



Companies and Intellectual  
Property Commission  
a member of **thedti** group

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## **TERMS OF REFERENCE**

**CIPC BID NUMBER: 11/2018/2019**

**DESCRIPTION: INVITATION TO SERVICE PROVIDERS TO SUBMIT PROPOSALS FOR ADVANCEMENT OF THE CIPC ELECTRONIC SERVICE DELIVERY CHANNELS FOR A PERIOD OF 24 MONTHS.**

**DURATION: TWENTY FOUR (24) MONTHS FOR BOTH IMPLEMENTATION AND SUPPORT AND MAINTENANCE.**

## **TERMS AND CONDITIONS OF REQUEST FOR PROPOSAL (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 PROPOSAL is based on a specific brand must inform CIPC before PROPOSAL 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 PROPOSAL. 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 PROPOSAL will be evaluated in terms of the **80/20** system prescribed by the Preferential Procurement Regulations, 2001
7. The Government Procurement General Conditions of contractors (GCC) will apply in all instances.
8. As the commencement of this project is of critical importance, it is imperative that the services of 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.
9. No advance payment would be made. CIPC will pay within the prescribed period as according to PFMA.
10. All price quoted must be inclusive of Value Added Tax (VAT)
11. **Price must be valid for 90 days**
12. The successful contractor must at all times comply with CIPC's policies and procedures as well as maintain a high level of confidentiality of information.
13. All information, documents, programmes and reports must be regarded as confidential and may not be made available to any unauthorised person or institution without the written consent of the Chief Executive Officer or his delegate.
14. 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.
15. CIPC will enter into Service Level Agreement with the successful service provider.
16. Prospective bidders are required to respond in chronological order to each element of the evaluation criteria in not more than four (4) pages per element, as eluded paragraph 6 (VI). You may include annexure, however for the purposes of the evaluation; focus would be on the four (4) page response to each element. Failing to comply with this condition will invalidate your proposal.
17. Fraud and Corruption:
18. The Service Provider selected through this TOR 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 mis-presentation 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. 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. Shall declare a Service Provider ineligible, either indefinitely or for a stated period of time, for awarding the contract, if it at any time determines that the Service Provider has been engaged in corrupt, fraudulent and unfair trade practice in competing for, or in executing, the contract.

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

I have read and understood the conditions of this PROPOSAL.

I have supplied the required information and the information submitted as part of this PROPOSAL 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 (OCIPE) 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(s), and standardise integration of the mobility platform with other technology platforms within the organisation. In addition, the organisation intends to overhaul its web based platform towards enhancing user experience, more importantly, towards taking advantage of the latest capabilities of technology frameworks in order to simplify service implementation and reduce service maintenance costs. 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. There is hence the need to add more services on the mobile platform. More important still, is the need to enhance the web user experience to at least the same level as mobility standard(s). The CIPC needs services from eligible service providers to implement identified mobility and web requirements over a period of 24 months.

In summary, the CIPC requires an eligible service provider to effect the following:

- A) Standardisation of both web and mobile services;
- B) Development of cross platform mobility applications as required by the CIPC;
- C) Implementation of an enterprise web application development framework;
- D) Translation of all current web based to adapt to a new technology standard;
- E) Provision at any given point in time of at-least three (3) senior technologists with relevant experience for this development; and
- F) Provide and integrate the CIPC to a retail in-store payment module.

#### **4. Scope**

All online CIPC services currently exposed to external clients will be part of the scope. When responding to this request, the implementation of services should be considered end-to-end, that is, from data persistence to interface look and feel. It is important that amongst others, security implementation, service standardisation and all aspects relating to the construction of software programs (for web and/or mobile usage) will form an integral part of this delivery.

##### **4.1 Deliverables**

- Convert all current web based (and outward looking) services into mobile application services;
- Ensure that all software service libraries that the mobility platform depends upon, run within the domain of the CIPC;
- Document all technical designs as prescribed by the CIPC architectural standard;
- Deliver designs of screens, icons, images and logos exploited within the mobility and web platforms;
- Deploy the mobility services to all app stores ;
- Develop and enforce a web/mobile service standard for all online services;
- Implement data security features (encryption included) as prescribed by the CIPC;
- Overhaul the CIPC web based platform to be the same as the new mobile app platform in both look and feel and business rules;

- Ensure functionality and consistency between the mobile and the web channels;
- Re-implement all legacy back-end software within the Spring Boot Web Application Framework;
- Implement Dev Ops;
- Deliver a five-year Codename One license;
- Translate all CIPC SOAP based web services into REST;
- Integrate all services across channels with the card payment gateway currently adopted by the CIPC; and
- Deliver a market related (in terms of price) retail-based payment solution and integrate it to the CIPC electronic channels. The retail payment option should be competitively priced and not exceed the maximum per transaction charge as currently prescribed by the South African market.

## **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 12c 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; and
- 5.1.8 The CIPC implements IBM MQ for cross component message flow.

### **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 payment gateway service; and
- 5.2.4 Legacy and other corporate systems at the CIPC.

### **5.3 Vendor Eligibility**

The prospective vendor should fulfil the respective pre-qualifications mentioned below and should be able to provide both practical and documentary 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 Codename One (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 shall at any given time provide at least three (3) developers for this project.
- 5.3.7 The vendor shall at all times present the CIPC with at least two (2) senior developers with a minimum of five (5) years in the implementation of CN1.
- 5.3.8 Ability to provide and integrate CIPC services to a retail payment solution.

