uninterrupted power supply to ensure continuity of business in the event of a power failure, load shedding, etc. to cater for a period of at least (4) four hours.

Service Provider Staff

10. Security Competency:

- The company, directors and all staff directly involved with the contract will be subjected to security screening and vetting by the State Security Agency.
- Staff directly involved need to be security competent and thus any person found not to be security competent will be required to immediately be replaced by a security competent person.

NB: This includes any company, Director or individual associated to the company whom has been blacklisted on the National Treasury Register “Database of Restricted Suppliers-NT Current” for any reason whatsoever as CIPC will immediately disqualify and or suspend the contract to comply with the National Treasury directives.

11. Oath of Secrecy:

All staff directly involved will be required to sign an “Oath of Secrecy” and be bound to the Protection of Information Act, 1982 (Act 84 of 1982).

12. Service to be rendered

Collection:

The successful bidder shall be required to collect the following approximate number of CIPC files, documents, records, data, etc. from the current service provider in, Midrand:

Division	January 2016	September 2019
Close Corporations	2,897,829	2,950,334
Companies	1,482,417	1,531,777
Trademarks	1,024,021	1,871,074
Patents	579,621	646,612
Cooperatives	122,470	192,507
Designs	65,704	75,963
Copyrights	6,978	7,206
Defensive Names	6,667	6,667
Human Resource	5,074	5,074
Financial Management	526	1,356
Information Services	14	59
Legal	806	1,800
Legal Services/Compliance/Law Enforcement	2	2
	6,192,129	7,290,431

NB: The above table illustrates the actual increase over the current contract period and currently the CIPC files are held with (157,317) one hundred and fifty-seven thousand three hundred and seventeen boxes within the current service provider warehouse. (Box size: 33cm width x 42cm length x 25cm depth – Box Maximum Weight Load: 15kg)

There are “active” as well as “other business operation files” within the CIPC office at **the dti** Campus, 77 Meintjies Street, Sunnyside in use, and of which some may be recorded on the existing electronic database and therefore not be available at the current service provider and shall also need to be collected and moved to the storage facility as the processes are completed.

Document Tracking and Management:

All files, documents, etc. taken-on by the successful bidder need to be verified at the time taken-on. A “new unique barcoded adhesive label” must be attached to the each and every file, first page in respect of a single document not placed within a file, etc. as part of the verification process. The correct reference number, subject or entity name, etc. as well as business type category, i.e. Company, Close Corporation, Trade Mark, etc. is to be recorded on the “Document Management Database”. The service provider may include any other relevant information, deemed necessary on the database, for ease identification and retrieval thereof within the warehouse facility. The Document Management System shall be the property and remain the property of CIPC for the duration of the contract and thereafter and shall not be made available to any third party under any circumstances.

Microfiche

Microfiche register to be provided to the approved bidder for retrieval system. Digitization of Microfiche (transfer all information from Microfiche to electronic).

CIPC Officials requiring files, documents, etc. from the service provider shall apply for access to any such “Document Management System” via the project custodian being the Senior Manager: Facilities and Security or his/her representative.

Any authorised CIPC official, shall be issued a unique “User Identity Code” to access the Document Management System by means of a compulsory “password” to be changed on a monthly basis. CIPC officials, shall only be authorised to request access to categories to which they have been authorised to access, i.e. only Trade Marks, Companies and Close Corporations, etc.

The Document Management System, must include an effective “tracking function” in which the physical CIPC records delivered to an individual within CIPC, is recorded and could be tracked. The tracking function should immediately identify the location of the record, whether within the storage facility, in transit or with a CIPC official.

The nominated CIPC representatives must be provided access to the management system for management purposes. The management system must cater for various “exceptional reports”, per category type, unit, individual, per day, week, month, etc.

i.e. Number of files;

- In storage facility,
- In transit,
- At CIPC,
- New taken on,
- Scanned,
- Requested per User, Requested within a specific period, etc.

