



science & innovation

Department:
Science and Innovation
REPUBLIC OF SOUTH AFRICA

(“The DSI”)

TERMS OF REFERENCE

KNOWLEDGE MANAGEMENT SOLUTION FOR THE NATIONAL INTELLECTUAL PROPERTY MANAGEMENT OFFICE

N.B. : *By providing us with your Personal Information, you consent to the DSI processing your Personal Information, which the DSI undertakes to process strictly in accordance with the section 18 informed consent document.*

1. BACKGROUND

The National Intellectual Property Management Office (NIPMO) was established through publication of the proclamation of the Intellectual Property Rights from Publicly Financed Research and Development Act (IPR Act; No. 51 of 2008). NIPMO is the implementing office of the IPR Act responsible for ensuring that intellectual property (IP) is “identified, protected, utilised and commercialised for the benefit of the people of the Republic, whether it be for social economic, military or any other benefit”. In this regard, NIPMO is mandated to perform a number of functions, as set out in section 9 of the IPR Act. These functions include a number of regulatory, advisory and support functions, and financial incentives.

2. PURPOSE

The purpose of this document is to acquire proposals from suitable service providers to support and maintain the Knowledge Information Management (KIM) system.

NIPMO uses the KIM system to meet all its legislative obligations including but not limited to: management of a database of all IP from publicly financed research and development (R&D); provision of enabling financial support and incentives; IP management and utilisation; and management of compliance requirements as set out in the IPR Act.

The KIM system comprises of the following components:

- (a) An IP portfolio management component,
- (b) An agreement management component,
- (c) A document management component,
- (d) An email/ web-based management component,
- (e) A compliance management component,
- (f) A financial management component (to largely track projections and spending),
- (g) Workflow management component with notification options,
- (h) A reporting and analytics component,
- (i) An integrating component and

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- (j) An advertising/ marketing component.

The proposed solution would enable increased effectiveness in the internal functioning of NIPMO to enable NIPMO to provide more seamless service delivery to our stakeholders. In the process, the NIPMO stakeholders will be able to engage with NIPMO more efficiently.

3. THE SCOPE OF THE PROJECT

The Service Provider will be required to keep the KIM system functioning, provide user support and deploy minor system enhancement when required to. Some of the tasks the service provider is expected to perform are:

- (a) Analysis of the NIPMO environment,
- (b) Update system process model diagrams when there are process changes,
- (c) Definition of the customisation required of the Service Provider's offerings to meet the needs of NIPMO,
- (d) Customisation of the Service Provider's offerings,
- (e) Definition of the customisation required of the KIM to interface with NIPMOs stakeholders (preferably a web-based platform, alternatively a select number of licences),
- (f) Definition of the required infrastructure for the deployment of the KIM (including any requirements for NIPMO stakeholders),
- (g) Deployment of the KIM,
- (h) Migration of all existing data,
- (i) Testing of the functional KIM,
- (j) Training on the KIM/ skills transfer including development of a manual with user requirement specifications,
- (k) On-going end-user support and maintenance for a period of 12 Months, as per an agreed service level agreement.

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4. PROJECT PLAN AND RESOURCE PLAN

The Service Provider must provide a project plan, showing high level activities, time frames and dependencies of the project.

5. RESPONSIBILITIES

5.1 The Service Provider must:

- 5.1.1. Conduct business in a courteous and professional manner.
- 5.1.2. Provide the necessary documentation as requested prior to the awarding of the contract.
- 5.1.3. Manage the internal disputes among his/her staff in such a way that DSI is not affected by those disputes.
- 5.1.4. Comply with DSI security and emergency policies, procedures and regulations.

