

ANNEXURE H

TERMS OF REFERENCE

CIPC BID NUMBER: 11/2017/2018

**DISCRIPTION: INVITATION TO SERVICE PROVIDERS TO
PROVIDE SERVICES TO CIPC FOR THE
DEVELOPMENT OF THE CIPC 2030 VISION
(INCLUDING 2017/18 – 2021/22 CIPC
STRATEGIC PLAN)**



CONTRACT PERIOD: (A PERIOD NOT EXCEEDING 12 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 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. 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.

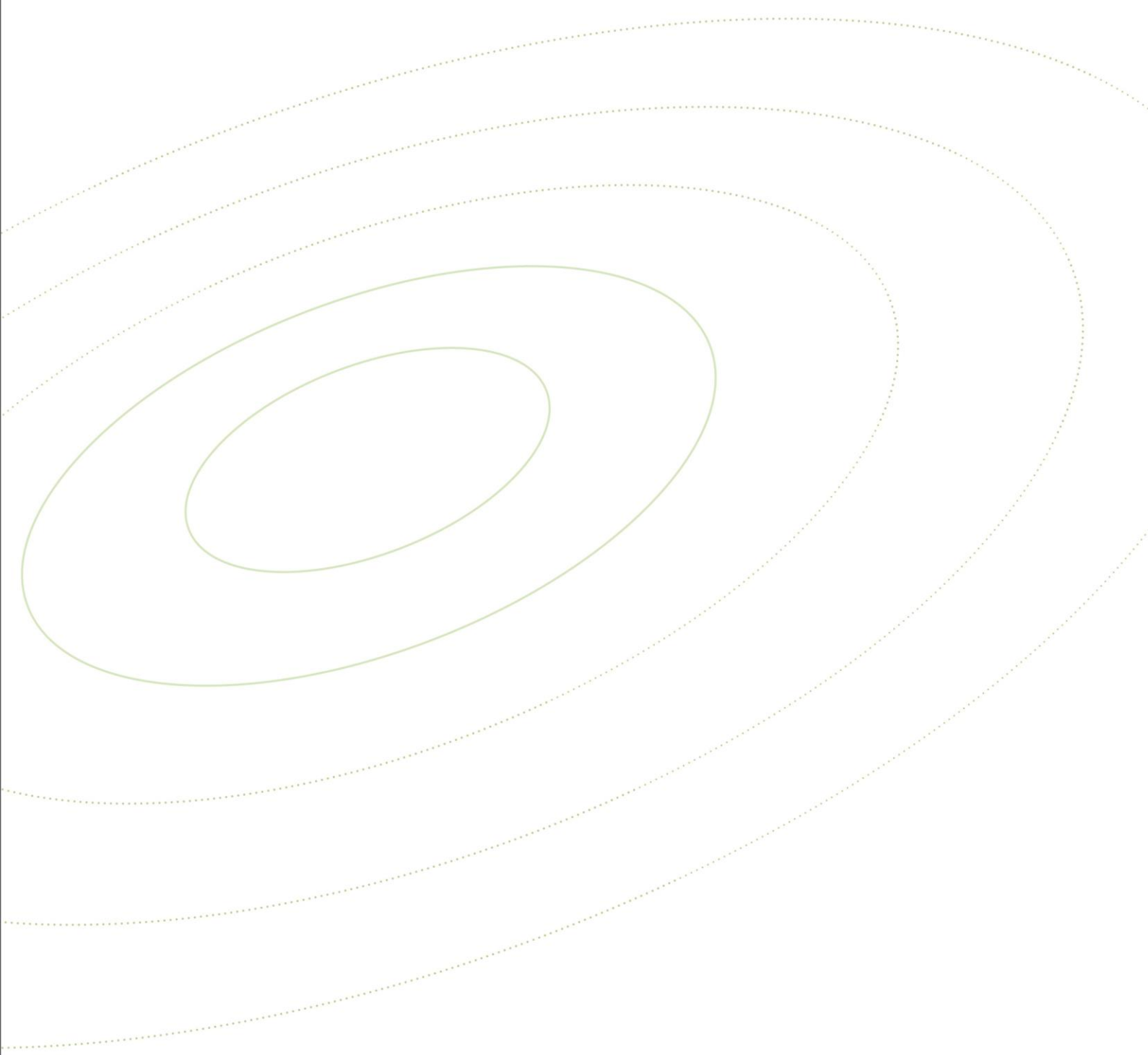
.....
Signature

.....
Date



Companies and Intellectual
Property Commission

a member of **the dti** group



1. PURPOSE

The purpose of this document is to outline the terms of reference (TOR) for the invitation of a professional and competent service provider to submit a quotation as well as a detailed proposal for provision of services to the Companies and Intellectual Property Commission (herein after referred to as CIPC or Commission) 2030 Vision and 2017/18 – 2021/22 Strategic Plan and the 2018/19 - 2021/2022 Annual Performance Plan. This will include the facilitation of 10x 2 day sessions for the development of CIPC focused strategies to take place in August 2017 until July 2018.