The successful bidder shall be required to provide a weekly statistical report on activities during the file transition period and monthly thereafter, as agreed within the contract negotiations.

12.1 Storage:

The documents collected for storage need to be sorted and filed in accordance to the NARS approved CIPC File plan and/or placed within boxes, within filing racks on shelves in a sequence and manner with the minimum retrieval time when required.

All CIPC "HR files" (Personnel, Leave, Merit, Housing, Bursary, etc.) in respect of a CIPC official, (whether previously or currently employed), must be secured separately from other files and thus, if within boxes, all within one box for easy retrieval in the event of a file, document, etc. being requested.

The files/documents, etc. need to be well preserved and carefully handled at all times to ensure no damage or destruction of such information. All files and boxes that have noticeable damage as a result of regular handling need to be replaced by the appointed service provider (for his account) to prevent any further damage.

12.2 Delivery/Dispatch:

The physical delivery of files, records, etc. shall be restricted to the minimum and only be in respect of manual business operations necessitating such, as well as exceptional cases, i.e. required for "signature or handwriting" verification or investigation, Court or other essential legal process where the "perusal" thereof is critical.

The dispatch of such files, records, etc. shall be required to be under strict security measures, i.e. secured within a sealed box, bag, envelope, etc. locked within an enclosed lockable compartment of the vehicle, with an active satellite tracking device whilst transported to or from CIPC by road. As the files are the only records which CIPC have, it needs to be transported in an enclosed vehicle of which the compartment is locked at all times whilst in transit.

The loss of any such information is to immediately be reported to the South African Security Services as well as the CIPC representative, to whom the official SAPS case number i.e. Sunnyside CAS 1/12/2019 is to be submitted with a written report and a sworn/affirmed affidavit pertaining to the circumstances surrounding the loss.

The Document Management System must display records of all files dispatched with audit trail for future reference when required. The delivery of physical files requested are to be divided into two categories, namely the "urgent" and "normal" requests, in which the urgent files are to be delivered **within (2) two hours**. The normal deliveries of files should **be within an (8) eight working hour period – equal to (1) one working day**.

The delivery physical files requested as "urgent" shall be on an ad hoc basis as and when required. The delivery of "normal" requests shall be at least (3) three deliveries per day. The first delivery between (08:00-10:00), the second delivery between (11:00-13:00) and the third delivery between (14:00-15:30).

The contract must cater for at least (1) one additional daily delivery for a period not exceeding (6) six weeks, per annum, for an incentive programs or specific projects within the price calculations. This should equate to (30) thirty working days or (30) thirty additional trips.

Further to this, it should also cater for at least (2) deliveries on (6) six Saturdays in the period in the event incentives or a project is running. This should equate to (12) twelve additional trips on weekends and also catered for within the price calculations.

The arrangement for such shall only be with at least (10) ten working days' written notice to the service provider prior to the additional services being required.

The electronic dispatch in respect of files, documents, etc. shall apply to all standard requests unless the specific business process requires that the file be available for such process within CIPC and this request is authorised to be released by the authorised official within the business unit.

The electronic dispatch shall entail that the entire contents of the file, be scanned by the successful bidder in at least a "pdf. Format" unless otherwise agreed to by both CIPC and the successful bidder in writing.

The electronic dispatch of scanned files, documents, etc. to CIPC shall only be via a secured dedicated and encrypted data line (link) between CIPC and the successful service provider.

13. Other:

13.1 Operating Hours:

The required operating hours for the storage facility is to be weekdays from Mondays to Fridays between the hours 08:00 and 16:00 hours. The service provider may be required to render services after the official hours in the event of CIPC embarking on a project requiring staff to work incentives as per the requirements specified in Paragraph 4 *Supra*.

13.2 Insurance:

The service provider shall be required to have sufficient insurance, including public liability for the assets, information being under their control whilst in storage, transit, etc. Proof of such adequate insurance must be provided to CIPC at signing the SLA and be in place for the duration of the contract.