5.2 DSI shall:

- 5.2.1 Manage the contract in a professional manner.
- 5.2.2 Provide appropriate information as and when required and only in situations where it is required by the service provider to fulfil their duties.
- 5.2.3 Not accept any responsibility for any damages suffered by the service provider or their staff for the duration of the contract.
- 5.2.4 Not tolerate any unfair labour practices between service provider and their staff that happen during the execution of the project activities.
- 5.2.5 Not accept any responsibility for accounts/expenses incurred by the service provider that was not agreed upon by the contracting parties.
- 5.2.6 Provide a storage facility for equipment and materials, where possible and as required.

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6. INFORMATION TO BE FURNISHED BY RESPONDENTS IN THEIR PROPOSAL

- 6.1 All prices quoted must include VAT and should be linked with specific tasks to be undertaken.
- 6.2 A service provider should comply with the specification.
- 6.3 The proposals will go through two stages of the evaluation process which will include the following:
 - a) Mandatory Evaluation;
 - b) Evaluation on Price and Specific Goals.

7. PRICE

- 7.1 All prices charged should be inclusive of VAT. The bid proposal should clearly indicate the total price for the first year of the subscription.
- 7.2 If the bid price is not firm, DSI will consider only price adjustments as per the CPI after the anniversary of the contract.
- 7.3 Bidders must take note that firm prices will be accepted for the first twelve (12) months of the contract duration, thereafter a once-off price adjustment on the 13th month will be accepted based on the average CPI % as issued by STATSSA.
- 7.4 A project budget, (including an hourly rate of human resources), outlining a scheduled costs associated with the proposed project should be included. All monetary values quoted (in South African Rand) must include Value Added Tax (VAT).
- 7.5 Pricing Schedule
The Service Provider must provide a Pricing Schedule.

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8. SERVICE PROVIDER DELIVERABLES

A preferred service provider must provide the following:

- (a) Analysis of the NIPMO environment,
- (b) Update system process model diagrams when there are process changes,
- (c) Definition of the customisation required of the Service Provider's offerings to meet the needs of NIPMO,
- (d) Customisation of the Service Provider's offerings,
- (e) Definition of the customisation required of the KIM to interface with NIPMOs stakeholders (preferably a web-based platform; alternatively a select number of licences),
- (f) Definition of the required infrastructure for the deployment of the KIM (including any requirements for NIPMO stakeholders),
- (g) Deployment of the KIM,
- (h) Migration of all existing data,
- (i) Testing of the functional KIM,
- (j) Training on the KIM/ skills transfer including development of a manual with user requirement specifications,
- (k) On-going end-user support and maintenance for a period of 12 Months, as per an agreed service level agreement.

9. DURATION, TIMEFRAMES AND FORMAL CONTRACT

- 9.1 Successful service providers will be required to enter into a formal contract with DSI for a period of 12 months.
- 9.2 The service is expected to be rendered within a period of 365 days from the date of signature of the contract.

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- 9.3 This bid and all contracts will be subject to the General Conditions of Contract (GCC) issued in accordance with the Treasury Regulations 16A published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract are supplementary to that of the General Conditions of Contract. Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract prevail.

10. Evaluation process

- 10.1 The evaluation process will comprise of the following phases:

- Phase 1: Mandatory and Administrative Requirements;
- Phase 2: Functionality Evaluation;

The following rating values for evaluation will be used:

- a. Each panel member will rate each individual criterion on the score sheets as indicated for each phase, using the following scale:

Value	Description
5 – Excellent	Exceeds the functionality requirements
4 – Very Good	Above average compliance to the requirements
3 – Good	Satisfactory and meets the requirements
2 – Average	Partial compliance to the requirements
1 – Poor	Unacceptable, does not meet set criteria

- b. The value scored for each criterion will be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for each criterion. These marks will be added and expressed as a fraction of the best possible score for all criteria.

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- c. The scores will be converted to a percentage and **ONLY** service providers that have met or exceeded the minimum threshold for a phase will be evaluated in terms of the next phase.
- d. Service providers must, as part of their bid documents, submit supporting documentation for all technical requirements. The panel responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided.
- e. Service providers will not rate themselves, but need to ensure that all information is supplied as required. The DSI panel members will evaluate and score all responsive bids and will verify all documents submitted by the service providers.