2. BACKGROUND

CIPC came into existence in May 2011 after being established by the Companies Act, 2008 (Act 71 of 2008) (herein after referred to as the Companies Act) as a juristic person to function as an organ of state within the public administration, but as an institution outside the public service. It is a public institution listed under Schedule 3A of the Public Finance Management Act, 1999 (Act 1 of 1999). CIPC is an agency of the Department of Trade and Industry (**the dti**).

With the advent of the 4th Industrial Revolution where the fusion of the digital and the physical advancements will disrupt business environment, labour markets, and traditional ways of doing business, CIPC needs to position itself to get ready for this imminent future.

3. THE SCOPE OF WORK

The scope of work for the appointed service provider will be to:

1. Prepare for focused strategy development sessions
2. Facilitate the CIPC focused strategy development sessions (10 x2 day sessions)
3. Prepare a comprehensive report/strategy for each focus area after each session
4. Prepare the CIPC 2030 Vision document including the strategy implementation plan.
5. Refine the 2017/18 – 2021/22 CIPC Strategic Plan and the 2018/19 – 2021/2022 Annual Performance Plan (including development of performance measures).

The quotation and proposal should further cover:

1. Appropriate strategy development and facilitation methodologies that could be used and their scope of application
2. Deliverables and key milestones to be achieved per project phase
3. Clear project timelines without relevant costing
4. All the above meeting the SMART criteria (Specific, Measurable, Achievable, Relevant and Time-bound)

4. PRICE SCHEDULE

The service provider must provide costing based on the pricing schedule table below.

- Service providers must endeavour to structure their pricing in terms of milestone payments such as per session conducted.
- These milestones must be structured in such a way that the deliverables are achievable and measurable. These milestones will be used as payment milestones once the deliverables have been signed off by the responsible owner. It will be in the bidder's best interest to structure the payment milestones in such a way that regular payments can be achieved.
- The services provider should provide a clear project plan, with a very clear activities, time frames, relevant deliverables and relevant costing.



- **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 these costs in the pricing for this quote.**
- **Submissions not set out in the prescribed format will not be considered.**

The following is an example of milestones:

Item	Description of element	Quantity / Estimated hours	Price (Excl. VAT)	Price (Incl. VAT)
1.	Preparation, Alignment and Kick-off. Engage CIPC and clarify process, principles on the required output (consultation with stakeholders). Present project plan with activities, milestones and timeframes			
2.	Preparation, develop agenda, facilitation and report submission of session 1: Business Regulation and Reputation			
3.	Preparation, develop agenda, facilitation and report submission of session 2: Innovation and Creativity Promotion (IP)			
4.	Preparation, develop agenda, facilitation and report submission of session 3: Education and Awareness (including Marketing)			
5.	Preparation, develop agenda, facilitation and report submission of session 4: Customer Centricity Strategy			
6.	Preparation, develop agenda, facilitation and report submission of session 5: ICT			
7.	Preparation, develop agenda, facilitation and report submission of session 6: Human Resource			
8.	Preparation, develop agenda, facilitation and report submission of session 7: Finance			
9.	Preparation, develop agenda, facilitation and report submission of session 8: Collaboration and Partnerships (including Product and Market Innovation)			
10.	Preparation, develop agenda, facilitation and report submission of session 9: Key Performance Indicators			
11.	Present a draft consolidated CIPC 2030 Vision report to stakeholders			
12.	CIPC 2030 Vision Document including the strategy implementation plan			
13.	Refined CIPC 2017/18 – 2021/22 Strategic Plan and 2018/19 – 2021/2022 Annual Performance Plan			
	TOTAL			

5. SERVICE PROVIDER APPOINTMENT – SERVICE LEVEL AGREEMENT

The successful service provider will be required to enter into a Service Level Agreement (SLA) with CIPC after receiving official confirmation of the tender being awarded.

