

## **TERMS OF REFERENCE (TOR)**

**CIPC BID NUMBER: 33/2017/2018**

**DESCRIPTION: INVITATION TO SERVICE PROVIDERS TO,  
PROVIDE PROJECT MANAGER FOR AN XBRL  
PROJECT IN CIPC IN CONSULTATION WITH OTHER  
REGULATORS**

**CONTRACT DURATION: 3600 PRODUCTIVE HOURS**

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## 1 TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (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 RFQ 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 RFT. 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. Prices to 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. Therefore, CIPC needs to ensure the integrity and efficiency of its processes in order to provide accurate of information. CIPC does not have a project management office as part of the organizational set up, persons who used to do this function were moved to different units within CIPC. CIPC needs to ensure that large projects with varying complexities are managed and that project management principles and methodologies are applied

CIPC would therefore like to invite bidders to submit proposals for the provision of **1 X Project Management Specialist** for over a period of 3600 productive hours as per **Annexure A: Scope of Work.**

## 2. **BACKGROUND**

CIPC has as part of its strategy, the introduction of XBRL (eXtensible Business Reporting Language) on 01 July 2018 as a reporting tool for financial statements as prescribed in the Companies Act, Act 71 of 2008. There are regional and international expectations for South Africa as one of the large economies and with reputable auditing and accounting standards to see a project like XBRL succeed. Our Companies Act gives the Commission, authority to develop a system which can be used for financial reporting amongst other things. There are also political expectations in the country and industry expectations, hence the XBRL project is included as part of the organizational strategy. The successful bidder is expected to provide a specialist resource to ensure a successful monitoring after implementation of the XBRL Project in line with the Governance and Architecture Framework document produced by XBRL South Africa.

## 3. **SCOPE OF WORK AND OBJECTIVE**

**Refer to Annexure A for the detailed scope of work and objective.**

CIPC business hours are from 07h30 to 16h30 from Monday to Friday excluding Public holidays.

The main CIPC office is situated at **the dti** Campus, 77 Meintjies Street, Sunnyside.

## 4. **DURATION OF CONTRACT**

The duration of the contract will be for a maximum period of 3600 productive hours.

## 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 to projects within the auditing and accounting fraternity.

### 5.2 **Experience**

Proven experience in providing services specified in the scope of requirements.

## 6. **Qualifications**

As per CV and where applicable, an XBRL International Certificate will be an advantage

## 7. Soft Skills

The following soft skills are essential:

- Communication
- Report writing
- Stakeholder and Relationship management

**NB.** CIPC Reserves the right to hold formal interviews with the candidates in order to allow for a panel to ask relevant questions and have candidates make presentations where necessary.

## 8. REPORTING

The contracted bidder's account manager will report to the Senior Manager: Corporate Disclosure Regulation and Compliance or his delegate.

Monthly written reports will be submitted to the Senior Manager: The progress reports shall contain at least the following:

- Daily and Weekly Project Progress Reports (Milestone Achievement Report)
- Percentage outstanding work, where applicable
- Training progress reports for staff
- Any other relevant or additional reports as may be required

## 9. WORKING CONDITIONS

### Equipment

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

### 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.

### 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.



### **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.

### **Quality**

- The Senior Manager: Corporate Disclosure Regulation and Compliance will subject the quality and standard of service rendered by resources to quality control.
- Should CIPC, through the Senior Manager: Corporate Disclosure Regulation and Compliance, 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 3600 productive hours and to CLEARLY indicate the price.

## **11. SPECIAL CONDITIONS**

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. .
2. CIPC reserves the right to negotiate with the successful bidder on price.
3. The service provider must ensure that their work is confined to the scope as defined.
4. Travel between the consultants home, place of work to the dti (CIPC) vice versa will not be for the account of this organization, including any other disbursements.
5. Government Procurement General Conditions of contract (GCC) as issued by National Treasury will be applicable on all instances. The general conditions is available on the National Treasury website ([www.treasury.gov.za](http://www.treasury.gov.za))
6. No advance payment would 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.
7. The price quoted by the prospective service provider must include Value Added Tax (VAT).
8. 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.
9. 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.
10. 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. 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 or his/her delegate.
12. 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



Companies and Intellectual  
Property Corporation  
a member of the dti group

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.

