

TERMS OF REFERENCE (TOR)

CIPC BID NUMBER: 06/2019/2020

**DESCRIPTION: INVITATION TO SERVICE PROVIDERS TO
SUBMIT PROPOSALS TOWARDS
ADVANCEMENT OF THE CIPC MOBILE
PLATFORM FOR A 24 MONTHS ON AN ON-
DEMAND BASIS.**

DURATION OF THE CONTRACT: VALID FOR TWO (2) YEARS

1 TERMS AND CONDITIONS OF REQUEST FOR TENDER (RFP)

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 RFP 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 RFP. 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 RFP 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 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.
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.
- viii. The service provider will sign a confidentiality agreement regarding the protection of CIPC information that is not in the public domain.

I, the undersigned

(NAME).....certify that:

I have read and understood the conditions of this Request for Proposal (RFP).

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

.....

Signature

.....

Date

1. Introduction

The Companies and Intellectual Property Commission (CIPC), herewith referred to as 'the Commission' was formed by the amalgamation of the Office of Companies and Intellectual Property Enforcement (OCIFE) and the Companies and Intellectual Property Registration Office (CIPRO), and is mandated by the Companies Act, 2008 (Act 71 of 2008). CIPC is an organ of state, outside the public service but within the public administration.

Main functions of Commission:

- Registration of Companies, Co-operatives and Intellectual Property Rights and maintenance thereof;
- Disclosure of Information on its register;
- Promotion of education and awareness of Company and Intellectual Property Law;
- Promotion of compliance with relevant legislation;
- Efficient and effective enforcement of relevant legislation;
- Monitoring compliance with and contraventions of financial reporting standards, and making recommendations thereto to Financial Reporting Standards Council (FRSC);
- Licensing of Business rescue practitioners;
- Oversight role of Independent Review professional bodies;
- Report, research and advise Minister on matters of national policy relating to company and intellectual property law.

2. Background

2.1 Target Audience

All the business oriented CIPC services are targeted for public use within and outside South Africa. Consumers of the services are both new clients requesting information or registering entities with the CIPC, and existing clients needing to ensure compliance of legal entities they own with the regulatory requirements enacted by the Companies Act of South Africa. Again, the partners of the CIPC and internal (CIPC employees) depend on some of the services the CIPC implements for various kinds of operations and data needs.

3. Project Objectives

The CIPC needs to advance services delivered via its mobile platform, and standardise integration of the mobility platform with other technology platforms within the organisation. The CIPC currently runs a Codename One Write Once Read Anywhere (WORA) technology platform for the development of its cross platform mobile applications. In line with the CIPC quest to cut costs, this platform enables the writing of code once and deployment across different computer devices. Nonetheless, only a subset (or about 10%) of the services that the CIPC provides to its client community, are currently implemented in this mobile technology platform, hence the need to add more services on the mobile platform. Important still, is the need to enhance the mobility platform to at least the same level as the currently enhanced web platform. Therefore, the CIPC needs services from eligible service providers to implement the mobility requirements over a period of 24 months on demand.

In summary, the CIPC requires the services of a service provider on demand towards:

- A) Development of cross platform mobility applications with Codename One.
- B) Integrate the CIPC Mobile platform to both a card and an in-store payment module.
- C) Integrate the CIPC mobile with the K2 technology where applicable.
- D) Integrate the CIPC mobile with the Oracle database where applicable.



Companies and Intellectual
Property Commission

a member of the dti group

4. Scope

The main objective of this procurement request is to capacitate the CIPC with Codename-One development expertise as and when demands for business automation dictates. It is not a time and material contract nor it is a fixed term contract but a deliverable based contract. Therefore, when a request for resources is made by the CIPC, the agreement for the request will list alongside it, the deliverables to be made and associated timelines for delivery. These time lines in turn will depict to all parties the duration of the contract or the length of time that the CIPC intends to employ the resources from the service provider. The total charge for any project of this contract will be based on how long will a planned deliverable take, therefore, will be determined by the total length of time required for all project deliverables to be made by the various resources for a specific project.

This TOR seeks to source primarily the expertise of an enterprise that has experience in delivering projects where the combination of expertise as listed below were deployed, and not necessarily to source individual skills. Therefore, recruitment agents are not qualified to respond to this advertisement unless they meet the condition above.

The service provider responding should have in its employ a team that has the following expertise:

- One (1) senior Codename One developer.
- One (1) senior back-end developer.
- One (1) senior User experience designer.

