



Companies and Intellectual
Property Commission
a member of the **dtic** group

ANNEXURE: “H”

TERMS OF REFERENCE (“TOR”)

CIPC BID NUMBER: 16-2024-2025

**DESCRIPTION: INVITATION FOR PROPOSALS FROM
QUALIFYING SERVICES PROVIDERS FOR
THE PROVISION OF A PATENT SEARCH TOOL**

CONTRACT PERIOD: FIVE(5) YEARS

BID CLOSING DATE: 20 FEBRUARY 2025

**NB: IT IS THE RESPONSIBILITY OF THE PROSPECTIVE BIDDERS TO
DEPOSIT TENDERS IN THE CORRECT BOX AND TENDERS DEPOSITED
IN WRONG BOXES WILL NOT BE CONSIDERED.**

THE CIPC TENDER BOX HAS THE FOLLOWING DESCRIPTION: “CIPC
TENDER BOX**”.**

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 RFP specification is based on a specific brand must inform CIPC before BID 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 RFP. 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 RFP will be evaluated in terms of the **80/20** system prescribed by the Preferential Procurement Regulations, 2001.
7. 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. Failure to submit will invalidate the bid proposal.
8. CIPC reserves the right to negotiate with the successful bidder on price.
9. The service provider must ensure that their work is confined to the scope as defined.
10. Travel between the consultant's home, place of work to the DTI (CIPC) vice versa will not be for the account of this organization, including any other disbursements.
11. The Government Procurement General Conditions of contractors (GCC) will apply in all instances.
12. As the commencement of this project is of critical importance, it is imperative that the services provided by 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.
13. No advance payment(s) will be made. CIPC will pay within the prescribed period as per the PFMA.
- 14. All prices quoted must be inclusive of Value Added Tax (VAT)**
- 15. All prices must be quoted in South African Rand**
- 16. All prices must be valid for One hundred and twenty days (120) days**
17. 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.
18. All information, documents, programmes 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.
19. 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.
20. 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. 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 delegate.



21. 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.
22. 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.
23. CIPC will enter into Service Level Agreement with the successful Service Provider.
- 24. CIPC reserves the right not to award this bid to any prospective bidder or to split the award.**
- 25. 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 also reserves the right to terminate this Agreement by giving 10 (ten) business days written notice to the service provider due to any perceived (by CIPC) undue reputational risk to CIPC which CIPC can be exposed to resulting from the service provider or its management/directors being found to be involved in unethical behaviour, whether in its dealings with CIPC or any other business dealings.**
Note: "Unethical behaviour" includes but not limited to an action that falls outside of what is considered morally right or proper for a person, a profession or an industry
- vii. CIPC shall declare a Service Provider ineligible, either indefinitely or for a stated period of time, for awarding the contract, if 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.
- viii. The service provider will sign a confidentiality agreement regarding the protection of CIPC information that is not in the public domain.

2. **COMPLUSORY BID REQUIREMENTS (FAILURE TO COMPLY WITH ALL REQUIREMENTS BELOW WILL IMMEDIATELY DISQUALIFY THE PROPOSAL)**

INSTRUCTIONS FOR THE SUBMISSIONS OF A PROPOSALS

SUBMISSION OF ORIGINAL HARD COPY

- a) Bidder's must submit **One (1) original copy** (hard printed copy of the technical proposal), this is for record keeping purposes and the USB Only will be used for bids evaluation.
- b) The Bid Document must be marked with the Bidder's Name
- c) The Bid documents **must be signed** by an authorized employee, agent or representative of the bidder and each and every page of the proposal shall contain the initials of same signatories
- d) All pages of the submitted proposal must be numbered.

SUBMISSION OF USB

a) NO DISC WILL BE ALLOWED

- b) **ONE (1) USB must be submitted, including technical proposal as well as price proposal saved in separate folders;**
- c) The USB must be marked with the bidder's name.
- d) **The USB must have an index page/ table of contents listed all documents included in the proposal for easy referencing during evaluation (group information in separate folders)**
- e) **Open each folder prior submission to ensure that documents are saved and are properly opening and working**
- f) **BIDDERS TO VERIFY IF DOCUMENTS ARE SUCCESSFULLY LOADED IN THEIR USB'S**
- g) **USB'S WITH NO DOCUMENTS INCLUDED WILL BE DISQUALIFIED AS ONLY USB'S ARE USED FOR EVALUATION PURPOSES**
- h) The **USB** must contain the **exact** documents/ information submitted in the original copy for record keeping
- i) Bidders to ensure that the information is properly saved in the USB prior submitting to CIPC and that there are **no missing pages, USB sticks opens, readable, and contain no blank pages, documents, or folders**. *Ensure that each folder created is numbered or documents placed in numbering order, avoid clustering folders with a lot of documents rather create separate folders*
- j) **THE USB WILL BE USED FOR EVALUATION HENCE THE BIDDER IS REQUIRED TO ENSURE THAT THE USB CONTAINS ALL INFORMATION.**
- k) **CIPC WILL NOT BE HELD LIABLE FOR INCOMPLETE PROPOSALS/ INFORMATION SUBMITTED IN THE USB'S**
- l) All pages must be signed; numbered and initial as per the Original copy
- m) The USB must be submitted in **PDF format ONLY** and must be **read ONLY; NO Passwords Protection**
- n) **BIDDERS TO ENSURE THAT USB'S ARE WORKING PRIOR SUBMISSION**
- o) **Bidders to ensure that USB 's are not password protected**
- p) **IT IS THE BIDDERS RESPONSIBILITY TO VERIFY IF THE USB IS WORKING BEFORE SUBMISSION**
- q) **BIDDER'S WITH USB'S NOT OPENING OR PASSWORD PROTECTED WILL BE DISQUALIFIED**

FAILURE TO COMPLY WITH ALL THE ABOVE MENTIONED REQUIREMENTS WILL IMMEDIATELY INVALIDATE THE BID.



