

## **THE NATIONAL CREDIT REGULATOR**

**JANUARY 2023**

**TERMS OF REFERENCE FOR APPOINTMENT OF  
SERVICE PROVIDER FOR THE PROVISION, SUPPORT  
& MAINTENANCE OF THE LIGHTNING AND SURGE  
PROTECTION EQUIPMENT IN NCR'S TWO (2) SERVER  
ROOM**

**RFP NUMBER: NCR 841.01.2023**

**DUE DATE: 22 FEBRUARY 2023 AT 11H00  
SHARP CAT  
HAND DELIVERY TO NCR OFFICES**

## **SECTION 1**

### **GENERAL TERMS OF CONDITIONS**

#### **1. General Information for Bidders**

The National Credit Regulator (NCR) was established in terms of Section 12 (1) of the National Credit Act (Act 34 of 2005) and came into being on 1 June 2006.

The NCR will determine which bidding organisation ("bid participant"), if any, is appointed in response to this request for submission as stipulated in section 2 of this document.

##### **1.1. General Terms**

This tender is issued in terms of the Public Finance Management Act 1 of 1999 (PFMA), the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA), the Preferential Procurement Regulations, 2017 (PPR), Supply Chain Management Regulations issued by the National Treasury and BBBEE Act.

Parties that wish to submit proposals are required to indicate that they are willing to accept the General Conditions and Procedures of the NCR (see Section 4 below and Annexure B.1). Please read this document carefully prior to submitting your proposal.

##### **1.2. The Proposal Format**

###### **1.2.1. Economy of proposal preparation**

The proposal should be prepared simply and economically, providing a straightforward and concise description of the bid participant's ability to meet the requirements of the proposal request.

Clear factual responses are required. The content of the proposals shall determine the merit of each participant, not brochures or other marketing material. To facilitate the review of proposals, participants are required to organise their responses according to the format presented below. Should a participant wish to provide additional information, that information should be referred to, and provided for, in a file of Annexures.

###### **1.2.2. Validity of proposals**

The proposals must include a statement as to the period for which the proposal remains valid. The proposal must be valid for at **least ninety (90) days** from the due date for the submission of all bids. Refer to the quarters in the terms of reference (TOR).

###### **1.2.3. Number of proposals**

Each bid participant must provide **two (2) hard copies and 1 memory stick (this must be a complete replica of the hard copy document)** of their entire proposal, including all the documentation referred to in 4 below, in the format specified in that section. All submitted proposals will become the property of the NCR, and will not be returned. Receipt of all proposals will be recorded in a register at the point of receipt. One copy of the proposal must be signed and dated in black ink by the bidder or authorized representative of the bidder and initialled on each page.

## 2. Submission of proposals

- 2.1. Proposals must reach the offices of the NCR before **11:00 on 22 February 2023 @11H00am** and must be enclosed in a sealed envelope which must be clearly labelled/addressed on the outside:
  - (a) **RFP No: NCR 841.01.2023**
  - (b) **TERMS OF REFERENCE FOR A SERVICE PROVIDER FOR THE PROVISION, SUPPORT & MAINTENANCE OF THE LIGHTNING AND SURGE PROTECTION EQUIPMENT IN NCR'S TWO (2) SERVER ROOM**
  - (c) **CLOSING DATE: 15 February 2023 AT 11H00 SHARP**
- 2.2. Proposals are to be submitted in the marked tender box, in the reception area, National Credit Regulator, 127-15<sup>th</sup> Road, Randjiespark, Halfway House, Midrand. The tender box will only be available for the depositing of proposals between 08h00 and 16h30 on weekdays (excluding public holidays).
- 2.3. Please note that this RFP closes punctually at 11h00 on **22 February 2023**. No late submissions will be considered under any circumstances.
- 2.4. All the documentation referred to in Section 4 below must be submitted. Failure to submit all the documentation referred to in this section may result in a submission being discarded, and not considered for evaluation.
- 2.5. If responses are not delivered as stipulated in this Section 2.1, such responses will be considered "late", and will not be considered for evaluation.
- 2.6. The NCR shall not disclose any details pertaining to the responses received, to any other participant, as this is regarded as confidential information.
- 2.7. Envelopes must not contain documents relating to any RFP other than the one referred to in this RFP.
- 2.8. The responses to the RFP will be opened as soon as is practical after the expiry of the time advertised for receiving them.
- 2.9. Only the participants that are short-listed after the evaluation process will be informed

of the results of the submission adjudication process.

