



Companies and Intellectual
Property Commission

a member of **the dti** group

ANNEXURE “H”

TERMS OF REFERENCE

CIPC BID NUMBER 02/2016/2017

**DISCRIPTION: INVITATION TO REPUTABLE
COMPANIES TO PARTICIPATE IN A BID
FOR THE “STORAGE FILING, DELIVER
AND COLLECTION OF CIPC
DOCUMENTS”.**

CONTRACT PERIOD: FIVE (5) YEARS

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 90/10 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 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.**
9. No advance payment(s) will be made. CIPC will pay within the prescribed period as per the PFMA.
10. All price quoted must be inclusive of Value Added Tax (VAT)
11. 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.
12. 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 Commissioner or her delegate.
13. 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.
14. CIPC will enter into Service Level Agreement with the successful Service Provider.
15. **CIPC reserves the right not to award this bid to any prospective bidder or to split the award**
16. 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 shall declare a Service Provider ineligible, either indefinitely or for a stated period of time, for awarding the contract, if it 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. BACKGROUND

The Companies and Intellectual Property Commission (CIPC), a member of the “**the dti group**”, (Department of Trade and Industry) is responsible for the registration of companies, external companies and co-operatives; registration of intellectual property rights; maintenance of information on its registers; promotion of education and awareness of company and intellectual property law; promotion of compliance with relevant legislation; and efficient and effective enforcement of all relevant legislation. CIPC wishes invite reputable companies to participate in a bid for the “Storage, Filing, Delivery and Collection of CIPC documents”.

CIPC records (files, documents, data tapes, microfiche, etc.) are currently stored at Metrofile, Roseville and CIPC desires to secure a new medium term contract no later than June 2016. The newly appointed successful bidder will be required to have a safe and secure and adequate file storage facility readily available, which is in accordance to the minimum NARS requirement for the storage of records to be inspected as part of the bid evaluation.

Scope of Work

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

- Collect all CIPC records from the Metrofile storage facility and CIPC offices at the dti Campus, 77 Meintje Street, Sunnyside or Sunnypark Shopping Centre, corner of Steve Biko and Robert Sobukwe streets, Sunnyside.
- Verify the records received and compile an inventory and electronic database thereof.
- Secure the records in storage facility and whilst in transit to storage facility and or the CIPC offices for the duration of the contract.
- Develop and maintain a record management system capable for the management-, tracking- of files, etc. and an electronic request programme, including generating statistical reports.
- Physically deliver and collect CIPC files, documents, tapes, etc. requested, to the CIPC offices at the dti Campus, 77 Meintje Street, Sunnyside or Sunnypark Shopping Centre, corner of Steve Biko and Robert Sobukwe streets, Sunnyside at request.
- Retrieve Companies and Close Corporation files, documents, etc. from the storage facility and deliver to the respective CIPC offices at receipt of requests.

Storage Facility

1. Location:

The document storage facility must be located in a demographic area where it will be feasible and practical for multiple daily deliveries to CIPC and urgent files be delivered within (2) hours of being requested.

2. Storage Area:

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

3. NARS Standards:

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

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

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

4. Security:

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

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

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

5. Safety:

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

6. Emergency Power:

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

Service Provider Staff

1. Security Competency:

The company, directors and all staff directly involved with the contract will be subjected to security screening and vetting by the State Security Agency.

Staff directly involved need to be security competent and thus any person found not to be security competent will be required to immediately be replaced by a security competent person.

2. Oath of Secrecy:

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

Service to be rendered

1. Collection:

The successful Bidder shall be required to collect the following approximate number of CIPC files, documents, records, data, etc. from the Metrofile Warehouse, Old Mutual Roseville Park, corner of Eskia Mphahlele Drive and Moot Street, Roseville, Pretoria:

Division	15 July 2015	January 2016	March 2016
Close Corporations	2,763,830	2,897,829	2,897,829
Companies	1,482,260	1,482,417	1,482,417
Trademarks	1,009,066	1,024,021	1,032,693
Patents	574,676	579,621	581,695
Cooperatives	115,687	122,470	125,625
Designs	64,742	65,704	66,197
Copyrights	6,941	6,978	7,017
Defensive Names	6,658	6,667	6,667
Human Resource	5,061	5,074	5,076
Financial Management	526	526	541
Information Services	14	14	14
Legal	806	806	806
Legal Services/Compliance/Law Enforcement	2	2	2
Total	6,030,269	6,192,129	6,206,579

NB: As per above table, the actual number may increase marginally on a monthly basis.

Active and other files in use at CIPC offices at the dti Campus, 77 Meintjes Street, Sunnyside and Sunnypark Shopping Centre, corner of Steve Biko and Robert Sobukwe Streets, Sunnyside will therefore not be at Metrofile and also need to be collected and moved to the storage facility.