3. **SUBMISSION OF PRICE PROPOSAL**

- a) Prospective Bidders must submit a printed hard copy of the Price Proposal in a separate **SEALED** envelope. It is important to submit a separate price from the Technical proposal as Price is evaluated at the last phase of the Evaluation.
- b) The price envelope must be marked with the bidder's name
- c) **Bidders to complete Pricing Schedule SBD 3.3 (Annexure "C")- REFER TO ATTACHED SBD FORMS**
- d) **The total Price (Ceiling price) must be carried over to BOTH SBD 3.3 (Pricing Schedule) and SBD FORM 1: (Invitation for Bids). AND COMPLIANCE TO ANNEXURE A PAGE 20**
- e) The Total Bid Amount will be used for the evaluation of bids therefore it must be inclusive of all costs for the duration of the contract.
- f) **All prices must be VAT inclusive and quoted in South African Rand (ZAR). *Failure to comply with this requirement will disqualify the bid.***
- g) **All prices must be valid for 120 days**

PLEASE NOTE THAT IT IS COMPULSORY THAT BIDDERS SUBMIT PROPOSAL AS PER THE FOLLOWING

- 1. **1 (ONE) ORIGINAL / HARD COPY PRINTED**
- 2. **1 (ONE) USB FOR TECHNICAL PROPOSAL AND PRICE MUST BE INCLUDED IN THE SAME USB BUT SAVED IN A SEPARATE FOLDER ("MARKED PRICE PROPOSAL") BIDDERS TO ENSURE THAT USB'S ARE WORKING PRIOR SUBMISSION**
- 3. **ONE SEALED ENVELOPE FOR PRICE PROPOSAL (INSIDE THERE MUST BE)**
 - ❖ **PRICE SCHEDULE – SBD.33 : PLEASE TAKE NOTE OF THE CLAUSE IN SBD 3.3 AND ENSURE COMPLIANCE**
 - ❖ **ALL CONDITIONS OF PRICE FOR EXAMPLE- PRICE FLUCTUATIONS OR PRICES NOT FIRM DUE TO ROE, ETC MUST BE CLEARLY STATED IN SBD 3.3 IN THE SPACE PROVIDED. SEE PAGE 14**
 - ❖ **SBD1 - INVITATION TO BIDS**
 - ❖ **PRICE BREAKDOWN PREFERABLE IN THE BIDDERS LETTERHEAD SIGNED BY AN AUTHORISED REPRESENTATIVE**

NB: Bidders must also refer to page 14 of 21 of the Terms of reference under Mandatory Requirements

FAILURE TO COMPLY WITH ALL THE ABOVE MENTIONED REQUIREMENTS WILL IMMEDIATELY INVALIDATE THE BID.

I, the undersigned (NAME).....certify that:

I have read and understood the conditions of this tender.

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

.....
Signature

.....
Date

1. INTRODUCTION

The Companies and Intellectual Property Commission (CIPC), herewith referred to as 'the Commission' was formed by the amalgamation of the Office of Companies and Intellectual Property Enforcement (OC�PE) and the Companies and Intellectual Property Registration Office (CİPRO), and is mandated by the Companies Act, 2008 (Act 71 of 2008). CIPC is an organ of state, outside the public service but within the public administration

MAIN FUNCTIONS OF THE COMMISSION:

- Registration of Companies, Co-operatives and Intellectual Property Rights and maintenance thereof;
- Disclosure of Information on its register;
- Promotion of education and awareness of Company and Intellectual Property Law;
- Promotion of compliance with relevant legislation;
- Efficient and effective enforcement of relevant legislation;
- Monitoring compliance with and contraventions of financial reporting standards, and making recommendations thereto to Financial Reporting Standards Council (FRSC);
- Supervision of Collecting Societies in sound recordings
- Taxation of legal costs in Patent matters
- Licensing of Business rescue practitioners;
- Oversight role of Independent Review professional bodies;
- Report, research and advise Minister on matters of national policy relating to company and intellectual property law.

2. BACKGROUND

South Africa currently employs a depository system to grant patent rights. Under this depository system, patent applications are only required to comply with formality requirements for patent rights to accrue. The Intellectual Property Policy Phase 1 (IP Policy) published in May 2018 signaled a departure from the depository system, whereby it advocates for the introduction of a Substantive Search and Examination (SSE) system for South Africa. Under the SSE system, patent applications must not only meet the formal requirements for patent rights to accrue, but also the invention claimed should be examined to determine if it meets the inherent patentability requirements.

