



Companies and Intellectual Property Commission

a member of **thedti** group

TERMS OF REFERENCE FOR INVITATION TO SERVICE PROVIDERS TO PROVIDE HARDWARE INFRASTRUCTURE IN THE FORM OF SERVERS FOR THE INFORMIX DATABASE AND ASSOCIATED APPLICATIONS

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. 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.
4. No services must be rendered or goods delivered before an official CIPC Purchase Order form has been received.
5. This RFT will be evaluated in terms of the 80/20 system prescribed by the Preferential Procurement Regulations, 2001.
6. The Government Procurement General Conditions of contractors (GCC) will apply in all instances.
7. **As the procurement of the hardware is urgent, it is imperative that the hardware be available immediately. Failing to make hardware available from date of notification by CIPC would invalidate the prospective Service Provider's proposal.**
8. No advance payment(s) will be made. CIPC will pay within the prescribed period as per the PFMA.
9. All price quoted must be inclusive of Value Added Tax (VAT)
10. 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.
11. 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 his delegate.
12. The Service Provider is restricted to the time frames as agreed with CIPC that will be agreed to on signing of the Service Level Agreement.

13. CIPC will enter into Service Level Agreement with the successful Service Provider.

14. 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

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. The CIPC, therefore, needs to ensure the integrity and efficiency of its processes in order to provide accurate processing, retention and disclosure of information and appropriate levels of service to all its stakeholders.

CIPC would like to invite bidders to submit proposals for the provision of Servers for the Companies Informix Database and associated applications Computron and ERMS.

1. BACKGROUND

Over the past 18 months, CIPC has automated many of its high volume business processes leading to a significant increase in its daily transaction volumes. Central to the Companies applications is the Companies Register currently housed on an Informix database on RISC architecture hardware.

The rapid increase in volumes has resulted in high levels of CPU utilization causing timeouts on the database and a degradation in application performance.

This in turn is impacting on customer service levels, with an associated increase in customer complaints and customer dissatisfaction.

This has resulted in an urgent requirement to upgrade the infrastructure that hosts the Informix database and to optimize its performance to the highest possible level.

2. HARDWARE INFRASTRUCTURE SPECIFICATION

The requirement is for server infrastructure which will perform optimally at the capacity specified, ensuring optimal Informix database performance, high availability, monitoring and problem resolution capability, and ease of scalability.

3. CURRENT HARDWARE SPECIFICATION

2 HP rp7420 servers (PA RISC).

HP-UX operating system in a Service guard cluster configuration.

4. REQUIRED HARDWARE SPECIFICATION - TWO SERVERS

(Production and Development/QA/Test environments):

Minimum Specifications per server as below – proposed hardware configuration must be equivalent or superior to the requirement specified

4.1 Processor:

- RISC based technology to support database intensive applications
- Performance benchmark – SPEC int rate base (cpu2006) must be greater than 1500
- Minimum 256 GB memory

4.2 Operating system:

Unix and Linux.

4.3 Virtualization:

- Hardware integrated virtualization (not supplied by 3rd party).

4.4 Memory:

- Minimum 256 GB

4.5 Host based adapters:

Minimum – 4 Fibre Channel I/O adapters -8GB capable
(Certified to connect to HP director switch)
Minimum – 4 Ethernet Network Interface Cards 10GB/sec
All components must be configured for redundancy/fail-over

4.6 Service processor:

A service processor or server management console to manage the server hardware and virtualization layer is required.

4.7 Licensing requirements to be specified by the service provider.

4.8 Internal storage:

Minimum 300GB internal storage

4.9 Environmental requirement

- Complete Power Supply, cord, drawer and PDU (250V/10A)
- Rack mount kit for cabinets

5. INTEGRATION INTO EXISTING ENVIRONMENT

The existing environment is based on the Informix database and associated applications. Proposed solutions should complement and support the existing environment, and not require further diversification of skills.