CONTRACTUAL PERIOD: The contract will be valid for a period not exceeding 12 months.

6. EVALUATION PROCESS (Criteria)

The evaluation process will be done in 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).

Responsiveness Criteria: Failure to provide the following might result in a bid not to be considered: (minimum requirements)

- 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.
- 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

6.1 Evaluation Process (Phases)

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).

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	%	
Knowledge, understanding, competencies in strategy development, project management, facilitation and report writing <ul style="list-style-type: none"> Submit a company profile indicating the above. 						45	
Provide a minimum of three (3) testimonial (references) letters from clients that you have delivered this type of service to. These references must contain the following information which will be scored during evaluation <ul style="list-style-type: none"> ✓ Specified duration of the contract and time taken to deliver the service ✓ Contract amount ✓ Was the service provided <i>satisfactory / not satisfactory</i>: please indicate from 1- to 10 scale <p>Please provide contact details of the clients or . CIPC may verify reference provided by bidders</p>						15	
Provide Three (3) CV's of resources or experts who will be working on the project, clearly setting roles and experience in their respective areas and time required.						30	
Present project plan with activities, milestones, costing, timeframes						10	
Total						100	

NB: PLEASE PROVIDE THE ABOVE INFORMATION TO ALLOW EVALUATION OF YOUR OFFER.

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. CIPC may verify reference provided for the highest scoring bidder/s.

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
Total	100

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

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
Contact No: (012) 394 3971
E-mail: SMotshweni@cipc.co.za

B. Technical Enquiries

Mr Nokwanda Mdletshe / Nhlanhla Khumalo
E-mail: Nmdletshe@cipc.co.za / nkhumalo@cipc.co.za

ANNEXURE A1

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

PRICING SCHEDULE: ANNEXURE “A” (MUST BE PRINTED AND SUBMITTED IN A SEPARATE SEALED ENVELOPE TOGETHER WITH SBD 3)

The service provider must provide costing based on the pricing schedule table below.

- Service providers must endeavor to structure their pricing in terms of milestone payments such as per session conducted.
- These milestones must be structured in such a way that the deliverables are achievable and measurable. These milestones will be used as payment milestones once the deliverables have been signed off by the responsible owner. It will be in the bidder's best interest to structure the payment milestones in such a way that regular payments can be achieved.
- The services provider should provide a clear project plan, with a very clear activities, time frames, relevant deliverables and relevant costing.
- **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.**
- **Submissions not set out in the prescribed format will not be considered.**

The total bid price 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 form

The following is an example of milestones: Please note this is an example please include as much information as per your project plan activities

The following is milestones:

Item	Description of element	Quantity / Estimated hours	Price (Excl. VAT)	Price (Incl. VAT)
1.	Preparation, Alignment and Kick-off. Engage CIPC and clarify process, principles on the required output (consultation with stakeholders). Present project plan with activities, milestones and timeframes		R	R
2.	Preparation, develop agenda, facilitation and report submission of session 1: Business Regulation and Reputation		R	R
3.	Preparation, develop agenda, facilitation and report submission of session 2: Innovation and Creativity Promotion (IP)		R	R
4.	Preparation, develop agenda, facilitation and report submission of session 3: Education and Awareness (including Marketing)		R	R
5.	Preparation, develop agenda, facilitation and report submission of session 4: Customer Centricity Strategy		R	R
6.	Preparation, develop agenda, facilitation and report submission of session 5: ICT		R	R
7.	Preparation, develop agenda, facilitation and report submission of session 6: Human Resource		R	R
8.	Preparation, develop agenda, facilitation and report submission of session 7: Finance		R	R



Companies and Intellectual
Property Commission

9.	Preparation, develop agenda, facilitation and report submission of session 8: Collaboration and Partnerships (including Product and Market Innovation)		R	R
10.	Preparation, develop agenda, facilitation and report submission of session 9: Key Performance Indicators		R	R
11.	Present a draft consolidated CIPC 2030 Vision report to stakeholders		R	R
12.	CIPC 2030 Vision Document including the strategy implementation plan			
13.	Refined CIPC 2017/18 – 2021/22 Strategic Plan and 2018/19 – 2021/2022 Annual Performance Plan			
NB:	TOTAL (to be carried over to the pricing schedule) SBD 3		R	R

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

TOTAL PRICE MUST BE CARRIED OVER TO THE PRICING SCHEDULE.