Should the insurance lapse or not be adequate to cover CIPC's damages, the service provider shall be responsible for any costs.

13.3 Performance Guarantee:

The Bidder shall be required to submit a "Form of Guarantee" of an Insurance Company or Financial Institution or both with the successful bidder, in a sum equal to 10% of the bid price, for due performance of the contract within (10) working days after being awarded the contract and accepting the "Letter of Award". CIPC shall withhold all payments until this obligation is complied with. The successful bidder shall bear all costs in respect of such "guarantee".

14. Special Conditions:

The successful bidder must ensure that the work is only confined to the scope of the work as defined and agreed to.

- No advance payments shall be made as payments shall only be made in terms of deliverables, unless otherwise agreed to by both parties (CIPC and the successful bidder).
- CIPC shall pay within the prescribed period in accordance to the PFMA. The price quoted for the service must include Value Added Tax (VAT).
- The successful bidder must at all times abide and comply with CIPC policies and procedures, as well as maintain a high level of confidentiality of information.

- All information, documents, programmes and reports must be regarded as confidential and may not be divulged to any unauthorised person or institution, without the written consent of the Commissioner or his/her delegate.
- **All potential bidders must attend a compulsory “briefing session”.**
- **NB: The potential bidders must have a storage facility immediately available and not still to be constructed or construction in progress as any bid with an incomplete facility shall be invalidated. All files, records, etc. are to be held on the same premises for security and audit purposes.**
- **All bids must contain the following information for evaluation:**
 - **Company Profile - include contactable references, audited financial statements, etc. (see *Evaluation Criteria*)**
 - **Methodology of execution of the contract**
 - **Project Plan**
 - **Storage Facility details**

15. Contract:

The contract period shall be for a minimum period of (10) years. The service provider will not be permitted to abdicate any responsibilities in terms of the contract awarded or transfer such to a 2nd or 3rd party without prior approval of the Commissioner or his/her representative during the contract period.

16. Service Level Agreement:

The successful bidder shall be required to enter into a “Service Level Agreement” with CIPC within (10) ten working days after receiving the official letter confirming “Award of the Bid”.

17. Copyright:

Copyright of all documentation, electronic data, programme source codes, manuals, and documents produced or prepared for CIPC in respect of this Bid, (including training material) by or on behalf of the bidder or emanating from this contract shall vest in CIPC, which shall have the right to adopt such for other projects. Any base systems, programme source codes, technical manuals or adaptations developed by the bidder or its supplier prior to this contract will be excluded. The bidder shall not, without written consent of CIPC granted by a duly authorised official, use copy or communicate to any person such documents or information, except as strictly necessary for the purposes of the contract. In addition, and without limiting the foregoing, the bidder shall deliver such documentation to CIPC, immediately upon expiry or termination of the Contract.

18. EVALUATION PROCESS (Criteria)

The evaluation process will be done in accordance with the following criteria:

Bids will be evaluated in accordance with either **80/20 OR 90/10** preference point system contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000).

19.1 Evaluation (Phases)

The evaluation will be completed in 3 phases:

Phase 1: Compliance to minimum requirements

Phase 2: Functional Evaluation

Phase 3: Site visit and presentation by bidders

Phase 4: Pricing and Preferential Procurement policy

PHASE 1: COMPLIANCE TO MINIMUM REQUIREMENTS

During Phase 1 all bidders will be evaluated to ensure compliance to minimum document requirements. Without limiting the generality of the CIPC 'S other critical requirements for this Bid, bidder(s) **must submit the documents** listed in the **Table** below.

All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements.