- 2.10.** After the evaluation process is completed, the Evaluation Committee may, prior to making a final selection, draw up a shortlist of participants and require them to make a detailed presentation. A minimum of **2 days' notice** will be given to relevant participants in advance of the presentation date.

### 3. Timetable

Date	Activity
<b>20/01/2023</b>	Advertisement of the RFP
<b>22/02/2023</b>	Closing date @ 11h00
<b>22/02/2023</b>	Preliminary evaluation
<b>23/02/2023</b>	Evaluations by the Evaluation Committee
<b>27/02/2023</b>	Adjudication Committee meeting
<b>30/03/2023</b>	Appointment

The National Credit Regulator reserves the right to determine the structure of the process, the right to determine the number of short-listed participants, the right to withdraw from the proposal process, and the right to change this timetable at any time without notice.

### 4. Documentation to be submitted

Please Note

All of the documentation described below must be submitted, with no omissions whatsoever.

Where a particular form or format of documentation is stipulated, this is the only form or format in which these documents must be submitted. Failure to adhere to these requirements may result in the rejection of the entire submission.

All of the documentation referred to below (in Parts One – Twelve) must be acknowledged and submitted. For ease of reference and to facilitate the evaluation process, you are requested to clearly mark each part of the submitted documentation as it is referred to below.

#### 4.1. Table of content

**Introductory letter** by the bidder with authorized contact person and details for this specific tender

#### 4.2. SBD 1 – should be the completed and inserted after the introductory letter

#### One – Proposal drafted in response to Terms of Reference

Section 2 of this document below, contains the terms of reference (TOR) for the above

mentioned tender. Bid participants are required to draft a proposal that will clearly indicate to the Evaluation Committee how they will fulfil the requirements as set out in the TOR.

Bid participants should include the following information when drafting their proposals:

- Proposals should make clear the relevant skills, experience and capacity of the participant, in respect of this particular TOR. This is an important evaluation criterion. Bid participants should ensure that their proposals focus on how they will address the requirements of this TOR, rather than on achievements.
- Proposals must contain the details of the proposed approach to be adopted in order to deliver the service in accordance with the TOR.
- Proposals should clearly indicate whether or not bid participants have the internal capacity to meet the requirements of the TOR.

#### **4.3. Two – Pricing Proposal- SEPERATE ENVELOPE**

**SBD 3.1** Pricing Schedule together with signed off detailed pricing on the company's letter head. This SBD document must be completed and accompanied by the detailed pricing on the letter head of the bidder. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected. Additional information may be added on a separate page if necessary.

The total price that the participant will charge to deliver services in accordance with the TOR must be clearly indicated. The pricing proposal should contain sufficient information to allow the Evaluation Committee to estimate the cost of the service, to a high degree of accuracy.

Please note that a financial proposal must be submitted in a separate sealed envelope together with your submission. The financial Proposal will be opened once all technical proposals have been evaluated. This appointment will be made in line with QBS. All prices provided must be inclusive of Value-Added Tax (VAT).

Please note that the prices contained in the pricing proposal are the only charges that may be levied if the participant's proposal is successful, unless explicitly agreed to in writing by the National Credit Regulator, and in terms of the General Conditions of Contract, no additional cost will be accepted after the bidding documents have been submitted and the tender closing date has expired. Any cost for additional parts and peripherals needed for the successful implementation of the project shall remain and form part of the bidding price.

#### **4.4. Three – General Conditions and Procedures of the NCR**

Annexure B and B1 - General Conditions and Procedures of the NCR. Bid participants must indicate clearly that they have read this document, and have no objections to being bound by its contents. In cases where any provisions of the General Conditions and Procedures conflict with this General Information for Bidders and/or Terms of Reference, the latter will take precedence over the General Conditions of Contract.

#### 4.5. Four – Contract Form: Rendering of Services

**Annexure C** - Contract Form: Rendering of Services. This will only be completed by the successful bidder once a selection has been made by NCR. Participants do not, therefore, need to complete this form at the bidding stage but their proposals must clearly indicate that they have read this form, and have no objections to signing it as is, if selected as the successful participant.

