



Companies and Intellectual  
Property Commission

a member of **the dti** group

## **TERMS OF REFERENCE**

**CIPC BID NUMBER: 12/2018/2019**

**DESCRIPTION: INVITATION TO SERVICE PROVIDERS  
TO SUBMIT PROPOSALS FOR  
ADDITIONAL ORACLE LICENCES AND  
MIGRATION OF DATA FROM  
INFORMIX TO ORACLE**

## **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 advice 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.

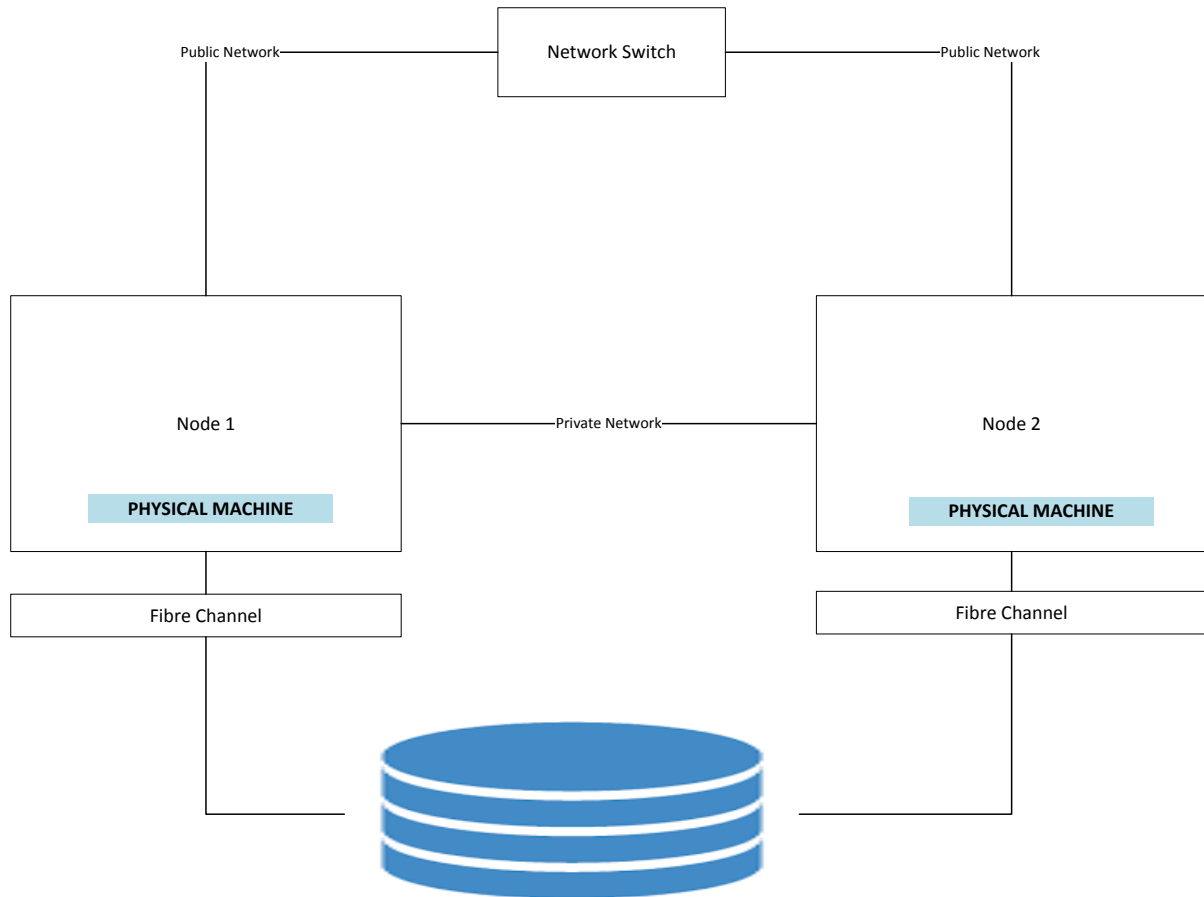
## **3. Project Objectives**

The CIPC seeks to implement Oracle as its main data repository for transactional data towards increasing service availability and service response times. This improvement is part of the modernisation strategy of the organisation, which was supported by empirical evidence that is it beneficial for the CIPC to employ Oracle as its primary data technology. The CIPC currently runs an Oracle environment as a backend for some of its applications, and also exploits Informix and MS SQL in other instances. Standardising on Oracle therefore implies that data will be migrated from these other data sources into Oracle, and more specifically from the current Informix store, which is currently operated as the master data source. The CIPC also seeks to control the majority of business data rules in the backend, and Oracle poses as a technology of choice to enable the CIPC achieve this goal, while keeping system performance at acceptable levels.