6. HARDWARE PERFORMANCE REQUIREMENT

CIPC has established the required hardware performance based on current volumes, and future required performance based on projected volumes. This has determined the required server capacity. The Service Provider may be required to demonstrate the throughput and performance of the CIPC Informix 11.7 database on their hardware through a Proof of Concept process. The performance measurements of the database will include high volume preset queries, database loads and extracts, as well as application response times. This will be undertaken at CIPC, with hardware supplied by, and at the expense of the Service Provider.

If required, this will follow phase 2a of the evaluation process.

7. HARDWARE INSTALLATION, GREEN LIGHT AND COMMISSIONING REQUIREMENT

The servers are to be installed and commissioned by the service provider.

8. HARDWARE SUPPORT AND MAINTENANCE

1st line Hardware support and maintenance is required for a period of three years. Software support for the operating system is required. Training of CIPC staff and skills transfer is required.

9. CONDITIONS

Proprietary rights

- The proprietary rights with regard to copyright, patents and any other similar rights that may result from the service rendered by the Service Provider belong to CIPC;

- The final product of all work done by the Service Provider, shall at the end of service period, be handed over to CIPC; and
- The Service Provider may not copy documents and/or information of the relevant systems for any other purpose than CIPC specific requirements and as agreed to by CIPC.

Indemnity / Protection / Safeguard

- The Service Provider safeguards and sets free CIPC 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 service Provider contracting personnel, that is suffered in any way, while delivering a service to CIPC.
- The Service Provider safeguards and sets free CIPC 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 Service Provider.

Government Safety

- The Service Providers attention is drawn to the effect of government Safety Legislation. The Service Provider must ensure (be sure) that relevant steps are taken to notify the appropriate resources whether sub-contacted or not of this requirement.
- Service Provider resources must at all times follow the security measures and obey the rules as set by the CIPC.

Quality

The EM: BISG or his/her delegated authority will subject the quality and standard of service rendered by the Service Provider to formal CIPC Governance and Quality Control provisions.

Should CIPC, through the EM: BISG, be of the opinion that the quality of work is not to the required level, the Service Provider will be requested to provide alternative resources as per the contractual provisions and SLA. The service provider will carry all the costs related to these changes.

10. COSTING

Hardware costs for the servers must be provided as per the hardware requirements specification.

Costs must be provided for installation and commissioning of the servers.

Support and Maintenance costs for three years must be provided for the servers.

11. SPECIAL CONDITIONS

11.1 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;

11.2 **CIPC reserves the right to negotiate with the successful bidder on price;**

11.3 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);

11.4 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;

11.5 The price quoted by the prospective service provider must include Value Added Tax (VAT);

11.6 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;

11.7 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;

11.8 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;

11.9 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;

11.10 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;

11.11 The Service Provider (successful bidder) will be required to sign a Service Level Agreement with CIPC prior to the commencement of the contract; and

11.12 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.

12. EVALUATION PROCESS (Criteria)

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

Bids will be evaluated in accordance with the **80/10** 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; and
- d) Submission of the company's registration certificate from the Register of Companies (CIPC).

13. EVALUATION PROCESS (PHASES)

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 (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.

No	EVALUATION CRITERIA	Rating					Weight	Total
		1	2	3	4	5		
1.	✓ Hardware Requirements Full compliance to the hardware requirements as per the specification.						60	
3.	✓ Knowledge & Expertise Provide details of similar projects accomplished with the minimum of three (3) testimonials indicating knowledge, capability to deliver on the scope of work to organizations of a similar size to CIPC.						20	
4.	✓ Methodology for the solution provision, maintenance and support						10	
5.	✓ Expertise and knowledge of the project team. Please provide CVs of the resources to be assigned to this project. Informix database expertise is preferred.						10	

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.

14. 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

15. ENQUIRIES

Mr. Solomon Motshweni- SMotshweni@CIPC.co.za (SUPPLY CHAIN)

Mr. Evans Mojanaga – Emojanaga@cipc.co.za (TECHNICAL)