TABLE 1: SKILLS REQUIRED AND ESTIMATED HOURS

THE SERVICE PROVIDER IS EXPECTED TO QUOTE ACCORDING TO THE FOLLOWING TABLE OF HOURS AND SKILLS:

	Activity	Skills description	Year 1 (Hours)	Year 2 (Hours)	Total (Hours)
Codename One	Codename One developer	<ul style="list-style-type: none"> - At Least 5 Years Codename One development experience. - At least 5 years Java development experience. - At least 5 years SpringBoot development experience. - Java 8 development knowledge. - App Store deployment knowledge. - REST development knowledge. - K2 development knowledge an advantage. 	1600	1600	3200
	Back-End Developer	<ul style="list-style-type: none"> - At least 5 years Rest development knowledge - At least 5 years Soap development knowledge - Java 8 development knowledge - SpringBoot development knowledge - At least 3 years Codename One development experience - Payment gateway integration knowledge 	1600	1600	3200
	User Experience Designer	<ul style="list-style-type: none"> - At least 5 years User Experience design. - At least 1 years Codename One development experience. - At least 3 years CSS development experience. - At least 3 years HTML5 development experience. - At least 5 years JavaScript development experience. - At least 1 year graphics design experience. 	800	800	1600
	Total		4000	4000	8000

4.1 Deliverables

K2 automated processes as prescribed by business project requirements and deliverables to be stated as and when the CIPC makes them available.

5. Technical Requirement Details

5.1 Infrastructure Description

- 5.1.1 The CIPC runs a Codename One Mobility (WORA) development platform.
- 5.1.2 The CIPC runs Informix 7, SQL 2012 R2 and Oracle 18 databases.
- 5.1.3 Runs SOAP based web services.
- 5.1.4 The CIPC applications are developed with c# and run on the 2012 R2 OS.
- 5.1.5 Legacy systems are written in VB, while some backend API's are implemented in C#.
- 5.1.6 SharePoint is employed for internal communication and collaboration.
- 5.1.7 The CIPC runs a Computron workflow and has implemented a project to replace it.
- 5.1.8 The CIPC implements IBM MQ for cross component message flow.
- 5.1.9 K2 workflow.

5.2 Integration

All web based services are expected to integrate to:

- 5.2.1 MS SQL/Oracle for the persistence of data.
- 5.2.2 Where necessary interface with Informix/Oracle/SQL/cloud backend for the implementation of Mobility services.
- 5.2.3 Card and in-retail payment gateway services.
- 5.2.4 Legacy and other corporate systems at the CIPC.

5.3 Vendor Eligibility

The prospective vendor should fulfil the respective requirements mentioned below and should be able to provide both practical and documented evidences for eligibility proof.

- 5.3.1 The vendor needs to have experience in the implementation of mobility services.
- 5.3.2 The vendor needs to have experience in the support and maintenance of the CN1 WORA platform.
- 5.3.3 The vendor should have implemented end to end comprehensive WORA solutions in at least one institution (private or government).
- 5.3.4 The vendor should have a minimum of five years' experience in the application of the proposed WORA solution.
- 5.3.5 The vendor shall have demonstrable evidence from Apps stores that they are capable to deliver with the WORA platform of the CIPC.
- 5.3.6 The vendor must have implemented CN1 mobile applications for a large target audience (minimum 1 million people).

5.4 COSTING

TABLE 2: COSTING EXAMPLE

VENDOR SHALL ESTIMATE PRICING FOLLOWING THE [EXAMPLE](#) TABULATED BELOW: **(THIS IS AN EXAMPLE)**

Criteria	Description		
Price for the entire contract duration (two years).	Assuming that each resource will be fully utilised each working day for each of the two years, how much will be the total amount for a period of two years. <u>For example,</u>		
	Resources Description	Year 1	Year 2
	Project Manager	R100 per hour	R110 per hour
	K2 Developers (X3)	3 * R100 per hour	3 * R110 per hour
	Tester	R100 per hour	R110 per hour
	Business Analyst	R100 per hour	R110 per hour
	Total cost for all resources per year	R1 300 000	R 1 400 000

- PRICE QUOTATIONS MUST BE PROVIDED IN LINE WITH TABLE 1. SKILLS REQUIRED AND ESTIMATED HOURS.
- FAILURE TO PROVIDE QUOTATION AS PER THE PRESCRIBED FORMAT SHALL IMMEDIATELY INVALIDATE THE BID.**

