



Companies and Intellectual
Property Commission
a member of **the dti** group

TERMS OF REFERENCE (TOR)

CIPC BID NUMBER: 08/2019/2020

**DESCRIPTION: INVITATION TO SERVICE PROVIDERS TO
SUPPLY, MAINTAIN AND SUPPORT A
NETWORK AND APPLICATION
PERFORMANCE MONITORING SYSTEM**

**DURATION OF THE CONTRACT: THREE (3) YEARS. (36 MONTHS)
(LICENSES, MAINTENANCE & SUPPORT (INCLUDING
ONSITE RESOURCE)**



1 TERMS AND CONDITIONS OF REQUEST FOR TENDER (RFT)

1. CIPC's standard conditions of purchase shall apply.
2. Late and incomplete submissions will not be accepted.
3. Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform CIPC before BID closing date.
4. 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 RFT. Certified copies of the Tax Clearance Certificate will not be acceptable.
5. No services must be rendered or goods delivered before an official CIPC Purchase Order form has been received.
6. This RFT will be evaluated in terms of the **80/20** system prescribed by the Preferential Procurement Regulations, 2001.
7. The bidder must provide assurance/guarantee to the integrity and safe keeping of the information (that it will not 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.
8. CIPC reserves the right to negotiate with the successful bidder on price.
9. The service provider must ensure that their work is confined to the scope as defined.
10. Travel between the consultants home, place of work to the DTI (CIPC) vice versa will not be for the account of this organization, including any other disbursements.
11. The Government Procurement General Conditions of contractors (GCC) will apply in all instances.
12. 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.
13. No advance payment(s) will be made. CIPC will pay within the prescribed period as per the PFMA.
- 14. All prices quoted must be inclusive of Value Added Tax (VAT)**
- 15. All prices must be valid for 90 days**
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.



22. CIPC will enter into Service Level Agreement with the successful Service Provider.

23. CIPC reserves the right not to award this bid to any prospective bidder or to split the award.

24. 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.

I, the undersigned

(NAME).....certify that:

I have read and understood the conditions of this Request for Tender (RFT).

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

.....
Signature

.....
Date



1. PURPOSE AND INTRODUCTION

CIPC wishes to procure a Network and Applications Performance Monitoring solution, including support and maintenance that will monitor the availability and performance of ICT systems. The solution should enable CIPC to continuously monitor the availability and performance of ICT services including business applications, the websites and the associate's infrastructure in order to proactively provide the needed support to business.

2. BACKGROUND AND REQUIREMENTS

CIPC hosts a number of business applications and web services that enable its clients and stakeholders to perform a variety of electronic transactions. The ICT systems are at times characterized by reactive and time-consuming trouble-shooting. To address this, CIPC requires a solution to enable proactive end-to-end visibility and root-cause analysis of a defined set of critical CIPC infrastructure components.

The solution must provide the capability to monitor applications at four distinct levels – End-User Experience, Network Insight, Root-Cause Analysis of application performance and Server Performance. This should be characterized by a deeper understanding of end-user experience and application availability and performance across both customer-facing Internet applications and critical back-end systems.

A monitoring system for the networks, applications and associated hosting infrastructure, is required for the following services that includes;

- Reporting on the systems availability and performance;
- Identifying network technical errors and points of failure;
- Availability, application performance and website issues which.

The solution should provide a complete end-to-end service delivery view based on the following principles among others:

- Utilizing end-user monitoring capabilities to measure the quality of service delivered to business and, most importantly, the impact any performance issue has on the business;
- Creating an infrastructure and component model of how those services are delivered through a performance-driven method.
- Incorporation of both data center elements and Internet and third-party provider components to provide visibility across the entire application delivery chain.

The maintenance and support services must ensure that all components and functionality of the monitoring solution are fully explored and used to provide further insight into both current and potential problem areas and continuous improvement opportunities as follows:

- Create a central knowledge base to drive availability and performance to the CIPC;
- Create reports to assist with root cause analysis and support/inform capacity planning;
- Assist in the quick resolution of system performance issues;
- Ensure immediate access, where required, to quickly diagnose, fix and resume application performance; and
- Identify and resolve application performance and website availability issues;
- Conduct root-cause analysis of problems pertaining to a defined set of critical CIPC applications and infrastructure;
- Monitor End-User experience and diagnose related problems;



- Provide application on-boarding, troubleshooting, monitoring, reporting and other key APM-related tasks;
- Provide Root-Cause Analysis of Application and Server Performance problems; and
- Provide deep level analysis of end-user experience;
- Monitor and report applications availability and performance across both customer-facing Internet applications and critical back-end systems;
- Use End-User Experience monitoring to measure the quality of service delivered to business;
- Report proactively on the impact any performance issue could have/has on the business;
- Create an infrastructure and component model of how the services are delivered through a performance-driven method;
- Review the incorporation of data center elements, internet and third-party provider components to provide visibility across the entire application delivery chain; and
- Analyze and continuously improve real ICT services user experience metrics and performance statistics.