3. SSE entails that patent applications are examined substantively to determine whether the invention concerned meets the requirement of patentability which encompasses novelty, inventiveness and being capable of use in trade, industry or agriculture. In order to establish whether the invention concerned meets the requirements for patentability it is necessary to conduct extensive patent search to obtain relevant prior art which then informs substantive examination. This typically involves a review of both patent and non-patent literature and comparing the literature to the claimed invention, to then determine whether patentability requirements are met.
4. Given that South Africa currently employs a depository system for granting patent rights, it follows that there is very little local capacity and competency to implement SSE system. Thus CIPC has relied on assistance from International IP Offices (İPOs) and

the World Intellectual Property Organization (WIPO) to assist in the establishment of SSE system. In addition, CIPC has also engaged these IPOs to train the cohorts of patent examiners (patent searchers and interns) on SSE of patent applications. Through the various trainings and benchmarking with other IPOs that have just embarked on introducing the SSE system, the CIPC has determined the necessity to have a patent search tool for conducting prior art searches. Moreover, the CIPC is contemplating the additional services of providing analytics of patent data for the public, to inform government policy and the commercialization of intellectual property assets.

5. With the examiners having gone through advanced training on patent examination, they are currently undergoing an Experiential Learning Program (ELP), which entails issuing non-binding office actions to participating law firms. These office actions meet the standard of international practice, with the only drawback that the law has not been passed for the office actions to be officially binding. There is need for a dedicated search tool to allow the examiners to be able to examine patent applications effectively and efficiently. In particular, the patent examiners will be required to effectively utilize specialized patent search tools to identify and retrieve relevant prior art documents, compile and draft search and/or examination reports, based on the identified prior art references.

6. PURPOSE

The purpose of this Terms of Reference (TOR) is to Request Proposals for the appointment of a service provider for the provision of a patent search tool.

1.1 Target Audience of the CIPC Services

All the business oriented CIPC services are targeted for public use within and outside South Africa. Consumers of the services are:

- New clients and partners requesting information and data.
- New clients registering IP and legal entities.
- Partners and Third Parties registering new legal entities on behalf of clients.
- Existing clients maintaining IP and legal entities and satisfying compliance needs according to the Companies Act of South Africa.
- Clients, Partners and Third Parties requesting data and information from the CIPC.

7. OBJECTIVES AND SCOPE

As CIPC's mandate transitions from being a formality registration office using a depository system to one that conducts SSE on patent applications, one of the key deliverables will be to ensure timeous high quality examination of patent applications. Hence, the main priority for the CIPC is to capacitate its patent examiners to be specialized in SSE. The examiners are constantly required to construe patent claims, search for and retrieve relevant prior art, apply the patentability criteria to a claimed invention having assessed the application claims against selected prior art.

Therefore, the patent examiners require a specialized and comprehensive search tool which should enable the identification and retrieval relevant prior art documents, and enable the examiners to compile and write search and examination reports, in line with international patent office best practice. The search tool must include both South African and international patent databases as well as non-patent literature. The search tool should be able to be integrated with non-patent literature databases. Moreover, the tool must be capable of allowing meaningful patent analytics. In addition, training on the use of the tool to conduct prior art search and patent analytics should be provided.

8. MINIMUM REQUIREMENTS

SEARCH TOOL FUNCTIONALITY

Providing a specialized cloud-based search tool that allows retrieval of patent and non-patent information. The search tool should at least have the following specifications or access to the following datasets:

Extensive patent databases

- Extensive non-patent literature databases searchable within tool, and allow for further subscriptions within the tool
- Classification to cover range of IPC and CPC,
- Search option to allow for search of application/publication/priority/NPL reference number
- Search option to allow for search of applicant/inventor/assignee
- Synonym search
- Facet searches
- Translation of documents from non-English IPOs/journals
- Semantic search
- Allow for limitations in search field which can be: Search field (title, abstract, full text, image), date, (publication, date range), Classification, country, inventor, applicant.
- Forward and backward citation of patent families.
- Extensive operator usage which should include.
- Boolean operators.
- Proximity searches: (for searching words within x words, within a sentence, paragraph or in a given order).
- Comparison searches: (= (equal to), = = (exactly equal to), all, any, within (providing date range), >=, <=).
- Wildcards: "" (0-1 characters, up to three? permitted, following at least two characters), (1 character), (unlimited characters)
- Biological sequence searching and analysis including nucleic acids (DNA and RNA) and protein (including antibody searching)
- Chemical structure searching including Markush structure search.
- Synonym or commercial name searches for both chemical and biological structure.
- Image search functionalities.
- Linking of figure labels with text (Linking of images with description in the text).
- AI capabilities including AI filtering of relevant prior art, sorting according to relevance.
- Patent analytics functionalities.

Analysis of results to at least have:

- Priority details.
- Patent legal status.
- Allow for images embedded within classification search.
- Allow for highlighting of searchable text using different operators.
- Allow for grouping of files of interest.
- Allow for configuration of exportation of data and retrieval of work done on the tool.
- Allow linking/coupling it to a workflow-based system.
- Patent analytics results visualisation.