13. The service provider will be required to sign a service level agreement with CIPC prior to the commencement of the contract.
14. As the commencement of this contract is of critical importance, it is imperative that the prospective contractor is available immediately. Failing to commence with this contract immediately from date of notification by CIPC would 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 80/20 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)**

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- 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

### 12.1 **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		
<b>Demonstrated 3-5 years experience in the provision of services - as per <u>Annexure A</u></b> (Provide a minimum of <u>three</u> reference letters with contactable references from clients)										70	
<b>Score = 1</b>	<b>Score = 2</b>	<b>Score = 3</b>	<b>Score = 4</b>	<b>Score = 5</b>							
Experience less than or equal to 2 years.	Experience greater than 2 years, but not more than 3 years.	Experience greater than 3 years, but not more than 6 years.	Experience greater than 6 years, but not more than 8 years.	Experience greater than 8 years.							
<b>Expertise/ Experience/qualifications of 3-5 years experienced technicians to be assigned to the CIPC contract. (CVs detailing competency of all personnel to be assigned to CIPC for all required service types).</b>										20	
<b>Score = 1</b>	<b>Score = 2</b>	<b>Score = 3</b>	<b>Score = 4</b>	<b>Score = 5</b>							
Expertise/ Experience less than or equal to 2 years, no Project Management Qualification.	Expertise/ Experience greater than 2 years, but not more than 3 years, any Project Manager qualification .	Expertise/ Experience greater than 3 years, but not more than 6 years AND relevant Project Management Qualification	Expertise/ Experience greater than 6 years, but not more than 8 years AND relevant Project Management Qualification.	Expertise/ Experience greater than 8 years AND relevant Project Management Qualification.							
<b>Project Manager Certification <u>Annexure A</u> (Provide a relevant certification letter)</b>										10	
<b>Score = 1</b>	<b>Score = 2</b>	<b>Score = 3</b>	<b>Score = 4</b>	<b>Score = 5</b>							
Certified Member of a Project Management Professional Body (less than or equal to 2 years)	Certified Member of a Project Management Professional Body (not more than 3 years)	Certified Member of a Project Management Professional Body (3-6 years)	Certified Member of a Project Management Professional Body (greater than 6 years but not more than 8 years)	Certified Member of a Project Management Professional Body (greater than 8 years)							
<b>Total</b>										<b>100</b>	

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

Bidders scoring less than 70 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.

Please provide details for all the above information to enable proper evaluation. CIPC may verify reference provided for the highest scoring bidder.

## 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
<b>Total</b>	<b>100</b>

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

## 13. 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

## 14. ENQUIRIES

### A. Supply Chain Enquiries

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

### B. Technical Enquiries

Mr. Joey Mathekga  
E-mail: Mr. Joey Mathekga – [Jmathekga@cipc.co.za](mailto:Jmathekga@cipc.co.za)

## Annexure “A”

The following are the reasons why a resource in the form of a Project Manager is critical for the above project:-

- A project manager will ensure that there is structure and ensure we do not lose productivity in the project
- The project is technology orientated and as a disruptive project, it requires a resource with vision; capability to formulate a plan and decide on the best course of action to reach the desired goals to guide the project from concept to completion.
- A project manager will ensure that with their time and skills they manage the relationships with industry and fellow regulators; members of business and the CIPC ICT Team; and manage different personalities by diffusing tension in the event of inevitable conflicts.
- A project manager will ensure that effective meetings and adherence to guidelines on reporting are achieved, deadlines are met as well.
- He/she will ensure that problems are caught before they snowball out of control and that every team member's progress is recorded and known at any given point in time.
- Costs relating to the project and any inefficiencies will be managed to ensure that the budget does not get overspent, and or also take care of any attempts at inflation of costs by prospective service providers.

The project manager will work closely with the project owner to ensure that there is commonality of vision on what the organization aims to achieve but also in ensuring that the organization receives value for money from the resource/s