The bidder(s) proposal *may* be disqualified for non-submission of any of the documents

Item No	Document that must be submitted	Compliance provide ANSWER: Yes /No	Non-submission may result in disqualification
1.	Invitation to Bid – SBD 1		Complete and sign the supplied pro forma document.
2.	Tax Status – SBD1		a) Bidders must submit Tax Clearance Certificate (TCC) PIN b) The TCS PIN will be used for the verification of tax compliance status a Bidder
3.	Declaration of Interest –SBD 4		Complete and sign the supplied pro forma document.
4.	Preference Point Claim Form – SBD 6.1		Non-submission will lead to a zero (0) score on BBBEE
5.	Declaration of Bidder's Past Supply Chain Management Practices – SBD 8		Complete and sign the supplied pro forma document.
6.	Certificate of Independent Bid Determination – SBD 9		Complete and sign the supplied pro forma document.
7.	Registration on Central Supplier Database (CSD)		The Service Provider is encouraged to be registered as a service provider on the Central Supplier Database (CSD). Visit https://secure.csd.gov.za/ to obtain your. Vendor number. Submit PROOF of registration on the Central Supplier Database (CSD Report) <u>SUBMIT SUPPLIER NUMBER AND UNIQUE NUMBER</u>
8.	Pricing Schedule :		a. Submit full details of the pricing proposal in a separate envelope. b. Complete Pricing Schedule (Annexure "A") (to be PRINTED placed in a separate envelop with SBD 3) c. Price must be carried over to SBD 3 d. The price envelop must be marked with the bidder's name e. Price must be in line with TABLE 2 and table 3: (Refer to page 11 of 16. ANNEXURE "A") <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>
9	IMPORTANT: SUBMISSION OF USB OR DISC		1. Bidders must submit a USB OR DISC WITH THEIR PROPOSAL 1 copy of the original document 2. USB or DISC to be submitted in pdf format 3. USB or DISC to be read only 4. USB or DISC to be the exact copy of the original document submitted. 5. All documents to be signed and bidders initial each page 6. Price proposal to be included in the DISC or USB <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>
10.	<u>COMPLETION OF TABLE 1 BELOW</u>		<u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>

THE FOLLOWING DOCUMENTS NEED TO BE SUBMITTED AS PART OF THE PROPOSAL AND WILL BE USED DURING THE EVALUATION

- **Non-submission Shall result in disqualification**
- **IMPORTANT:** Bidders must respond systematically and address separately and clearly marked all requirements, indicate understanding, approach, methodology etc. **All documents to be marked**

TABLE 1: BID REQUIREMENTS:

Item No	Document that must be submitted	Supporting Documents attached and Marked <u>ANSWER: Yes /No</u>	REFERENCE: Tag/ Tab /index Number in the Bid file	State Page Number/s
1.	Comprehensive Company Profile			
2.	Methodology on how the requirements of the contract as per the scope of work will be executed.			
3.	Include a project plan for the execution of the contract from the initial collection from Iron Mountain and CIPC office, the verification of files (take-on) and storage thereof.			
4.	Agree to that the CIPC Bid Evaluation Committee visit the proposed site for evaluation of this Bid.			
5.	Provide a list of references (with contact details and volume of files stored) in respect of clients to whom a service is currently being rendered, as well as previous clients.			
7.	Provide a list of references (with contact details and volume of files stored) in respect of clients to whom a service is currently being rendered, as well as previous clients.			

The above mentioned table must be completed with page numbers and tag number provided/ listed above: TABLE 1

FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.

ALL BIDDERS THAT COMPLY WITH THE MINIMUM REQUIREMENTS WILL ADVANCE TO PHASE 2.

PHASE: 2: FUNCTIONALITY EVALUATION

All bidders that advance to Phase 2 will be evaluated on the functionality as presented on the bid response by the same panel as for phase 1.