TRAINING FUNCTION

Training requirements

TRAINING PROGRAMS AND ESSENTIALS THEREOF

The respondents must display the ability to extensively train patent examiners within 2 months of contract inception, and further training on any updates and changes to the tool, including continuous support, which includes training on the following aspects of patent searching.

- a. Key word searching using truncations and wild cards.
- b. Use of Boolean operators
- c. Use of proximity operators
- d. use of classification terms
- e. Chemical structure searching
- f. Biological sequence searching.
- g. Exporting search results to a search report.

The training program should cover all aspects of patent analytics including the following areas:

- a. Evolution of technology sectors
- b. Key technological sectors of countries.
- c. Relationship between technological domains.
- d. Market coverage of applicants
- e. Strength of patent portfolio
- f. Exporting analytics results and drafting of reports
- g. Use of AI for data processing

Mode of Delivery

The training must be conducted using a combination of any of the following:

Patent Search Tool “ToR”

Presentation, exercises or workshops (online, virtual and physical)

Practical examples

Working on dummy cases and real files

Case studies

Role plays

Cost of Training Program

The tool package should be inclusive of the cost of training as there are constant upgrade of the tool hence the continuous upskilling of the patent examiners.

9. DELIVERABLES

With this bid, the CIPC expects the following deliverables:

- a) A patents search tool with a minimum of 30 back-office user licences
- b) Support and maintenance of the patent search tool over a period of 5 years
- c) Integration of the tool with both South African and international patent databases
- d) Chemical and Biological sequence searching capabilities
- e) Integration of the tool with non-patent literature databases
- f) Training as outlined in Section 4 above

10. VENDOR ELIGIBILITY

Demonstration of Project Plan, Preparation, Delivery and Post Project Support
Inclusion of the Architecture and technical specification of the documentation of the search tool
Demonstration of suitable support and maintenance skills, technicalities and human capacity
All references submitted must be in client letter-heads.
Inclusion of CV's that are relevant for execution

11. TERMS AND CONDITIONS

Please Note:

- a. The Service Provider must ensure that their work is confined to the scope as defined and agreed.
- b. 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)
- c. The Service Provider shall be expected to sign a Non-Disclosure Agreement

- d. Proposal offers must be received on the RFP closing date and time specified on the invitation, fully completed and signed in ink as per Standard Conditions of RFP.
- e. Completion and submission of the Declaration of Interest.
- f. CIPC reserves the right not to make this appointment.

12. Time frames

The contract period is 5 (five) years.

13. Reporting

The contracted bidder's account manager will report to the relevant CIPC Project Manager or his/her delegate.

14. COSTING

REFER AND COMPLETE **ANNEXURE "A"** PAGE 20

THE FOLLOWING DOCUMENTS TO BE ATTACHED

1. SDB 3.3: PRICING SCHEDULE
2. SBD FORM 1: INVITATION TO BIDS
3. A BIDDER **MUST** ATTACH **PRICE BREAKDOWN IN THE BIDDER'S COMPANY LETTERHEAD STATING UNIT COSTS AS WELL AS THE TOTAL BID PRICE INCLUSIVE OF ALL FOR THE DURATION OF THE CONTRACT**
4. BIDDER'S TO COMPLY WITH ALL CONDITIONS BELOW AS WELL AS THOSE ON PAGE 5 WITH REGARDS TO PRICE

The costing should be based on all requirements of the terms of reference. The onus is upon the prospective bidders to take into account all costs and to CLEARLY indicate the price. Cost breakdown must be provided, covering all required aspects in this tender. **NB The total price must be carried over to the pricing schedule and will be used to evaluate the bids. Prices must be firm for the duration of the project. PRICE CARRIED OVER TO SBD FORM 3.3 AND SBD FORM 1 MUST INCLUDE ALL COSTS FOR THE DURATION OF ALL PERIOD STATED ABOVE UNDER PRICING. FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY INVALIDATE THE BID.**

Note: Service providers will be responsible for all costs e.g. transportation for ALL activities associated with this bid.

15. **SPECIAL CONDITIONS**

- i. 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;
- ii. CIPC reserves the right to negotiate with the successful bidder on price;
- iii. Travel between the consultant's home, place of work to the **dti Campus** (CIPC) will not be for the account of CIPC, including any other disbursements unless agreed to in writing by CIPC prior to the expense being incurred;
- iv. 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);
- v. 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;
- vi. The price quoted by the prospective service provider must include Value Added Tax (VAT);
- vii. 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;
- viii. 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;
- ix. 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;
- x. 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;
- xi. 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;
- xii. The Service Provider (successful bidder) will be required to sign a Service Level Agreement with CIPC prior to the commencement of the contract; and
- xiii. Compliance with PFMA regulations in terms of the safeguarding of assets and adequate access control must be guaranteed. Assets include all infrastructure, software, documents, backup media and information that will be hosted at the Offsite ICT Recovery Site. These security measures must be specified in the SLA.
- xiv. 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.
- xv. The Service Provider shall be required to provide training & skills transfer for the services as per paragraph 3 of this document.
- xvi. Service Provider shall provide CIPC with all the license documentation that CIPC is entitled to as per the costing of the licenses.
- xvii. The Service Provider shall be required to provide training & skills transfer for the services as per paragraph 3 of this document.
- xviii. Bidders shall be subjected requested to demonstrate all claims made in the proposal.