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.** 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. 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.**

6. SOLUTION DELIVERY REQUIREMENTS

6.1 The contract is set to last for two years.

6.1.1.1 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.
- i. **Service Provider shall provide CIPC with all the license documentation that CIPC is entitled to as per the costing of the licenses.**
- j. **The Service Provider shall be required to provide training & skills transfer for the services as per paragraph 3 of this document.**
- k. **Bidders shall be requested to demonstrate all claims made in the proposal.**
- l. **All candidates that the service providers brings to the CIPC will be subjected to an assessment test as per the skills table (Table 1.) above. Only candidates passing the assessment will be considered.**

7. 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).

7.1 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' 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) SUBMIT SUPPLIER NUMBER AND UNIQUE NUMBER
8.	Pricing Schedule		a. Submit full details of the pricing proposal in a separate envelope. b. Price must be carried over to SBD 3 c. The price envelop must be marked with the bidder's name d. Price must be in line with TABLE 1: SKILLS REQUIRED AND ESTIMATED HOURS (refer to page 6 of 13) e. A price example (Table: 2) has been provided on page 8 of 13. Bidders are required to comply to this format

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

PHASE 2: EVALUATION CRITERIA

No	EVALUATION CRITERIA	Rating					Weight	Total
		1	2	3	4	5		
1.	<p>Vendor experience in the implementation of the WORA platform (CN1).</p> <p>Score = 1 Experience less than or equal to 2 years</p> <p>Score = 2 Experience greater than 2 years, but not more than 3 years</p> <p>Score = 3 Experience greater than 3 years, but not more than 4 years</p> <p>Score = 4 Experience greater than 4 years, but not more than 5 years</p> <p>Score = 5 Experience greater than 5 years</p> <p>Proof to be submitted: Partnership agreement or, testimonial letters from clients</p>						40	
2.	<p>Vendor experience in the cloud backed technology (Azure, ORDS, Back4App, Firebase, and Kinvey etc.).</p> <p>Score = 1 Experience less than or equal to 2 years</p> <p>Score = 2 Experience greater than 2 years, but not more than 3 years</p> <p>Score = 3 Experience greater than 3 years, but not more than 4 years</p> <p>Score = 4 Experience greater than 4 years, but not more than 5 years</p> <p>Score = 5 Experience greater than 5 years</p> <p>Proof to be submitted: Partnership agreements or, testimonial letters from clients)</p>						20	
3.	<p>Vendor experience in user experience design.</p> <p>Score = 1 Experience less than or equal to 2 years</p> <p>Score = 2 Experience greater than 2 years, but not more than 3 years</p> <p>Score = 3 Experience greater than 3 years, but not more than 4 years</p> <p>Score = 4 Experience greater than 4 years, but not more than 5 years</p> <p>Score = 5 Experience greater than 5 years</p> <p>Proof to be submitted: Partnership agreements or testimonial letters from clients)</p>						20	
4.	<p>Vendor demonstration to supply relevant resources to the CIPC as prescribed in this project.</p> <p>Score = 1 No resource available</p> <p>Score = 2 Proof that two (2) relevant and experienced resources are immediately available</p> <p>Score = 3 Proof that three (3) relevant and experienced resources are immediately available</p> <p>Score = 4 Proof that four (4) relevant and experienced resources are immediately available</p> <p>Score = 5 Proof that five+ (5+) relevant and experienced resources are immediately available</p> <p>Summary CV's of resources</p>						20	
	Total						100	

Note:

- Functionality will count out of 100 points. Bidders must achieve a minimum score of **65 points out of 100** on the functionality evaluation to proceed to the next phase.
- BIDDERS THAT ACHIEVE LESS THAN 65 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.

9. BRIEFING SESSION

A compulsory briefing session shall be held at CIPC offices. 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 VISITS	DATE: 17 OCTOBER 2019 TIME: 11H00 AM VENUE: BLOCK D14, DTI CAMPUS, 77 MEINTJIES STREET, SUNNYSIDE PRETORIA
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10. 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

11. 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 Deane Nkuna
Contact No: (012) 394 1281
E-mail: Dnkuna@cipc.co.za

BIDS OPENING DATE: 27 SEPTEMBER 2019

BIDS CLOSING TIME: 11: 00 AM

BIDS CLOSING DATE: 31 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