CIPC business hours are from 07h30 to 16h30 from Monday to Friday excluding Public holidays. SLA-linked support should be provided during these times and after-hours' maintenance activities.

The main CIPC office and data center is situated at **the dti** Campus, 77 Meintjes Street, Sunnyside with branches in Tshwane, Johannesburg and Cape Town.

The current and core CIPC ICT systems includes the Informix & Oracle databases, BPM Tool, Web Services and +/- 100 servers (Production, QA, Testing and development). The systems are currently monitored by a Dynatrace/Vantage/ AppMon/DCRUM.

3. DURATION OF CONTRACT

Contract duration is for a period of **three (3) years. (36 months)**

4. COMPETENCY AND EXPERTISE REQUIREMENTS

The following competencies and expertise are required for this role:

4.1. Exposure

The successful bidder must have relevant exposure in the supply of network and applications monitoring solutions, including configuration, support and maintenance thereof.

4.2. Experience

The successful bidder must have a minimum of three (3) years' experience in the supply of network and applications monitoring solutions, including configuration, support and maintenance thereof.

The following experience will be an added advantage:

- Experience in other IT application systems/infrastructure performance monitoring areas; and
- Experience in business service management

4.3. Accreditation

4.4. As per accreditation provided by the OEM (Original Equipment Manufacturer)



4.5. Soft Skills

The following soft skills are essential:

- Communication;
- Report writing; and
- Relationship management

5. REPORTING

The contracted bidder's account manager will report to the Senior Manager: ICT Infrastructure or his delegate.

Monthly written reports will be submitted to the Senior Manager:

The progress reports shall contain at least the following:

- Incidents logged during the reporting period;
- Capacity reports;
- Utilization reports; and
- Any other relevant or additional issues/requirements

6. WORKING CONDITIONS

6.1 Equipment

- N/A

6.2 Proprietary rights

- The proprietary right with regard to copyright, patents and any other similar rights that may result from the service rendered by the resource belong to CIPC.
- The final product of all work done by the resource, shall at the end of service period, be handed over to CIPC.
- The resource may not copy documents and/or information of the relevant systems for any other purpose than CIPC specific.

6.3 Indemnity / Protection / Safeguard

- The resources safeguard and set CIPC free to any losses that may occur due to costs, damage, demands, and claims that is the result of injury or death, as well as any damage to property of any or all contracting personnel, that is suffered in any way, while delivering a service to CIPC.
- The resources safeguard and set CIPC free to any or all further claims for losses, costs, damage, demands and legal expenses as to the violation on any patent rights, trade marks or other protected rights on any software or related data used by the resources.

6.4 Government Safety

- The resources attention is drawn to the effect of government Safety Legislation. The resources must ensure (be sure) that relevant steps are taken to notify the person(s) of this requirement.
- The resource must at all times follow the security measures and obey the rules as set by the organization.

6.5 Quality

- The Senior Manager: Infrastructure Management will subject the quality and standard of service rendered by resources to quality control.
- Should CIPC, through the Senior Manager: Infrastructure Management, be of the opinion that the quality of work is not to the required level, the service provider will be requested to provide another resource. The service provider will carry the cost related to these changes.



7. COSTING

Prospective bidders must submit a **BILL OF QUANTITIES CLEARLY INDICATING THE UNIT COSTS OF THE LICENSES, MAINTENANCE & SUPPORT (INCLUDING ONSITE RESOURCE) AND ANY OTHER COSTS APPLICABLE.** The onus is upon the prospective bidders to take into account all costs for the duration of the contract period and to CLEARLY indicate the price. Cost breakdown must be provided, covering all required aspects in this tender. **NB The total price must be carried over to the pricing schedule and will be used to evaluate the bids. Prices must be firm for the duration of the project and include VAT. PRICE CARRIED OVER TO SBD FORM 3 AND SBD FORM 1 MUST INCLUDE ALL COSTS FOR THE DURATION OF ALL PERIOD STATED ABOVE UNDER PRICING. FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY INVALIDATE THE BID.**

1. SPECIAL CONDITIONS

Please Note:

- a. The Service Provider must ensure that their work is confined to the scope as defined and agreed.
- b. Government Procurement General Conditions of contract (GCC) as issued by National Treasury will be applicable on all instances. The general conditions are available on the National Treasury website (www.treasury.gov.za)
- c. No advance payment will be made. Payment will be made in terms of the completed deliverables unless otherwise agreed upon by other parties (CIPC and the contractor). CIPC will pay within the prescribed period according to PFMA.
- d. The price quoted for the services must include Value Added Tax (VAT).
- e. The Service Provider shall be expected to sign a Non-Disclosure Agreement
- f. Tender offers must be received on the tender closing date and time specified on the invitation, fully completed and signed in ink as per Standard Conditions of Tender.
- g. Completion and submission of the Declaration of Interest.
- h. CIPC reserves the right not to make this appointment.