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- xix. The resources that a bidder supply will be subjected to an assessment results which will determine the suitability of the service provider to implement against the assignment of the ToR. Failure to provide suitable candidates will lead to cancellation of award of the tender.
- xx. CIPC reserves the right not to make this appointment
- xxi. The service provider will sign a confidentiality agreement regarding the protection of CIPC information that is not in the public domain.
- xxii. Appointment will be subject to positive security screening results by the State Security Agency.
- xxiii. The Supervisor and the Security Officers must be mentally and physically fit for the execution of their duties.
- xxiv. Supervisor and the security officers must sign a declaration that they will refrain from any action/conduct which might be detrimental to the department.
- xxv. The supervisor and the security officers are prohibited from unauthorized handling, reading or removal of documents in the departmental records.
- xxvi. No state information may be furnished/ communicated to the public or news media by the security service provider or any of their employees.
- xxvii. The state reserves the right to screen/vet security personnel in the employ of the security provider to the relevant level, and to verify their registration status with Private Security Industry Regulatory Authority (PSIRA) before they are employed in the CIPC.
- xxviii. Record all security related incidents/occurrences in relevant registers.
- xxix. Security officers must be inspected at least once per shift; day and night (weekends and public holidays included) by the security service provider representative and keep records of such visits.
- xxx. The service provider must ensure that there is no interruption of services due to manpower shortage as a result of the security guard being on leave (Annual, sick, etc.).
- xxxi. All possible steps shall be taken by the contract to ensure full execution of this agreement.
- xxxii. To know the minimum wages paid to Security Personnel by the Service Provide.

16. 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 (Phases)

The evaluation will be completed in 3 phases:

Phase 1: Compliance to minimum requirements

Phase 2: Functional Evaluation

Phase 3: Functional Evaluation

PHASE 1: COMPLIANCE TO MINIMUM REQUIREMENTS AND MANDATORY REQUIREMENTS

During Phase 1 all bidders will be evaluated to ensure compliance to minimum document requirements. Without limiting the generality of the CIPC's other critical requirements for this Bid, bidder(s) **must submit the documents** listed in the **Table** below. All documents must be completed and signed by the duly authorized representative of the prospective bidder(s). During this phase Bidders' response will be evaluated based on compliance with the listed administration and mandatory bid requirements. All bidders that comply with the minimum requirements will advance to Phase 2.

Item No	Document that must be submitted	Compliance provide ANSWER: Yes /No	Non-submission may result in disqualification
1.	Invitation to Bid – SBD 1		Complete and sign the supplied pro forma document.
2.	Tax Status – SBD1		a) Bidders must submit Tax Clearance Certificate (TCC) PIN b) The TCS PIN will be used for the verification of tax compliance status a Bidder
3.	Declaration of Interest –SBD 4		Complete and sign the supplied pro forma document.
4.	Declaration of Bidder's Past Supply Chain Management Practices – SBD 8		Complete and sign the supplied pro forma document.
5.	Certificate of Independent Bid Determination – SBD 9		Complete and sign the supplied pro forma document.
6.	BIDDERS TO SUBMIT VALID AND COMPLIANT B-BBEE Certificate (Compulsory). FAILURE TO SUBMIT WILL IMMEDIATELY DISQUALIFY YOUR BID		VALID AND COMPLIANT B-BBEE Certificate (Compulsory) FAILURE TO SUBMIT WILL IMMEDIATELY DISQUALIFY YOUR BID
7.	Registration on Central Supplier Database (CSD) Compulsory Note: Important: Bidders to submit valid and compliant B-BBEE Certificate as well as the CSD report.. The B-BBEE Certificate is the primary verification document to claim points for specific goals for this bid. Failure to submit a compliant B-BBEE certificate will result in disqualification.		The Service Provider is encouraged to be registered as a service provider on the Central Supplier Database (CSD). Visit https://secure.csd.gov.za/ to obtain your. Vendor number. Submit PROOF of registration on the Central Supplier Database (CSD Report) SUBMIT SUPPLIER UNIQUE REFERENCE NUMBER
8.	NB: Pricing Schedule: Compliance to PAGE 20 ANNEXURE "A" REFER TO PAGE 4 TO 5 and 20 <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>		<ul style="list-style-type: none"> Submit full details of the Price Proposal in a separate SEALED envelope. Price must be carried over to BOTH SBD 3.3 (Pricing Schedule) and SBD FORM1: (Invitation for Bids). <i>The Total Bid Amount (CEILING AMOUNT) will be used for the evaluation of bids therefore it must be inclusive of all costs for the duration of the contract)</i> <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>
9.	IMPORTANT: <u>SUBMISSION OF USB</u> REFER TO PAGE 5 BIDDERS TO READ AND UNDERSTAND THE CONDITIONS STATED IN PAGE 3 TO PAGE 5 OF THIS TOR <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>		<ol style="list-style-type: none"> Bidders must submit a USB with their proposal- 1 copy of the original document USB to be submitted in pdf format and to be read only All documents to be signed and bidders initial each page Bidders must check that USB sticks open, are readable, and contain no blank pages, documents, or folders. Ensure that each folder created is numbered, and avoid clustering folders with many documents rather create separate folders. No password protected USB allowed. Do not submit CDS Bidders will be disqualified should the requirements mentioned on page 3 and 6 not complied with. <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>
10.	BIDDERS TO INDICATE IF THEY READ AND UNDERSTOOD THE CONDITIONS STATED IN PAGE 3 TO PAGE 5 OF THIS TOR		<u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>

ALL BIDDERS THAT COMPLY WITH THE MINIMUM REQUIREMENTS WILL ADVANCE TO PHASE 2.