2. Document Tracking and Management:

All documents taken on by the successful Bidder needs to be verified and taken on into a “Document Management” system and CIPC report of such provided to the CIPC representative. Document Management

system must include a “tracking” function in which CIPC records could immediately be tracked whether in the storage facility, in transit or with a CIPC official.

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

- In storage facility,
- In transit,
- At CIPC,
- New taken on,
- Requested Per User, etc.

The successful Bidder shall be required to provide a weekly statistical report on activities as agreed within the contract negotiations.

3. Storage:

The documents collected for storage need to be sorted and filed in accordance to the NARS approved CIPC File plan and placed within boxes, within filing racks on shelves in such a manner that it will be easily retrieved when required. The files/documents, etc. need to be well preserved and carefully handled at all times to ensure no damage or destruction of such information. All files and boxes that have noticeable damage as a result of regular handling need to be replaced to prevent any further damage.

4. Delivery/Dispatch:

The files requested by CIPC need to be physically delivered at the respective CIPC offices and thus transported to CIPC by road. As the files are the only records which CIPC have, it needs to be transported in an enclosed vehicle of which the compartment is locked at all times whilst in transit. The loss of any such information is to immediately be reported to the South African Security Services as well as the CIPC representative, to whom the official SAPS case number i.e. Hercules CAS 1/7/2015 is to be submitted with a written report and a sworn/affirmed affidavit pertaining to the circumstances surrounding the loss.

The Document Management System must display records of all files dispatched with audit trail for future reference when required.

The delivery of physical files shall be in two categories, namely the “urgent” and “normal” requests in which the respective files are to be delivered **within (2) two hours and (6) six hours**. The delivery physical files requested as “urgent” shall be on an ad hoc basis as and when required and the “normal” requests at least a delivery twice per day, once in the morning and once in the afternoon. The practise of multiple deliveries for “normal requests” should not be ruled out thus it may amount to two deliveries in the morning and two deliveries in the afternoon.

5. Other:

5.1 Operating Hours:

The required operating hours for the storage facility is to be weekdays from Mondays to Fridays between the hours 07:00 and 16:00 hours. The service provider may be required to render services after the official hours in the event of CIPC embarking on a project requiring staff to work overtime. In the event of the service required outside the office hours, this shall only be with prior written notice from CIPC at least (7) working days prior to the date the service is to be rendered.

5.2 Insurance:

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

5.3 Performance Guarantee:

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

6. Special Conditions:

- The successful Bidder must ensure that the work is only confined to the scope of the work as defined and agreed to.
- No advance payments shall be made as payments shall only be made in terms of deliverables, unless otherwise agreed to by both parties (CIPC and the successful bidder).
- CIPC shall pay within the prescribed period in accordance to the PFMA.
- The price quoted for the service must include Value Added Tax (VAT).
- The successful bidder must at all times abide and comply with CIPC policies and procedures, as well as maintain a high level of confidentiality of information.
- All information, documents, programmes and reports must be regarded as confidential and may not be divulged to any unauthorised person or institution, without the written consent of the Commissioner or his/her delegate.
- **All potential bidders may attend a none compulsory "briefing session"**
- **The potential bidders must have a storage facility immediately available and not still to be constructed or construction in progress as any bid with an incomplete facility shall be invalidated.**

- **All bids must contain the following information for evaluation:**
 - **Company Profile - include contactable references, audited financial statements, etc. (see *Evaluation Criteria*)**
 - **Methodology of execution of the contract**
 - **Project Plan**
 - **Storage Facility details**
 - **Price Schedule (sealed in separate envelop)**

Failure to submit the above information shall immediately invalidate the bid.

7. Contract:

The contract period shall be for a minimum period of (5) years with the option of extending the contract for a further (5) years. The service provider will not be permitted to abdicate any responsibilities in terms of the contract awarded or transfer such to a 2nd or 3rd party without prior approval of the Commissioner or his/her representative during the contract period.

8. Service Level Agreement:

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

9. Copyright:

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

10. Bid Requirements:

Bidders are required to complete and submit the following in respect of this Bid:

- Comprehensive company profile.
- Copy of Company Registration Document.
- Original valid TAX Clearance Certificate.
- BEE Certificate.
- Methodology on how the requirements of the contract as per the scope of work will be executed.

- Include a project plan for the execution of collecting and storing the files/documents currently held at Metrofile.
- Provide full details of the storage facility where the files/records, etc. shall be held (location, description of building structure, security and safety measures, racks, size, scanning equipment, staff number, vehicles, etc.
- Agree to that the CIPC Bid Evaluation Committee visit the proposed site for evaluation of this Bid.
- Provide a list of references (with contact details and volume of files stored) in respect of clients to whom a service is currently being rendered, as well as previous clients.
- Complete Pricing Schedule (Annexure “A”) (to be placed in a separate envelop with SBD 3)

11. Evaluation Process:

The evaluation will be conducted on all information provided by Bidders as and Phase1 will entail the “functionality” and only bids scoring 60% and above will proceed to Phase 2, which entails the site visit and presentation by bidders whom also need to score 60% to proceed to Phase 3.

