



Companies and Intellectual
Property Commission

a member of **the dti** group

TERMS OF REFERENCE

CIPC BID NUMBER: 16/2016/2017

DISCRIPTION:

**INVITATION TO BIDDERS TO SUBMIT PROPOSALS FOR THE
LICENSING AND TECHNICAL SUPPORT OF THE ORACLE 11G
DATABASE FOR 36 MONTHS; AND MAINTENANCE AND
SUPPORT FOR THE EXADATA QUARTER RACK FOR 12
MONTHS – ALL EFFECTIVE FROM 01 APRIL 2017**

CONTRACT PERIOD

- 1. *Licensing and Technical Support: 36 months***
- 2. *Maintenance and Support Exadata: 12 months***

All commence: 01 April 2017

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:
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 RFT.

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

.....
Signature

.....
Date

1. INTRODUCTION

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 needs to appoint a service provider for the provisioning of licenses and technical support for Oracle 11G Database for 36 months; and support and maintenance for the Exadata Quarter Rack for 12 months - ALL effective 01 April 2017.

2. BACKGROUND

The CIPC Intellectual Property (IP) systems run on Oracle 11G Database and the current annual license and technical support contract expires on 31 March 2017 and has to be renewed for the continuity of production operations.

3. SCOPE OF WORK AND OBJECTIVE

- i. CIPC ICT needs to appoint Oracle SA for the renewal of the Oracle 11G licenses and technical support services as follows:
- ii. **Please refer to ANNEXURE "A" for a detailed bill of quantity (PAGE 9 OF THIS TOR)**
- iii. The main CIPC office is situated at the dti Campus, 77 Meintjes Street, Sunnyside.

4. DURATION OF CONTRACT

The duration for licenses and technical support is **36 months**; and support and maintenance for the Exadata Quarter Rack is **12 months** – ALL effective from 01 April 2017

5. COMPETENCY AND EXPERTISE REQUIREMENTS

The following competencies and expertise are required for this role:

5.1 Exposure

The successful bidder must have relevant exposure in the supply of licenses and technical support of the Oracle 11G Database; and support and maintenance for the Exadata Quarter Rack respectively.

5.2 Experience

The successful bidder must have over 5-years' experience each in the supply of licenses and technical support of the Oracle 11G Database.

5.3 Qualifications

As per experience and accreditation provided by the OEM

6. Soft Skills

The following soft skills are essential:

- Communication
- Report writing
- Relationship management

7. Aptitudes/Personality traits

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

8. REPORTING

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

9. WORKING CONDITIONS

9.1 Equipment

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

10. 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.

11. 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.

12. 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.

13. 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.

14. **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 and to CLEARLY indicate the price. **(Please refer to ANNEXURE A)**

15. **EVALUATION PROCESS (Criteria)**

The evaluation process will be done on 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).
- e) Submission of proof of registration with the National Central Supplier Database

16. **Evaluation Process (Phases)**

- a) 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).
- b) The evaluation will be completed in 3 phases:

1. **Phase 1: Compliance to minimum requirements**
2. **Phase 2: Functional evaluation**
3. **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. The functional evaluation will be rated out of 100 points and will be determined as follows:

EVALUATION CRITERIA	Rating					Weight	Total
	1	2	3	4	5		
Provide OEM accreditation for the Oracle 11G Database support and maintenance						20	
Demonstrated experience in Oracle 11G Database support and maintenance (Provide a minimum of three (3) reference letters / testimonial with contactable references from clients) These references must contain the following information which will be scored during evaluation <ul style="list-style-type: none"> ✓ Duration of the contract ✓ Duration taken to deliver the service ✓ Contract amount ✓ The service provided <i>satisfactory / not satisfactory</i>: please indicate from 1- to 10 scale ✓ Provide email addresses ✓ Provide telephone numbers ✓ Provide contact person CIPC may verify reference provided by bidders						40	
Provide OEM accreditation for the support and maintenance of the Exadata Database Machine X2-2						10	
Demonstrated experience in the support and maintenance of the Exadata Database Machine X2-2 (Provide a minimum of three (3) reference letters / testimonial with contactable references from clients) These references must contain the following information which will be scored during evaluation <ul style="list-style-type: none"> ✓ Duration of the contract ✓ Duration taken to deliver the service ✓ Contract amount ✓ The service provided <i>satisfactory / not satisfactory</i>: please indicate from 1- to 10 scale ✓ Provide email addresses ✓ Provide telephone numbers ✓ Provide contact person CIPC may verify reference provided by bidders						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.

17. 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 OR Nmaqhula@cipc.co.za

B. Technical Enquiries

Mr Evans Mojanaga
Contact No: (012) 394 5272
E-mail: Emojanaga@cipc.co.za



ANNEXURE A

FAILURE TO COMPLY WITH THE REQUIREMENTS BELOW SHALL IMMEDIATELY INVALIDATE THE BID.

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

The **total bid price (inclusive of VAT)** must be written in the SBD3 form together with the following information

- Price validity period
- Duration of the contract written in the space provided in the SBD 3 form
- **Note: Service providers will be responsible for all costs; e.g. transportation and other disbursements for ALL activities/ meetings associated with this quote and must include this cost in the pricing for this quote.**

Prospective bidders must submit a bill of quantities clearly indicating the unit costs and any other costs applicable for the duration of the contract as stated below

- **Licensing and Technical Support: 36 months**
- **Maintenance and Support Exadata: 12 months**

CIPC ICT needs to appoint Oracle SA for the renewal of the Oracle 11G licenses and technical support services as follows

SOFTWARE UPDATE LICENSE & SUPPORT		
PRODUCT DESCRIPTION	QUANTITY	LICENSE LEVEL/ TYPE
Oracle Database Enterprise Edition – Processor Perpetual	8	FULL USE
Oracle Diagnostics Pack - Processor Perpetual	12	FULL USE
Oracle Partitioning - Processor Perpetual	12	FULL USE
Oracle Real Application Clusters - Processor Perpetual	12	FULL USE
Oracle Tuning Pack - Processor Perpetual	12	FULL USE
Oracle Database Enterprise Edition - User Plus Perpetual	80	FULL USE
Oracle Database Enterprise Edition - Processor Perpetual	4	FULL USE
Exadata Storage Server Software – Disk Drive Perpetual	12 months	FULL USE
PREMIER SUPPORT EXADATA X2-2: MODEL FAMILY (1 YEAR ONLY CONTRACT)		
PRODUCT DESCRIPTION	SERIAL No.	
Exadata Database Machine X2-2 (HC Quarter Rack)	Ser #: AK00050418	
ASSY, KVM, SWITCH, EXADATA	Ser #: 0520072969	

FAILURE TO COMPLY WITH THE ABOVE SHALL IMMEDIATELY INVALIDATE THE BID.