17. RESPONSE FORMAT

Information about the basic partners and the potential product / service.

Question	<u>Bidders to provide response</u> <i>Attach information and state page number/s where the information will be found in the technical proposal</i>
<p>Project Preparation, Delivery and Post Project Support:</p> <ul style="list-style-type: none"> • How would you help us to prepare for this project, what services can you provide to ensure a proper foundation prior to embarking on the project. • Please provide information on your implementation methodology. • Please provide a project roadmap indicating key stages and key milestones. • Please provide an example project plan with timelines. • How would you help to manage and support us through the life of this project? • How can you demonstrate innovation in the area of search and examination? • What follow on services can you provide to ensure that we can continue to extract the best value from your solution after the initial project completion? 	
<p>Documentation:</p> <p>What documentation is provided for the software / system?</p>	
<p>Software/Architecture:</p> <ul style="list-style-type: none"> • Was your software written by your organization or acquired from a third party? • Is your software written according to appropriate industry standards, please provide details? • Please provide a diagram of the components which make up your proposed solution, this should include a brief description of what each component does. • Please provide a diagram showing the process flow of your solution, this can be included in the component diagram if appropriate. • Please describe how your software would be able to integrate with existing CIPC systems if required. • Is your software compatible with Microsoft Office solutions (Excel, Word)? • How long has your software been available in the marketplace? • What are the key strengths and weaknesses of your software? 	
<p>Performance:</p> <p>Describe your scalability model (horizontal, vertical, load-balancing), availability (fault tolerance, clustering), and performance (messages, transactions, work flows) for all application components.</p>	

Question	<u>Bidders to provide response</u> Attach information and state page number/s where the information will be found in the technical proposal
<p>Testing of the solution:</p> <p>Please describe the solution in detail outlining your approach to testing this before rollout extensively. Conduct the functional tests, approach to functional testing, taxonomy testing, performance and stress testing, etc.</p> <p>Training:</p> <ul style="list-style-type: none"> • Describe your training methodology for preparers? • Do you offer formal user training? • What type of courses do you run and what is their duration? • What level of training would you recommend? • Describe any training materials offered? 	
<p>Product Support:</p> <ul style="list-style-type: none"> • Please provide details of how the product is supported across multiple sites globally. • What levels of support is available, definition of each level and what are the hours of operation and response times? • Where are the support services located? • Does support include product updates, as well as bug fixes at no extra charge? • What is the helpdesk escalation procedure? 	



PHASE 2: FUNCTIONAL EVALUATION AND COMPLIANCE TO SPECIFICATION

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:

Cr.No	FUNCTIONALITY EVALUATION CRITERIA	RATING					WEIGHT	TOTAL SCORE
		1	2	3	4	5		
1.	VENDOR EXPERIENCE IN PROVIDING PATENTS SEARCH TOOL SERVICES <u>Submit reference letters on a client letter-head indicating relevant experience, date of project and duration. In addition, the reference letters should show the following details:</u> Experience in working with different national patent offices, preferably those that transitioned from a depository system to SSE. Capabilities and experience of deploying patents search tools, training patent examiners on patent searching.- Purposes for which your search tool has been used by other patent offices or law firms or research institutions. <u>Ratings to be awarded as follows:</u> <ol style="list-style-type: none"> Tool deployed with at least 1 patent office or law firm or research institution or company – 1 Tool deployed with 2 – 3 patent offices or law firms or research institutions or companies – 2 Tool deployed with at least 4 patent offices or law firms or research institutions or companies – 3 Tool deployed with at least 5 patent offices or law firms or research institutions or companies – 4 Tool deployed with 6 or more patent offices or law firms or research institutions or companies – 5 						20	
2.	EXPERIENCE OF THE BIDDER ON THE TOOL AND ABILITY TO IMPLEMENT THE TOOL AT THE CIPC <u>Review submitted CV's</u> <u>Ratings to be awarded as follows:</u> <ol style="list-style-type: none"> CV's submitted have no experience on the tool – 1 Employees with aggregate experience of at least 3 years' experience on the tool – 2 Employees with aggregate experience of at least 4 years' experience on the tool – 3 Employees with aggregate experience of at least 5 years' experience on the tool – 4 Employees with aggregate experience of at least 6 years' experience on the tool – 5 						10	
3.	ABILITY OF THE BIDDER TO TRAIN CIPC STAFF ON THE TOOL <u>Review submitted CV's</u> <u>Ratings to be awarded as follows:</u> <ol style="list-style-type: none"> CV's submitted have no training experience on the tool – 1 Two (2) employees with at least 3 years' training experience on the tool – 2 Three (3) employees each with at least 4 years' training experience on the tool – 3 Four (4) employees each with at least 5 years' training experience on the tool – 4 Five (5) employees each with at least 6 years' training experience on the tool – 5 						10	
4.	ABILITY OF THE SEARCH TOOL TO SATISFY CIPC MINIMUM REQUIREMENTS <u>Review the ability of the tool against the search requirements outlined in Section 4</u> <u>Ratings to be awarded as follows:</u> <ol style="list-style-type: none"> Tool meeting only 40% of the requirements – 1 Tool meeting only 80% of the requirements – 2 Tool meeting 100% of the requirements – 3 Tool meeting 100% of the requirements and has around the clock online technical support – 4 Tool meeting 100% meets the standard for a 4 above and has additional useful features for the CIPC – 5 						40	