### **6. Solution Delivery Requirements**

- 6.1 Duration estimates of the project is estimated to last a maximum of 24 months for both implementation and support and maintenance.

#### **Please Note:**

#### **Special Conditions**

- 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](http://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 subjected requested to demonstrate all claims made in the proposal.
- l. The Service provider must also provide a retail-based payment solution and integrate it with the CIPC channels.

## 7. Evaluation Criteria

### THE EVALUATION PROCESS WILL BE COMPLETED IN THE FOLLOWING 4 PHASES:

The evaluation will be completed in 3 phases:

1. **Phase 1: Compliance to minimum requirements**
2. **Phase 2A: Functional evaluation**
3. **Phase 2B: Functional evaluation**
4. **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 (e.g. Tax Clearance Certificates), ensuring all documents have been completed and that the specified documentation has been submitted in accordance to the bid requirements. All bidders that comply with the minimum requirements will advance to Phase 2.

**Responsiveness Criteria: Failure to provide the following will result in a bid not to be considered: (mandatory requirements)**

- a) Bid offers must be properly received on the tender closing date and time specified on the invitation, fully completed and signed in ink as per Standard Conditions of Tender.
- b) Submission and completion of the Declaration of Interest
- c) Submission of a valid Tax Clearance Certificate (**PLEASE ALSO SUBMIT TAX PIN FROM SARS**)
- d) Submission of the company's registration certificate from the Register of Companies (CIPC).
- e) National Treasury CSD report **WITH** the **Supplier number** and **UNIQUE NUMBER**
- f) **Adherence to sub-Section 5.3.2 of this document.**



All bidders will be evaluated by a panel of evaluators, to determine compliance to the functional requirements of the bid. The functional evaluation will be rated out of 100 points and will be determined as follows:

**Phase 2a: Functionality: 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><b>Proof to be submitted:</b> testimonial letters from clients</p>						40	
2.	<p>Vendor experience in the SpringBoot framework, Oracle and any cloud backed technology (Azure, 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><b>Proof to be submitted:</b> 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><b>Proof to be submitted:</b> 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><b>Summary CV's of resources</b></p>						20	
	<b>Total</b>						<b>100</b>	

**Note:**

- ✓ Functionality will count out of 100 points. Each individual bidder must achieve a minimum score of 65 out of 100 on the functionality evaluation criteria in order to proceed to the next phase. 2B
- ✓ **Bidders that achieve less than 65% on the requirements of Section 5 of the functionality evaluation, will be automatically disqualified from further evaluation.**

**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

**Phase 2b: Practical: Evaluation criteria**

No	EVALUATION CRITERIA	Rating					Weight	Total
		1	2	3	4	5		
1.	Vendor demonstrable experience in the implementation of CN1 mobility services. Score = 1 No Mobile App on the App Store. Score = 2 Proof of work done on CN1 but not yet published. Score = 3 Proof of work done on CN1 and published on App Stores. Score = 4 Evidence that the WORA platform is exploitable on both iOS and Android. Score = 5 Evidence that more than one CN1 cross platform Apps are deployed on App Stores.						40	
2.	Presentation from the Vendor demonstrating the ability to supply relevant resources as prescribed in this project. Score = 1 No resource available Score = 2 Proof that two (2) relevant and experienced resources are immediately available Score = 3 Proof that three (3) relevant and experienced resources are immediately available Score = 4 Proof that four (4) relevant and experienced resources are immediately available Score = 5 Proof that five+ (5+) relevant and experienced resources are immediately available						30	
3.	Vendor demonstrable knowledge on the deployment of a retail-based in-store payment solution. Score = 1 No knowledge. Score = 2 Evidence of knowledge on payment gateway. Score = 3 Evidence of knowledge on retail based payment gateway Score = 4 Evidence of knowledge on retail based payment gateway and partnership with a payment gateway provider. Score = 5 Evidence of knowledge on retail based payment gateway and ownership of a payment gateway.						30	
<b>Total</b>							<b>100</b>	

**Note:**

- ✓ Functionality will count out of 100 points. **Each individual bidder must achieve a minimum score of 65 out of 100 on the functionality evaluation criteria in order to proceed to the next phase.**
- ✓ Bidders that achieve less than 65% on the requirements of Section 5 of the functionality evaluation, will be automatically disqualified from further evaluation.
- ✓ Those Bidders who pass the Functional Evaluation & Practical Assessment (Phases 2A & 2B) will be evaluated on price and BBBEEE in accordance with the applicable legislation. The commercial evaluation process will be applicable at this stage.

### **Phase 3: Preferential Procurement Policy and Pricing**

**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 through to Phase 2 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
<b>Total</b>	<b>100</b>

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

### **1. SUBMISSION OF PROPOSALS**

Sealed proposals must be delivered 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

#### **ENQUIRIES**

##### **A. Supply Chain Enquiries**

Mr Solomon Motshweni OR Ms Ntombi Maqhula

Contact No: (012) 394 5233 /45344

E-mail: [SMotshweni@cipc.co.za](mailto:SMotshweni@cipc.co.za) OR [Nmaqhula@cipc.co.za](mailto:Nmaqhula@cipc.co.za)

##### **B. Technical enquiries:**

Mr. Deane Nkuna

Contact No: (012) 394 1281

E-mail: [dnkuna@cipc.co.za](mailto:dnkuna@cipc.co.za)