#### 4.6. Five – Tax status

Annexure D - Please attach CSD showing Tax status , *CSD print out must also be attached.*

#### 4.7. Six – Preference Points Claim Form

Annexure E – form SBD 6.1. Bid participants must complete Sections 8 and 9 in full. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected. *## Please note that a **BBEE certificate/ sworn affidavit** must also be attached to the bid documents. None submission will result in zero scoring in this competitive bidding process*

The following pointers are key in determining the **validity of a sworn affidavit**:

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as either the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected.
- Indicate total revenue for the year under review and whether it is based on audited financial statements or management account.
- Financial year end as per the enterprise's registration documents, which was used to determine the total revenue.
- B-BBEE Status level. An enterprise can only have one status level.
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
- Date deponent signed and date of Commissioner of Oath must be the same.
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

#### 4.8. Seven – Declaration of Interest

Annexure F – form SBD 4. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of

signatures may be rejected.

#### 4.9. Eight – Declaration of past Supply Chain Management Practices

Annexure G – form SBD 8. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected.

#### 4.10. Nine – Non-Disclosure Agreement

Annexure H – Non-Disclosure Agreement. Participants must indicate clearly that they have read this agreement, and have no objections to signing it, as is.

#### 4.11. Ten – Certificate of Independent Bid Determination

Annexure I – Certificate of Independent Bid Determination Participants. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected.

#### 4.12. Eleven – SLA draft version for supplier review

Annexure K – SLA draft version for supplier review. The participants must indicate clearly that they have read this agreement, and have no objections to signing it, as is. If not objections should be outlined separately in a letter. NB: all the SBD documents can be downloaded from our website - <https://www.ncr.org.za/tenders-download/current-tenders>

#### 4.13. Pre-qualification Criteria

Without limiting the generality of the NCR's other critical requirements for this Bid, bidders must submit the documents listed in **Table 1** below. All documents must be completed and signed by the duly authorised representative of the prospective bidders. During this phase, Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidders' proposals may be disqualified for non-submission of any of the documents.

**Table 1: Documents that must be submitted for Pre-qualification**

The points system is outlined for the 80/20 and 90/10 to address the preferential procurement as followed:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12

5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

The points above will be allocated based on the evidence of the sworn affidavit and BBBEE certificate as per the prescripts of the BBBEE commission. The BBBEE certificate is valid when issued by the accredited BEE verification agency SANAS and the sworn affidavits is valid when it meets the following criteria:

- Name/s of deponent as they appear in the identity document and the identity number
- Designation of the deponent as either the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage black ownership, black female ownership and whether they fall within a designated group.
- Indicate total revenue for the year under review and whether it is based on audited financial statements or management accounts.
- Financial year-end as per the enterprise's registration documents, which was used to determine the total revenue.
- B-BBEE status level. An enterprise can only have one status level.
- Date deponent signed and date of Commissioner of Oath must be the same.
- Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

Minister of Finance, as well as the National Treasury and the Government, remain wholly committed to transformation and empowerment as envisioned in the Constitution. In fact, organs of state must comply with the BBBEE Act when developing their procurement policies.

**1.1 80/20 preference points system for tenders for income-generating contracts with Rand value equal to or below R50 million.** The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value equal to or below R50 million, inclusive of all applicable taxes:



$$Ps = 80 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

**Where-**

Ps = Points scored for price of tender under consideration;

Pt = Price of tender under consideration; and

Pmax = Price of highest acceptable tender.

A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.

**1.2 90/10 preference point system for tenders for income-generating contracts with**

**Rand value above R50 million.** The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

$$Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

**Where-**

Ps = Points scored for price of tender under consideration;

Pt = Price of tender under consideration; and

Pmax = Price of highest acceptable tender.

A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.

**5. Evaluation Criteria**

Proposals will be evaluated on the 80/20 preference points scoring system: that is, 80% of the points awarded will be based on price, as indicated in the table below; and 20% of the points awarded will be based on B-BBEE codes system, allocated as indicated in the table below:

B-BBEE status level of contributor	Number of points	Price
Total maximum points	20	80

Functionality will be evaluated in terms of Section 2 point 10

**6. Conflict of interest**

Service providers are required to provide services that are professional, objective and

impartial. Service providers must ensure that there is no conflict of interest between existing assignments, obligations and responsibilities to other clients and the services set out in the TOR. In the event of any uncertainty in this regard, full disclosure in the submitted proposal should be considered. Non-disclosure of a conflict of interest may be grounds for termination of any contract.

## **7. Confidentiality agreement**

The successful service provider may have access to confidential data or information. The appointment of a successful bidder is subject to that bidder agreeing to the contents of, and signing, the NCR's standard Non-Disclosure Agreement.