5.	INTEGRATION OF TOOL WITH NECESSARY DATABASES AND RELEVANT SEARCHABLE CONTENTS <u>Review of the Architecture and Technical Documents</u> <u>Ratings to be awarded as follows:</u> <ol style="list-style-type: none"> 1. Tool integration with SA patent literature only – 1 2. Tool integrates with SA database and IP5 (USA, China, Japan, EPO, Korea) patent databases, and at least 10 non-patent literature databases – 2 3. Tool meets the standard for a 2 above, and should integrate with 10 other jurisdiction patent databases and at least 10 non- patent literature databases – 3 4. Tool meets the standard for a 3 above, and should integrate with 20 other jurisdiction patent databases and at least 20 non- patent literature databases – 4 5. Tool meets the standard for 4 above, and is able to integrate with a search engine – 5 						20	
	TOTAL						100	

Note:

1. 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.
2. **BIDDERS THAT ACHIEVE LESS THAN 60 POINTS ON FUNCTIONALITY WILL BE DISQUALIFIED FOR FURTHER EVALUATION**

PHASE 4: PRICING AND PREFERENTIAL PROCUREMENT POLICY

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) as amended together with Preferential Procurement Regulations, 2022

In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed. **Note: Bidders to submit valid and compliant B-BBEE Certificate as well as the CSD report. The B-BBEE Certificate is used as our primary verification document to claim points for specific goals for this bid. Failure to submit a compliant B-BBEE certificate will result in disqualification.**
2. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser



#	Specific goals allocated points	Means of verification and Required Evidence	Preference Points (80/20)
1	HDI, Race are black persons (ownership)* 100% black ownership = 10 points and based on percentage pro rata for black ownership less than 100% eg: 67% = 6.7 points	<ul style="list-style-type: none"> • B-BBEE Certificate • CSD Registration report • CIPC Company Registration <p><i>Important the CSD will be used as our primary verification documents</i></p>	10
2	Gender are women (ownership)* 100% or more women ownership = 8 points and based on percentage pro rata for black ownership less than 100% eg: 50% = 4.0 points	<ul style="list-style-type: none"> • B-BBEE Certificate • CSD Registration report • CIPC Company Registration <p><i>Important the CSD will be used as our primary verification documents</i></p>	8
3	Disability are disabled persons (ownership)* WHO disability guideline 100% ownership = 2 points and based on percentage pro rata for black ownership less than 100% eg: 50% = 1.0 points	<ul style="list-style-type: none"> • Confirmation of Disability Form as per SARS (ITRDD Form) • Medical Certificate <p><i>Important the CSD will be used as our primary verification documents</i></p>	2

3. **Important:** Bidders to submit valid and compliant B-BBEE Certificate as well as the CSD report. The B-BBEE Certificate the primary verification document to claim points for specific goals for this bid. Failure to submit a compliant B-BBEE certificate will result in disqualification.

- Provide fixed price quotation for the duration of the contract
- Cost must be VAT inclusive and quoted in South African Rand
- Costing should be aligned with the project activities / project phases

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

18. ANNEXURE ("A"): BID PRICING SCHEDULE

PAGES 20 TO BE INCLUDED IN THE PRICE FOLDER AS WELL AS IN THE SEALED PRICE ENVELOP TOGETHER WITH ALL OTHER PRICE DOCUMENTS AS LISTED BELOW

TABLE 1:

No	PRICING INSTRUCTIONS: BIDDERS TO COMPLY WITH ALL REQUIREMENTS
1.	Applicable Currency: All prices shall be quoted in South African Rand.
2.	Completion of Pricing Schedule: Bidders shall complete the pricing schedule in full, inserting all the information required therein. In addition to the pricing schedule in this bid document, bidders may prepare a more detailed pricing schedule should they wish to do so, and include this in their pricing proposal, provided that such additional pricing schedule is in line with the deliverables on the CIPC issued pricing schedule.
3.	Applicability of Quoted Prices: <ul style="list-style-type: none"> All quoted prices must remain firm for the duration of the contract, unless stipulated otherwise in the special conditions of contract. The condition must be stated in SBD3.3 Bidders to note that price validity is one hundred and twenty days (120) days The service provider must clearly indicate whether the price is firm or subject to the Statutory Wage Increase
4.	Total Bid Cost: Prices quoted must include all applicable taxes including VAT, less all unconditional discounts, plus all costs to deliver the services and/or goods. Note: Service providers will be responsible for all costs e.g. transportation for ALL activities associated with this bid. It is therefore the bidder's responsibility to ensure that all costs are included in the price proposal submitted to CIPC
6.	Bid Price Calculation: Bidders to not that estimates of quantities are provided to allow for the calculation of a bid price that allows equal comparison between bidders.
8.	Applicable SBD Document to be included in the USB as well as sealed Pricing envelop THIS PRICING SCHEDULE (ANNEXURE H ("A") SDB 3.3: PRICING SCHEDULE SBD FORM 1: INVITATION TO BIDS FOR A BIDDER <i>MUST</i> ATTACH PRICE BREAKDOWN IN THE BIDDER'S COMPANY LETTERHEAD SIGNED BY AUTHORISED REPRESENTATIVE