BIDDERS SCORING 60% OR HIGHER WILL ADVANCE TO PHASE 3

Criteria No	EVALUATION CRITERIA	Rating					Weight %	Total
		1	2	3	4	5		
1.	<p><u>APPROACH AND METHODOLOGY:</u> The bidders approach and methodology in:</p> <ul style="list-style-type: none"> • Verification process of the files to be moved to the new facility, • Compiling inventory and electronic database, • Document management process for the requesting-, tracking- and management- of files, • Storage and retrieval of files within the warehouse facility, • Providing a draft project plan with estimated timelines for the collection, verification, take-on, storage of approximately 7.2M records. <p><u>RATINGS</u> Score 1 = No proposal, Score 2 = proposal with limited details Score 3 = proposal addressing the above without further demonstration of processes, system, approach and methodology, Score 4 = proposal addressing the above with further demonstration of processes, systems, approaches and methodology, Score 5 = detailed proposal addressing the above further demonstration of processes, systems, approaches and methodology plus detailed project plan</p>						15	
2.	<p><u>MANAGEMENT & RESOURCE COMPONENT:</u> The bidder's management and resource component in respect of:</p> <ul style="list-style-type: none"> • Administration of contract, • Operation of document management system, • Handling and management of files at the warehouse, • Scanning of record and dispatch of electronic files to CIPC, • Handling and management of files on CIPC site, • Collection and delivery of files including transport means, • Security of files in transit. <p><u>RATINGS</u> Score = 1: Proposal does not address the above requirements Score = 2: Proposal covers some of the requirements above Score = 3 Proposal covers all of the above requirements indicating resources and capacity , Score =4: Proposal covers all of the above requirements indicating resources and capacity plus systems, technology, methodology clearly demonstrated. Score = 5: Proposal covers all of the above requirements indicating resources and capacity plus systems, technology, methodology clearly demonstrated and reporting to CIPC</p>						20	
3	<p><u>DEMONSTRATE EXPERIENCE IN DOCUMENTS STORAGE:</u> The bidder's capability in storage and management of records based on:</p> <ul style="list-style-type: none"> • Years in storage of document(s) business, • Contactable references of similar contracts (name of entity, contact person and contact duration and date awarded contract), • Affiliations, Awards and or Letters of Appreciation, Testimony or Rewards. <p><u>RATINGS</u> Score 1= No demonstration of similar work done, no references, affiliation, awards, letters and, testimonials Score 2= experience partly demonstrated, not all of the above have been demonstrated Score 3= demonstrated experience in storage records management with five (5) years' experience, with three (3) contactable reference letters Score 4= demonstrated experience in storage records management with seven (7) years' experience, with four (4) contactable reference letters Score 5= demonstrated experience in storage records management with ten (10) years' experience, with five (5) contactable reference letters plus affiliations, awards or rewards</p>						20	
	Total						55	

Please provide details for all the above information to enable proper evaluation

PHASE 3: SITE VISIT & PRESENTATION:

- a. CIPC Panel will be visiting the storage building for all bidders submitted their proposal
- b. Bidders will be expected to do presentation to the CIPC Team at the Bidder's expenses
- c. The evaluation will be based on the criteria stated below
- d. Please provide details for all the above information to enable proper evaluation
- e. **BIDDERS SCORING 60% OR HIGHER, WILL ADVANCE TO PHASE 4.**