2. EVALUATION PROCESS (Criteria)

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

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

8.1 Evaluation (Phases)

The evaluation will be completed in 3 phases:

Phase 1: Compliance to minimum requirements

Phase 2: Functional Evaluation

Phase 3: 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' response 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) SUBMIT SUPPLIER NUMBER AND UNIQUE NUMBER
8.	Pricing Schedule		a. Submit full details of the pricing proposal in a separate envelope. Price must be carried over to SBD 3: <u>failure to comply with this requirement shall immediately invalidate the bid.</u> b. The price envelop must be marked with the bidder's name
9.	A bidder shall submit an accreditation/reseller letter from the original supplier (OEM) of the proposed solution/technology.		Bidders must submit an accreditation/reseller letter from the original supplier (OEM). <u>FAILURE TO PROVIDE THE LETTER SHALL INVALIDATE/DISQUALIFY THE BID.</u>

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



PHASE 2: EVALUATION CRITERIA

No	VALUATION CRITERIA	Rating					Weight	Total
		1	2	3	4	5		
1.	<p>Demonstrated company experience, of at least 3 years, in the provisioning of Network and Application Monitoring systems - including configuration, and maintenance and support. This should include the work undertaken and tools utilized as well as two (2) reference/testimonial letters, with indication of experience/completed work, from client/s that are at least similar to CIPC in ICT size</p> <p>Score 1 = no demonstration, experience less than 1, no reference submitted: Score 2 = 1-2 yrs. experience, inadequate, inappropriate content in letters Score 3 = relevant references in Network & monitoring systems, 3 yrs. experience Score 4 = detailed relevant reference including tools utilized, 4yrs experience provided: Score 5 = detailed relevant reference including tools utilized plus more than 5 years of experience</p>						30	
2.	<p>Submit a detailed Project Plan showing proposed approach & methodology, timeframes & key milestones for the execution of the project/installation. Project management tools & techniques, please provide sample templates to be used.</p> <p>Score 1 = no project plan submitted: Score 2 =, project plan not meeting the above Score 3 = project plan meeting above criteria with no tools, techniques samples provided: Score 4 = detailed plan exceeding above criteria with detailed samples, templates, tools used in the past projects indicated Score 5 = detailed plan exceeding above criteria with detailed samples, templates, tools used in the past projects indicated with additional reporting/feedback and management meetings with CIPC</p>						10	
3.	<p>Provide three (3) CV/s of key resources (indicate seniority e.g. project leader etc.) that will be assigned to the project, clearly indicating relevant ICT and proposed solution/technology expertise. Accredited certification of the resources will be an added advantage.</p> <p>Evaluation of the cv/s will be based on the experience relevant to the scope of work and not necessarily on the amount/number of CVs provided. Minimum experience 3 years & certification or accreditation linked to the proposed solution.</p> <p>Score 1 = inadequate, inappropriate experience 1 year. experience & no accredited certification by OEM: Score 2 = accreditation by OEM with only 2 yrs. experience, Score 3 = 3 yrs. experience and accreditation certification by OEM Score 4 = 4 -5 yrs. experience & higher accredited certification by OEM or: Score 5 = 6 - 8 yrs. experience & higher accredited certification plus additional certifications linked to the solution.</p>						10	
4.	<p>Proposed solution/technology framework.</p> <ul style="list-style-type: none"> i. End user experience monitoring – (active and passive) ii. Application runtime architecture discovery and modeling iii. User-defined transaction profiling (also called business transaction management) iv. Application component monitoring v. Reporting & Application data analytics <p>Additional solution/technology value add where applicable will be an added advantage.</p> <p>Score 1 = no proposal submitted: Score 2 =, proposal not meeting all of the above Score 3 = proposal plan meeting (v) above: Score 4 = detailed proposal meeting all five(v) above criterion plus value add were applicable: Score 5 = detailed proposal meeting all five(v) above criterion with value add and ability of the solution to expose API's to 3rd party systems:</p>						50	
	Total						100	



Note:

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 3: 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** preference point system contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000).

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

- 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.



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3. BRIEFING SESSION

There is no Briefing Session

COMPULSORY BRIEFING SESSION/ SITE VISITS	NONE
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4. 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
Block F, the dti Campus, 77 Meintjies Street,
Sunnyside
PRETORIA

5. 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

Mr Evans Mojanaga
E-mail: Emojanaga@cipc.co.za

BIDS OPENING DATE: 27 SEPTEMBER 2019
BIDS CLOSING TIME: 11: 00 AM
BIDS CLOSING DATE: 28 OCTOBER 2019

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