

## TERMS OF REFERENCE

**CIPC BID NUMBER: .....**

**DISCRIPTION: INVITATION TO BIDDERS TO SUBMIT  
PROPOSALS FOR THE LICENSING AND  
TECHNICAL SUPPORT OF THE HPE ABR Suite  
Premium**

**CONTRACT PERIOD: Three (3) YEARS**

**TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)**

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 RFQ 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 RFQ 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. Price 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 RFQ.

I have supplied the required information and the information submitted as part of this RFQ 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 and maintenance for the HPE ABR Suite Premium for a period of 3 years effective immediately.**

## 2. BACKGROUND

The CIPC would like to procure the HPE ABR Suite Premium. **This includes maintenance and support for the license as per scope of work below.**

## 3. SCOPE OF WORK AND OBJECTIVE

CIPC ICT needs to appoint a service provider for the supply of HPE ABR Suite Premium **including maintenance and support for a period of 3 years as follows:**

ITEM CODE	DESCRIPTION	UNITS
P8C07AAE	HPE ABR Suite Premium Ed 1-249TB SW E-LTU	36
HM620A1	HPE SW Enterprise Standard 24x7, 1-Year Support	1
HM620A1	HP Software 7RY Support (P8C07AAE)	36

**The CIPC ICT environment has +-650 internal users with business applications operating running on approximately 200 servers (made up of a combination of Virtual and Physical servers).**

CIPC business applications are hosted on the following operating systems:

- HP UNIX 11;
- Windows Server 2003 -2012 R2;
- Linux; and

The applications are supported by the Informix 11.7, Oracle 11G and SQL 2008 (and upwards) database technologies.

The backup solution is tape and D2D based using the HP Data Protector 9.08. The backups are stored and restored through a Quantum ISCALAR 6000 Library using LTO3 and LTO6 tape drives. 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 **as per bill of material.**

## 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 for the HPE ABR Suite Premium Ed.

### 5.2 Experience

The successful bidder must have over 4-years' experience each in the supply of licenses and technical support for the HPE ABR Suite Premium Ed.

## 6. Qualifications

As per experience and accreditation provided by the OEM

## 7. Soft Skills

The following soft skills are essential:

- Communication
- Report writing
- Relationship management

## 8. Aptitudes/Personality traits

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

### 8.1 REPORTING

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

## 9. 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.

## 10. 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 36 months period and to CLEARLY indicate the price.

### 1. 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).

#### **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.

### 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
- Submission of an original and valid Tax Clearance Certificate
- Submission of the company's registration certificate from the Register of Companies (CIPC).
- Submission of proof of registration with the National Central Supplier Database

### 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 HP Dataprotector backup software support and maintenance						40	
Demonstrated experience in HP Dataprotector backup software support and maintenance (Provide a minimum of three (3) reference letters with contactable references from clients) <u>Points:</u> 3 for 3 references; 4 for 5 references; 5 for > 5 references						60	
<b>Total</b>						<b>100</b>	

#### Note:

- Functionality will count out of 100 points. Bidders must achieve a minimum score of **60 points** out of 100 on the functionality evaluation to proceed to the next phase.
- Bidders that achieve less than 60 points on functionality will be disqualified for further evaluation.

**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 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
<b>Total</b>	<b>100</b>

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

## 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

## ENQUIRIES

### A. Supply Chain Enquiries

Mr Solomon Motshweni OR Ms Ntombi Maqhula  
Contact No: (012) 394 3971 /45344  
E-mail: [SMotshweni@cipc.co.za](mailto:SMotshweni@cipc.co.za)

### B. Technical Enquiries

Mr Evans Mojanaga  
Contact No: (012) 394 5520  
E-mail: [emojanaga@cipc.co.za](mailto:emojanaga@cipc.co.za)