Criteria No	EVALUATION CRITERIA	Rating					Weight %	Total
		1	2	3	4	5		
4	<p><u>Warehouse Location</u></p> <p>The demographic location of the storage facility related to the CIPC Offices in Tshwane:</p> <ul style="list-style-type: none"> • within a radius of less than 15km score = 5 • within a radius between 15 and 25km score = 4 • within a radius between 25km and 40km score = 3 • within a radius between 40km and 50km score = 2 • within a radius more than 50km score = 1 <p>NB: GPS Coordinates of Site to be utilized for calculation.</p>						10	
5	<p><u>Warehouse Filing Infrastructure</u></p> <p>The availability of the following infrastructure within the Warehouse:</p> <ul style="list-style-type: none"> • Perimeter Security • 24 Hour Guarding Service • Effective Access Control • Fire Alarm and Suppression System • Portable Fire Equipment • Safety Measures and Housekeeping • Back-up Power Generator/UPS • Sturdy and secure filing rack structure • Walk-in Safe, Strong room, etc. <p><u>Ratings</u> Score 1 = complies with 1-2 of the above Score 2 = complies with only 3 of the above points Score 3 = complies with 5 of the above points Score 4 = fully complies with 7 of the above points Score 5 = fully complied with the above 9 points</p>						20	
6	<p><u>Warehouse Storage Facility</u></p> <p>The physical structure of the facility:</p> <ul style="list-style-type: none"> • Size sufficient to cater for files and future expansion, • Possible fire-, water- hazards identified in close proximity, • Other possible fire, safety and or security risks or hazards identified on the immediate boundaries or surrounding businesses in close proximity. <p><u>Ratings</u> Score 1 = does not comply with the above Score 2 = partly complies Score 3 = complies with all the above 3 points Score 4 = complies with all the above plus additional measures for expansion or improvement Score 5 = fully complied with the above 3 points plus additional measure for improvement, expansion and preventative measures taken</p>						15	
	Subtotal						45	
	Total						100	

Note:

Bids will be evaluated on a scale of 1-5 in accordance with the rating as indicated below 1 = Very poor, 2 = Poor, 3 = Good, 4 = Very good, 5 = Excellent.

NB: Please provide details for all the above information to enable proper evaluation.

- 1. Functionality will count out of 100 points. Bidders must achieve a minimum score of **60 points out of 100** on the functionality evaluation to proceed to the next phase.
- 2. **BIDDERS THAT ACHIEVE LESS THAN 60 POINTS ON FUNCTIONALITY WILL BE DISQUALIFIED FOR FURTHER EVALUATION**

PHASE 4: PRICING AND PREFERENTIAL PROCUREMENT POLICY

Please Note: CIPC 6.1 Preference Points Claim Form in terms of the PPPFA is attached for claiming above mentioned points, if not completed the company will automatically score 0 points.

Preferential Procurement Policy

The bidders that have successfully progressed will be evaluated in accordance with the **80/20 OR 90/10** preference point system contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000).

IMPORTANT NOTICE:

- 1. The tender will be evaluated on either the 80/20 or 90/10 preference point system.**
- 2. Once a tender is received, the lowest acceptable tender must be used to determine the preference point system to be used for the evaluation of tenders.**
- 3. Where the lowest acceptable tender is below R50 million, the 80/20 preference point system must be used.**
- 4. If the lowest acceptable tender is above R50 million, the 90/10 preference point system must be used.**

Pricing

Pricing will be calculated using the lowest price quoted as the baseline, thus the lowest price quoted will achieve full marks, while all other quotes will achieve a weighted average mark based on the lowest price.

Description	Total
Price	80
BBBEE	20
Total	100

OR

Description	Total
Price	90
BBBEE	10
Total	100

- Provide fixed price quotation for the duration of the contract
- Cost must be VAT inclusive and quoted in South African Rand
- Costing should be aligned with the project activities / project phases

BROAD BASED BLACK ECONOMIC EMPOWERMENT (BBBEE)

- Provision of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its regulations 2017 will apply in terms of awarding points.
- Preference Points Claim Form, SBD 6.1 should be completed and signed by the bidder to be able to claim preference points.
- Calculation of points for B-BBEE status level contributor:
- Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:
- Failure to submit a certificate from accredited verification agency substantiating the B-BBEE status level of contribution or is a non-compliant contributor, such bidder shall score 0 points out of the allocated maximum points for B-BBEE.

The bidder with the highest score will be recommended as the successful service provider.