FAILURE TO COMPLY WITH ALL THE ABOVE REQUIREMENTS FOR PRICING SHALL IMMEDIATELY INVALIDATE THE BID

TABLE 2: BILL OF MATERIALS:

No	Description	Quantity Estimated Hours	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
1.	Cost of Training Program	1 month training	R	R	R	R	R	R
2.	Online Support	8 hours (0800 – 1600hrs)	R	R	R	R	R	R
3	User licences (30 minimum user)	24 hours availability	R	R	R	R	R	R
4	Bio sequences & Chem structures (10 users)	24 hours availability	R	R	R	R	R	R
5	Patent analytics component	24 hours availability	R	R	R	R	R	R
6.	Any other relevant cost: <i>please provide detailed breakdown</i>							
TOTAL PRICE TO BE CARRIED OVER TO SBD3.3 AND SBD FORM 1					Total Cost excluding VAT			
TOTAL FOR 5 (FIVE) YEARS					VAT			
					TOTAL COST FOR 5 YEARS			

- Pricing proposal to include complete pricing for the 5 (five) year period, inclusive of VAT.

FAILURE TO COMPLY WITH ALL THE ABOVE REQUIREMENTS FOR PRICING SHALL IMMEDIATELY INVALIDATE THE BID.

21. BRIEFING SESSION

PLEASE NOTE THAT THERE IS A **COMPULSORY** BRIEFING SESSION SCHEDULED FOR THIS.

Please note there will be an in-person mandatory briefing session for all prospective bidders to attend at a date and time to be determined by the CIPC. During this session a technical panel of the CIPC will outline requirements for a solution. Technical aspects of the requirements of the CIPC patent search tool will be explained. The panel will address questions from prospective bidders.

COMPULSORY	BRIEFING SESSION
DATE:	31 JANUARY 2025
TIME	11:00 AM
ONLINE	VIA MS TEAM
MEETING LINK - MS TEAMS	Meeting ID: 374 895 373 844 Passcode: hU2ne9EN https://teams.microsoft.com/join/19%3ameeting_NGNmMzU0M2QtN2RhOC00YmFkLWEzMTMtMTg0N2Y4NTRiNWM4%40thread.v2/0?context=%7b%22id%22%3a%2298fcf51f-86e0-475c-9429-b51cd8d1bf46%22%2c%22oid%22%3a%227a1642cd-a497-49ec-92b0-53f40836f5ea%22%7d
<u>This is a compulsory briefing session , FAILURE TO ATTEND IMMEDIATELY DISQUALIFIES YOUR BID</u>	

22. SUBMISSION OF PROPOSALS

Sealed proposals will be received at the Tender Box at the Reception, 77 Mentjies 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 dtic Campus, 77 Meintjies Street,

Sunnyside

PRETORIA

23. ENQUIRIES

A. Supply Chain Enquiries

Ms Ntombi Maqhula OR Mr Solomon Motshweni

Contact No: (012) 394 3971 /45344

E-mail: Nmaqhula@cipc.co.za OR SMotshweni@cipc.co.za

B. Technical Enquiries

Mr Mehluli NCube Email: MNCube@cipc.co.za

Ms Udisha Chathuri Email: UChathuri@cipc.co.za

Note : It is the bidder's responsibility to call CIPC if they have any questions that have not been answered via email, as the system may have flagged their email as spam.

24. DEADLINE FOR SUBMISSION

BIDS OPENING DATE: 12 DECEMBER 2024

BIDS CLOSING TIME: 11: 00 AM

COMPULSORY BRIEFING SESSION: 31 JANUARY 2025

BIDS CLOSING DATE: 20 FEBRUARY 2025

BIDDERS MUST ENSURE THAT BIDS ARE DELIVERED IN TIME TO THE CORRECT ADDRESS. LATE PROPOSALS WILL NOT BE ACCEPTED FOR CONSIDERATION. NB: IT IS THE PROSPECTIVE BIDDERS' RESPONSIBILITY TO OBTAIN BID DOCUMENTS IN TIME SO AS TO ENSURE THAT RESPONSES REACH CIPC, TIMEOUSLY. CIPC SHALL NOT BE HELD RESPONSIBLE FOR DELAYS IN THE POSTAL SERVICES AND BID DEPOSITED IN THE INCORRECT BID BOX