11.2 Phase 1: Mandatory and Administrative Requirements

During Phase 1, a short list will be established and the shortlisted bidders will be evaluated at phase 2. **Bidders must meet all the minimum requirements to proceed to phase 2:**

Minimum requirements	YES	NO
11.2.1 Proof of registration to the Central Supplier Database (CSD) held by National Treasury.		
11.2.2 Compliant tax matters as per CSD or SARS e-filing.		
11.2.3 Completed and signed SBD 1, SBD 4 and SBD 6.1.		
11.2.4 Submit a certified B-BBEE certificate or Sworn Affidavit to claim B-BBEE credentials.		
11.2.5 Latest Company registration documents (CIPRO) with detailed particulars of ownership, failure to		

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submit will not invalid your proposal but will score 0 points for strategic goals.		
11.2.6 A bid that fails to meet any pre-qualifying criteria, specifications/scope of work, terms and conditions stipulated in the tender documents is an unacceptable tender and will be disqualified.		
11.2.7 Accreditation letter from the vendor, proofing that you have the rights to sell the product.		
11.2.8 Attach proven experience by providing a list of current and past contracts during the past 5 years which are relevant to the required service in the bid specifications, according to the template in Part A: Client Base. Only the relevant experience shall be considered for bid evaluation purposes.		
11.2.9 Detailed company profile.		
11.2.10 Did the service provider quote on all items in the price list.		
11.2.11 Implementation plan and methodology.		

11.3 Phase 2: Functionality Evaluation

11.3.1 Service providers' responses will be evaluated for functionality in this stage, based on achieving a minimum score of seventy percent (70%).

11.3.2 The DSI panel members will individually evaluate the responses received against the following criteria as set out below:

11.3.3

PHASE 2: PROPOSAL					
Rating: 1 = Poor 2 = Average 3 = Good 4 = Very good 5 = Excellent					
CRITERIA					WEIGHTS
1. Experience					
a Experience in Software Solutions for Intellectual Property Management and Technology Transfer.					20
0-1 year of experience provided neither letter submitted	2-3 years of experience mentioned	Adequate 4 years' experience provided	Good 5 years' experience	Excellent 6+ years' experience	
1	2	3	4	5	
b Proven track record and submitted reference letters from clients with letter head					20
0-1 letter submitted	2-3 letters submitted	4-5 letters submitted	6-7 letters submitted	8+ letters submitted	
1	2	3	4	5	
2. Technical support Provide support through the development of a manual, on-site training/ skills transfer, on-line support, dedicated individual					30
None of the above support tools	One of the above support tools	Two of the above support tools	Three of the above support tools	Four of the above support tools	
1	2	3	4	5	
3. Ability to derive and integrate to the existing delivery model Provide a project plan for design, integration methodology and project plan for a Software Solution for Intellectual Property Management and Technology Transfer.					
Inappropriate design	Provided a design and	Provided a design and	In addition to 3, identified	Provided an excellent	

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and integration methodology and project plan submitted	integration methodology and project schedule with clear milestones	integration methodology project plan, activities, time frames and dependencies of the project.	risk and an issue management plan	design and integration methodology, project plan, issue management and capability to deliverance.	10
1	2	3	4	5	
4. <u>Proposal:</u> Comprehensive proposal that is responsive to the Terms of reference					25
20% responsive	40% responsive	60% responsive	80% responsive	100% responsive	
1	2	3	4	5	
TOTAL SCORE					100
MINIMUM THRESHOLD SCORE					70

11.3.4 Any proposal not meeting a minimum score of 70 percent on functional proposal will be disqualified and will not be considered for the next Phase.