The initiative, therefore, would be aimed at enabling the CIPC to increase (as discussed hereafter) the number of Oracle licenses at its disposal, currently totalling eight (8), migrate data from its current data storage (Informix and where appropriate MS.SQL??) and implement an effective sustainable data replication technology.

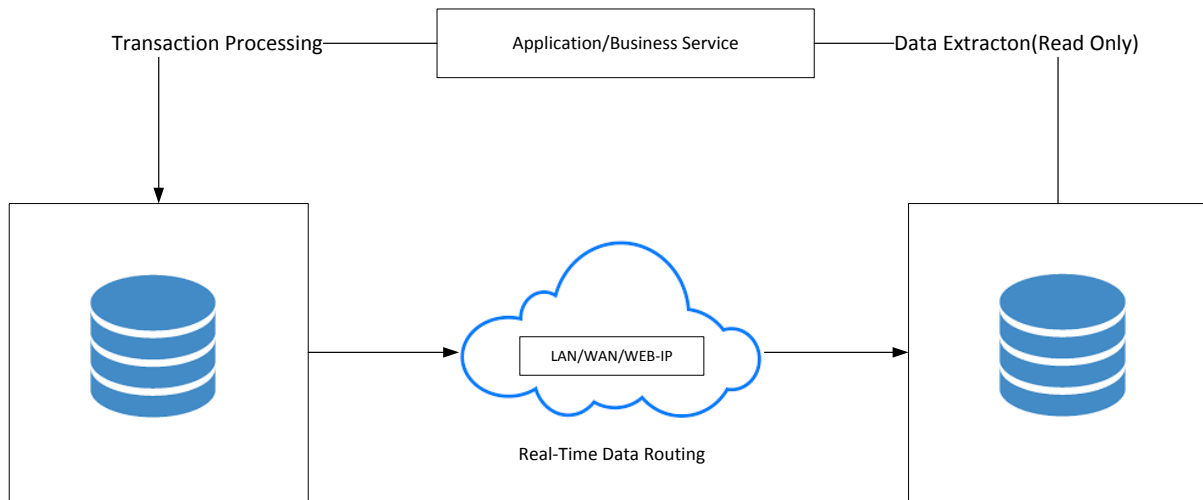
### 3.1 Overall Objectives

To increase availability the project recommends that the appointed service provider implements on behalf of the CIPC the Oracle's Database Maximum Availability Architect, more specifically the Oracle Real Application Cluster and ClusterWare as suggested in the following diagram:



The CIPC currently deploys HP servers as its database host technology, and intends to implement Oracle on these servers. In addition, the CIPC has ExaData hardware that is almost at end of life, but will be deployed as a development server anyway. This is not reflected in the picture above. Node 1 & 2 will run eight (8) Oracle licences each. With this initiative, only an additional eight licenses are sought, because the current eight will be redeployed from the ExaData server to one of the servers above and the additional 8 licences applied to the second server. From the depiction above, transactions will be recorded in one of the servers with Golden Gate facilitating the migration of data from the transaction recording server to the secondary (read only) server.

The figure below expounds on the kind of Golden Gate exploitation that is sought by the CIPC:



In summary, the CIPC requires a Service Provider for the following:

- A) Procurement of eight (8) Oracle licences;
- B) Procurement of a Golden Gate licence;
- C) Implementation of the Oracle RAC; and
- D) Migration of data and database objects from Informix to Oracle.

#### 4. Scope

Over and above the acquisition of additional Oracle licences, this implementation will also address the migration of the CIPC core register from Informix to Oracle, and the implementation of data replication with Golden Gate.

##### 4.1 Deliverables

- Eight (8) Oracle licenses;
- Ensure re-use of the current eight (8) ExaData Oracle licenses in an HP server;
- Implement the Oracle RAC;
- Migrate data from Informix to Oracle;
- Re-configure ExaData as a development environment; and
- Ensure stability and optimum performance of the Oracle DB servers after implementation.

#### 5. Technical Requirement Details

The appointed service provider should provide the CIPC with the following human resources:

- a) A project Manager to work on this short project; and
- b) At least two human resources with relevant experience to ensure continuity.

##### 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;
- 5.1.8 The CIPC utilizes IBM MQ for cross component message flow;
- 5.1.9 Current database HP server specs is: ia64 HP Integrity BL860c i6 - Intel(R) Itanium (R) Processor 9760 (2.66 GHz, 32 MB);
- 5.1.10 HP server configuration: 2 x BL860c is implemented using virtual partitions and using HP Service Guard for HA between the 2 blades. Production server is allocated 5 cores and the reporting server is allocated 2 cores;
- 5.1.11 ExaData Model: X2-2 Quarter Rack HC 2TB;
- 5.1.12 McAfee is the enterprise security technology; and
- 5.1.13 Backup is implemented with HP Data Protector.