EVALUATION PROCESS (PHASES)

THE EVALUATION WILL BE COMPLETED IN 4 PHASES:

- **Phase 1:** Compliance to minimum requirements;
- **Phase 2:** Functional evaluation;
- **Phase 3** Site visit and presentation by bidders
- **Phase 4:** Pricing and Preferential Procurement policy.

Phase 1: Compliance to minimum requirements

During Phase 1 all bidders will be evaluated to ensure compliance to minimum document requirements (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.

Phase 2: Functional Evaluation

All bidders that advance to Phase 2 will be evaluated by a panel to determine compliance to the ability to deliver the service as specified in the bid. Functionality will count out of 100 and bidders must achieve a minimum of 60% out of 100 to proceed to the next phase. Bidders achieving less 60% will not be evaluated further.

Phase 3: Site visit and Presentation by bidders

All bidders that advance to Phase 2 will be evaluated by a panel to determine compliance

Phase 4: 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 90/10 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	90
BBBEE	10
Total	100

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

Functionality Evaluation

EVALUATION CRITERIA	Rating					Weight %	Total
	1	2	3	4	5		
PHASE 1: Functionality Evaluation							
<u>Approach and Methodology</u> The bidders approach and methodology in: <ul style="list-style-type: none">taking on the files and moving files to the new facility,compiling inventory and electronic database,document management process for the requesting-, tracking- and management- of files,storage and retrieval of files,providing a draft project plan with estimated timelines.						15	
<u>Management & Resource Component</u> The bidder's management and resource component in respect of: <ul style="list-style-type: none">administration of contract,operation of document management system,handling and management of files on site,collection and delivery of files including transport means.						15	
<u>Demonstrate Experience in Documents Storage</u> The bidder's capability in storage and management of records based on: <ul style="list-style-type: none">Years in business,Contactable references of similar contracts (name of entity, contact person and contact duration and date awarded contract),Affiliations, Awards and or Letters of Appreciation, Testimony or Rewards.						20	
<u>Financial Stability:</u> The bidders proof of "financial stability" in" <ul style="list-style-type: none">The latest Audited Financial Statements submitted,The previous Audited Financial Statements submitted,Financial grading letter from Financial Institution.						5	
Total						55	

EVALUATION CRITERIA	Rating					Weight %	Total
	1	2	3	4	5		
PHASE 2: Site Visit & Presentation:							
<u>Warehouse Location</u> The demographic location of the storage facility related to the CIPC Offices in Tshwane: <ul style="list-style-type: none">• within a radius of less than 15km = 5• within a radius between 15 and 25km = 4• within a radius more than 25km = 3• within a radius of less than 50km = 2• within a radius more than 50km = 1 NB: GPS Coordinates of Site to be utilized for calculation.						10	
<u>Warehouse Filing Infrastructure</u> The availability of the following infrastructure within the Warehouse: <ul style="list-style-type: none">• Perimeter Security• 24 Hour Guarding Service• Effective Access Control• Fire Alarm and Suppression System• Portable Fire Equipment• Safety Measures and Housekeeping• Back-up Power Generator/UPS• Sturdy and secure filing rack structure• Walk-in Safe, Strong room, etc.						20	
<u>Warehouse Storage Facility</u> The physical structure of the facility: <ul style="list-style-type: none">• Size sufficient to cater for files and future expansion,• Possible fire-, water- hazards identified in close proximity,• Other possible fire, safety and or security risks or hazards identified on the immediate boundaries or surrounding businesses in close proximity.						15	
Total						45	

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

Bidders achieving less 60% will not be evaluated further

NB: Bidders can provide any additional information as part of their bid, which they are of opinion could be utilised for evaluation of their bids. **The bidder with the highest score will be recommended as the successful vendor.**

11. 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

12. ENQUIRIES

a. SUPPLY CHAIN QUERIES TO BE ADDRESSED TO

Ms Ntombi Maqhula @ Nmaqhula@cipc.co.za

OR

Mr. Solomon Motshweni @ Smotshweni@cipc.co.za

b. TECHNICAL QUERIES TO BE ADDRESSED TO

Mr. André Oosthuizen – 012 394 3961 / aoosthuizen@cipc.co.za / vlepule@cipc.co.za

ANNEXURE “A”

PRICING SCHEDULE: (MUST BE PRINTED AND SUBMITTED IN A SEPARATE SEALED ENVELOP TOGETHER WITH SBD 3)

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

TOTAL ANNUAL PRICE	Year 1 2016	Year 2 2017	Year 3 2018	Year 4 2019	Year 5 2020	Total Costs
CIPC STORAGE BID	R	R	R	R	R	R