

## **TERMS OF REFERENCE**

**CIPC BID NUMBER 03/2016/2017**

**DISCRIPTION: INVITATION TO BIDDERS TO SUBMIT  
PROPOSALS TO PROVIDE 9 MONTHS OF  
PROFESSIONAL SERVICES FOR THE  
VANTAGE (DYNATRACE) SOLUTION**

**CONTRACT PERIOD: NINE (9) MONTHS**

**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 RFT specification is based on a specific brand must inform CIPC before RFT 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 RFQ. 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 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. All prices 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:  
16.1 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 RFT.

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

.....  
Signature

.....  
Date

## 1. INTRODUCTION and BACKGROUND

CIPC's mandate is the registration of companies, close corporations, cooperatives and intellectual property rights. Related services include the disclosure of information as well as dispute resolution arising out of infringements to these rights. CIPC needs to ensure data integrity through the use of state of the art Applications and Databases.

### **CIPC ICT needs to invite service providers to submit proposals for the provisioning 9 months of professional services of the Vantage (dynaTrace) solution**

CIPC currently uses the Vantage/dynaTrace tool to continuously monitor ICT systems availability and performance including applications, websites and infrastructure in order to proactively provide the needed support to business.

CIPC has invested in the Vantage (dynaTrace) solution to assist in the management of the IT Service Management environment. The organization is faced with a number of challenges in identifying and resolving application performance and website availability issues which are at times characterized by reactive and time-consuming trouble-shooting approaches. To address this, the Vantage/dynaTrace suite solution proactively provides end-to-end visibility and root-cause analysis of a defined set of critical CIPC applications.

## 2. SCOPE OF WORK

### **Professional Services requirements:**

- identify and resolve application performance and website availability issues;
- create a central knowledge base to drive dynaTrace and performance testing to the CIPC;
- create reports to assist with root cause diagnosis and capacity planning;
- define, coordinate, track, document and implement all APM projects supporting the APM Strategy;
- assist in the quick resolution of application performance issues;
- ensure immediate (on-site) access to expertise where required to quickly diagnose, fix and resume application performance;
- assist in the management of the IT Service Management environment;
- conduct root-cause analysis of problems pertaining to a defined set of critical CIPC applications;
- monitor End-User experience and diagnose related problems;
- provide application on-boarding, troubleshooting, monitoring, reporting and other key APM-related tasks;
- provide Root-Cause Analysis of Application and Server Performance problems;
- provide deep level analysis of end-user experience;
- Monitor and report applications availability and performance across both customer-facing Internet applications and critical back-end systems;
- use dynaTrace End-User Experience monitoring to measure the quality of service delivered to business;
- report on the impact any performance issue has on the business;
- create an infrastructure and component model of how the services are delivered through a performance-driven method;



## Companies and Intellectual

- review the incorporation of data centre elements, internet and third-party provider components to provide visibility across the entire application delivery chain; and
  - analyse and continuously improve real ICT services user experience metrics and performance statistics;
- Additional to the above will be for the resource(s) to ensure that all components and functionality of the Vantage solution are fully explored and used to provide further insight into both current and potential problem areas and continuous improvement opportunities.

### 3. **DURATION OF CONTRACT**

A total of **9 months** are required for professional services to be provided for the 2016-2017 period.

### 4. **COMPETENCY AND EXPERTISE REQUIREMENTS**

The following competencies and expertise are required for this role:

#### 4.1. **Exposure**

The successful bidder must have relevant exposure in the Vantage/dynaTrace tool implementation, support, and maintenance.

#### 4.2. **Experience**

The successful bidder must have over 3-years' experience in the Vantage/dynaTrace tool implementation, support, and maintenance.

#### 4.3. **Soft Skills**

The following soft skills are essential:

- Communication
- Soft Skills
- Report writing
- Relationship management

#### 4.4. **Aptitudes/Personality traits**

Please provide CVs of your company's technicians who will be assigned to the CIPC account.

### 5. **REPORTING**

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

### 6. **WORKING CONDITIONS**

#### 6.1 **Equipment**

- PC, Telephone, and other relevant equipment will be provided by CIPC.

#### 6.2 **Proprietary rights**

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

#### 6.3 **Indemnity / Protection / Safeguard**

- The resources safeguard and set CIPC free to any losses that may occur due to costs, damage, demands, and claims that is the result of injury or death, as well as any damage to property of any or all contracting personnel, that is suffered in any way, while





delivering a service to CIPC.

- The resources safeguard and set CIPC free to any or all further claims for losses, costs, damage, demands and legal expenses as to the violation on any patent rights, trade marks or other protected rights on any software or related data used by the resources.

#### 6.4 Government Safety

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

#### 6.5 Quality

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

### 7. **COSTING**

Prospective bidders must submit a bill of quantities clearly indicating the unit costs and any other costs applicable. The onus is upon the prospective bidders to take into account all costs for the duration of the 9 months period and to CLEARLY indicate the price.

### 8. **EVALUATION PROCESS (Criteria)**

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

Bids will be evaluated in accordance with the 90/10 preference point system contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000).

**Responsiveness Criteria: Failure to provide the following might result in a bid not to be considered: (minimum 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
- d) Submission of the company's registration certificate from the Register of Companies (CIPC).

### 9. **Evaluation Process (Phases)**

Bids will be evaluated in accordance with the 90/10 preference point system contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000).

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 (ex. 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 functional requirements of the bid.

EVALUATION CRITERIA	Rating					Weight	Total
	1	2	3	4	5		
Demonstrated service provider experience in the provisioning of Vantage/dynaTrace implementation, maintenance and support professional services.						35	
Provide contactable references of at least 3 entities where this service was rendered to organizations similar to CIPC						35	
Expertise/ Experience/qualifications of support personnel to be assigned to the CIPC contract. (CVs detailing competency of all personnel to be assigned to CIPC for all required services).						30	
Total						100	

Bidders scoring less than 60 points in Phase 2 will not be eligible for Phase 3 evaluation i.e. pricing and preferential procurement.

Please provide details for all the above information to enable proper evaluation.

### 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 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.



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## **8. 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**

#### **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 Samson Sekgobela

Contact No: (012) 394 5272

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