12. Mandatory and Administrative Requirements

The following documents are compulsory and should be submitted together with the proposal; *failure to submit the following will result in disqualification:*

- Proof of registration to the Central Supplier Database (CSD) held by National Treasury.
- Compliant tax matters as per CSD or SARS e-filing.
- Completed and signed SBD 1, SBD 4 and SBD 6.1.
- Submit a certified B-BBEE certificate or Sworn Affidavit to claim B-BBEE credentials.
- Latest Company registration documents (CIPRO) with detailed particulars of ownership, failure to submit will not invalid your proposal but will score 0 points for strategic goals.**

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- f. A bid that fails to meet any pre-qualifying criteria, specifications/scope of work, terms and conditions stipulated in the tender documents is an unacceptable tender and will be disqualified.
- g. Accreditation letter from the vendor, proofing that you have the rights to sell the product.

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12.1 Price and Specific Goals Evaluation

Price inclusive of VAT will be evaluated as indicated below.

- a) In terms of regulation 4 of the Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the DSI on the 80/20 preference point system in terms of which points are awarded to service providers on the basis of:

- The bid price (maximum 80 points)
- Specific Goals mentioned below in Table1 (maximum 20 points)

Service providers can only claim specific goal credentials, by providing a detailed company ownership certificate.

- b) The following formula will be used to calculate the points for price in respect of service providers with a rand value equal to or above R30 000.00 up to R50 000 000.00:

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$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration;

P_{\min} = Price of lowest acceptable tender.

- c) A maximum of 20 points will be awarded to a tenderer for the specific goal specified for the tender, as per the table below:

Table 1 – Specific goals

The specific goals allocated points in terms of this tender:	Number of points allocated (80/20 system)
Companies owned by black people	07
Companies owned by women	05
Companies owned by youth	05
Companies owned by people with disabilities	03

- i. A bidder must submit proof of its Specific goals' status.
- ii. A bidder failing to submit proof of Specific goals' status or failing to meet the Specific goals, may not be disqualified, but (a) may only score points out of 80 for price; and (b) score 0 points out of 20 for Specific goals.
- iii. The points scored by a bidder for Specific goals in accordance with the preceding paragraphs 6.4(c) must be added to the points scored for price under paragraph 6.4(b).
- iv. The points scored must be rounded off to the nearest two decimal places.

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- v. If the price offered by a tenderer scoring the highest points is not market-related, the Department may not award the bid to that tenderer.
 - The Department may negotiate a market-related price with the tenderer scoring the highest points or cancel the tender.
 - If the tenderer does not agree to a market-related price, the Department may negotiate a market-related price with the tenderer scoring the second highest points or cancel the tender.
 - If the tenderer scoring the second highest points does not agree to a market-related price, the Department may negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.
 - If a market-related price is not agreed in all the aforementioned respects, the Department must cancel the tender.
- vi. In the event that two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals. (2) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.
- vii. A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

NB: All costs that the service provider may incur due to the preparation of the project for the DSI shall be the sole responsibility of the service provider.

13. AWARDING OF THE BID

- 13.1 The successful service provider will work in close collaboration with the DSI team so as to ensure that the objectives of the Department are accommodated.

14. SUBMISSION OF PROPOSALS

- 14.1 The deadline for the proposal is **26 October 2023** at **11:00**.
- 14.2 The proposals should be sent to the relevant SCM Practitioner who sourced quotations using the details provided through the email used to source. It should be noted that no documents can be delivered to the DSI building.

15 CONTACT PERSONS

Enquiries relating to this request should be addressed to the SCM Practitioner who sourced quotations.

Technical Enquiries:

Clement Mtetwa

Acting Chief Information Officer

Tel: 082 807 2641

Email: Clement.Mtetwa@DSI.gov.za

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PART A: CLIENT BASE

Name of client / organization where contract is being executed/was executed		Description of Contract Services	Physical Address of the Client/ organization	Contact persons and telephone numbers of your client	Contract period (indicate start and end dates) e.g. 1 April 2012 to 31 March 2015	Is the contract Current or Past? (please indicate accordingly)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

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