## 5.2 Vendor Eligibility

The prospective vendor should fulfil the respective pre-qualifications mentioned below and should be able to provide both practical and documentary evidence as eligibility proof:

- 5.2.1 The vendor needs to be a certified Oracle Partner;
- 5.2.2 Minimum BBBEE Level 2;
- 5.2.3 The tender is exclusively available to EME/QSE enterprises.
- 5.2.4 Three (3) contactable references where similar work that has been carried out in a period not exceeding 5 years; and

## 6. Solution Delivery Requirements

- 6.1 As predicated by the agreed and approved Project Plan.

### Please Note:

### SPECIAL CONDITIONS

- a. 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;
- b. **CIPC reserves the right to negotiate with the successful bidder on price;**
- c. The service provider must ensure that their work is confined to the scope as defined;
- d. Travel between the consultants home, place of work to the **dti Campus (CIPC)** will not be for the account of CIPC, including any other disbursements unless agreed to in writing by CIPC prior to the expense being incurred;
- e. 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));
- f. No advance payment will be made. Payment would be made in terms of the deliverables or other unless otherwise agreed upon by CIPC and the successful bidder. CIPC will pay within the prescribed period according to PFMA;
- g. The price quoted by the prospective service provider must include Value Added Tax (VAT);

- h. The successful bidder must at all times comply with CIPC's policies and procedures as well as maintain a high level of confidentiality of information;
- i. 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;
- j. 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;
- k. 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 and/or his/her delegate;
- l. 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;
- m. The Service Provider (successful bidder) will be required to sign a Service Level Agreement with CIPC prior to the commencement of the contract; and
- n. As the commencement of this contract is of critical importance, it is imperative that the prospective Service Provider has resources that are available immediately. Failure to commence with this contract immediately from date of notification by CIPC could invalidate the prospective Service Provider's proposal.

#### **EVALUATION PROCESS** (Criteria)

The evaluation process will be done on 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).

#### **EVALUATION PROCESS (PHASES)-**

The evaluation will be completed in 3 phases:

- **Phase 1:** Compliance to minimum requirements;
- **Phase 2:** Functional evaluation; and
- **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 an original and valid Tax Clearance Certificate (**PLEASE ALSO SUBMIT A TCC 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 Section 5.2 above.**

**Failure to provide the CERTIFIED ORACLE PARTNER (OEM) CERTIFICATION shall immediately disqualify the bidder's PROPOSAL (MANDATORY REQUIREMENT)**

1. **The bidder must be a certified Oracle partner (OEM) and that the proof is submitted with the bid documents. Failure to submit the proof shall invalidate the bid proposal.**

**Phase 2: Functionality:** Evaluation Criteria 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:

No	EVALUATION CRITERIA	Rating					Weight	Total
		1	2	3	4	5		
1.	<p>Vendor Experience in cross database data Migration especially Informix (or other data sources) into Oracle.</p> <p>Score = 1 Experience less than 2 years  Score = 2 Experience greater than 2 years, but not more than 3 years  Score = 3 Experience greater than 3 years, but not more than 4 years  Score = 4 Experience greater than 4 years, but not more than 5 years  Score = 5 Experience greater than 5 years</p> <p><b>Proof to be submitted:</b> testimonial letters from clients</p>						20	
2.	<p>Vendor knowledge on setting up Oracle Exadata.</p> <p>Score = 1 Experience less than 2 years  Score = 2 Experience greater than 2 years, but not more than 3 years  Score = 3 Experience greater than 3 years, but not more than 4 years  Score = 4 Experience greater than 4 years, but not more than 5 years  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 on Oracle Golden Gate.</p> <p>Score = 1 Experience less than 2 years  Score = 2 Experience greater than 2 years, but not more than 3 years  Score = 3 Experience greater than 3 years, but not more than 4 years  Score = 4 Experience greater than 4 years, but not more than 5 years  Score = 5 Experience greater than 5 years</p> <p><b>Proof of Golden Gate certification for deployable resources</b></p>						10	
4.	<p>Vendor knowledge on Oracle ClusterWare configuration.</p> <p>Score = 1 Experience less than 2 years  Score = 2 Experience greater than 2 years, but not more than 3 years  Score = 3 Experience greater than 3 years, but not more than 4 years  Score = 4 Experience greater than 4 years, but not more than 5 years  Score = 5 Experience greater than 5 years</p> <p><b>Proof to be submitted:</b> testimonial letters from clients</p>						10	
5.	<p>Vendor ability to supply relevant resources as prescribed by this project.</p> <p>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.</p> <p><b>CV's and Proof of Oracle certification for deployable resources.</b></p>						40	
	<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, however, 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 2: 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.**

**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

**ENQUIRIES**

**Supply Chain Enquiries**

Ms Ntombi Maqhula OR Mr Solomon Motshweni

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

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