20. BRIEFING SESSION

NB: Please Note:

A COMPULSORY BRIEFING SESSION shall be held as follows. Potential bidders note that attendance of this briefing session is compulsory, non-attendance will automatically disqualify a service provider from bidding

Compulsory Briefing Session/Site Visit	VIA MS TEAMS
Date:	22 March 2021
Time:	11h30am
Date: for Confirmation of Attendance	17 March 2021
Details for Confirmation of attendance: <u>NB:</u> No Telephonic Confirmation Allowed	nmaqhula@cipc.co.za

21. SUBMISSION OF PROPOSALS

Sealed proposals will be received at the Tender Box at the Reception, 77 Meintjies Street, Sunnyside, **the dti** campus, Block F.

Proposals should be addressed to:

Manager (Supply Chain Management)

Companies and Intellectual Property Registration Office

AT THE WEST GATE ON 77 MEINTJIES STREET,

Block F, **the dti** Campus, 77 Meintjies Street,

Sunnyside

PRETORIA

22. ENQUIRIES

A. Supply Chain Enquiries

Mr Solomon Motshweni OR Ms Ntombi Maqhula

Contact No: (012) 394 3971 /45344

E-mail: SMotshweni@cipc.co.za OR Nmaqhula@cipc.co.za

B. Technical Enquiries

Ms Velaphi Skosana

E-mail: vskosana@cipc.co.za

AND

Ms Veronica Lepule

E-mail: vlepule@cipc.co.za

BIDS OPENING DATE: 01 MARCH 2021

BIDS CLOSING TIME: 11: 00 AM

BIDS CLOSING DATE: 09 APRIL 2021

NB: IT IS THE PROSPECTIVE BIDDERS' RESPONSIBILITY TO OBTAIN BID DOCUMENTS IN TIME SO AS TO ENSURE THAT RESPONSES REACH CIPC, TIMEOUSLY. CIPC SHALL NOT BE HELD RESPONSIBLE FOR DELAYS IN THE POSTAL SERVICE.

[BIDDERS SHOULD ENSURE THAT BIDS ARE DELIVERED IN TIME TO THE CORRECT ADDRESS. LATE PROPOSALS WILL NOT BE ACCEPTED FOR CONSIDERATION](#)

ANNEXURE "A": PRICING SCHEDULE

NB: PLEASE PRINT AND PLACE WITH THE PRICING PROPOSAL

Prospective bidders must submit a comprehensive proposal. The onus is upon the prospective bidders to take into account all costs for the duration and the price must be fixed for the duration of the contract.

- a) Cost breakdown must be provided, covering all required aspects in this tender.
- b) The total price must be carried over to the pricing schedule and will be used to evaluate the bids.
- c) Prices must be firm for the duration of the project.
- d) Price carried over to SBD form 3.3 and SBD FORM 1
- e) Must include all costs for the duration of all period stated below under- pricing.
- f) Price quoted to be inclusive of vat
- g) Period of Ten (10) years

TABLE 1 The following pricing table needs must be completed:

DESCRIPTION	Price	VAT	TOTAL
Take-on of Documents, Files, Capturing and Maintaining Data Management System	R	R	R
Storage of Documents, Files, Boxes	R	R	R
Storage of Microfiche	R	R	R
Retrieval, Scanning, Collection & Delivery of Files	R	R	R
TOTAL	R	R	R

TABLE 2: The following pricing table needs must be completed:

TOTAL ANNUAL PRICE	Year 1 2021	Year 2 2022	Year 3 2023	Year 4 2024	Year 5 2025	Total Costs
CIPC STORAGE BID	R	R	R	R	R	R

TOTAL ANNUAL PRICE	Year 6 2026	Year 7 2027	Year 8 2028	Year 9 2029	Year 10 2030	Total Costs
CIPC STORAGE BID	R	R	R	R	R	R
TOTAL BID PRICE <u>INCLUSIVE OF VAT</u> TO BE CARRIED OVER TO <u>SBD 3.3 AND SDB FORM 1</u> <u>(CEILING AMOUNT</u> FOR A PERIOD OF <u>TEN(10) YEARS</u>						

FAILURE TO COMPLY WITH THE ABOVE STATED REQUIREMENTS SHALL IMMEDIATELY INVALIDATE THE BID.