## **8. Contact details**

This no-contact policy does not apply to any information deemed to be in the public domain, or which is readily available from organs of State, which are repositories of such information. All communications and enquiries/requests for clarification relating to this proposal should be directed to [procurement@ncr.org.za](mailto:procurement@ncr.org.za).

### **Fraud / Anti-Corruption Hotline**

**Report any incidents of wrong doing  
to the KPMG Ethics Line**

**0800 20 53 17 (Toll Free)**

## **SECTION 2**

### **TERMS OF REFERENCE FOR A SERVICE PROVIDER FOR THE PROVISION, SUPPORT & MAINTENANCE OF THE LIGHTNING AND SURGE PROTECTION EQUIPMENT IN NCR'S TWO (2) SERVER ROOM**

#### **1. Introduction**

The objective of this Terms of References is to appoint a reputable and accredited service

provider to assess the NCR server room and provide, install and / configure, maintain and support an efficient cost effective lightning and surge protection solution for NCR's two (2) server rooms. The contract which includes support and maintenance will be for a period of 3 year

## **2. Background**

The National Credit Regulator (NCR) is the regulatory authority established on 01 June 2006 in terms of the National Credit Act, 2005 with the mandate to promote and advance the social and economic welfare of South Africans, promote a fair, transparent, competitive, sustainable, responsible, efficient, effective and accessible credit market and industry, and to protect consumers.

The NCR currently has two (2) server rooms, each with its full network cabinets and require a lightning and surge protection solution to safe guard these server rooms and all related equipments within against the threat of lightning and electrical surges.

## **3. Objective**

The objective of the project is to appoint a service provider to provide, install, maintain and support a cost effective lightning and surge protection solution in the server rooms.

## **4. Scope of the project**

The successful bidder will:

- Do a compulsory onsite assessment of the NCR server room.
- Supply the lightning and surge protector solution which includes:
  - Supply of the equipment
  - Installation and configuration of the solution
  - Perform monthly preventative maintenance of the lightning and surge protector solution for a period of 3 years

**5. The bidders will be evaluated in terms of section as follows:**

**1=Poor: 2=did not meet the requirements: 3= partially met the requirement: 4= meet the requirements: 5=Exceed the requirements**

NO	Description	Weights
1	<p><b>Compulsory Server Rooms Assessment &amp; Reports:</b></p> <p>The bidder has conducted the compulsory server rooms assessment and attached the findings = 5</p> <p>The bidder did not conduct the compulsory server rooms and not report attached = 0 (addend compulsory site assessment (check register), show their findings and recommendations</p>	10
2	<p><b>Bidders Experience in the provision of lightning and surge protection:</b></p> <p><b>The bidder must have at least three (3) years' experience in the provision of lightning and surge protection:</b></p> <ul style="list-style-type: none"> <li>• 4 or more years' experience = 5</li> <li>• 3 years' experience = 4;</li> <li>• &lt; 3 years' experience = 3</li> <li>• &lt; 2 years' experience = 2</li> <li>• 0 – 1 years' experience = 1</li> </ul>	20
3	<p><b>Bid Proposal:</b></p> <p>The bidder must provide project plan outlining how the project will be rolled out and how the monthly preventative maintenance and support would be provided for the solution for 3 years;</p> <p>1= Poor (Unacceptable, does not meet set criteria).  2= Did not meet the requirements (proposal do not include project plan with timelines, methodology to be used and the preventative maintenance and support for 3years)  3= Partially met the requirement (proposal lack one of the requirements - project plan with timelines, methodology to be used and the preventative maintenance and support for 3 years)  4= Meet the requirements (proposal include project plan with timelines, methodology to be used and the preventative maintenance and support for 3years)  5 = Exceed the requirements (proposal include project plan with timelines, methodology to be used</p>	20

	and the preventative maintenance and support for 3years and some value added services)	National Credit Regulator										
4	<p><b>Understanding of the NCR requirements</b></p> <p>Does the proposal show bidder's understanding of the NCR requirements in relation to the TOR</p> <ul style="list-style-type: none"> <li>The experience of the company in undertaking similar work or projects; and</li> <li>The bidder must have 5 years' experience or more for the services required</li> <li>Bidders expertise in the electrical industry (<b>registered with CIDB grading and any accreditation from electrical body</b>)</li> <li>Did the bidder quote all services as requested by the NCR</li> </ul> <p><b>1 point</b>= 0 to 2 years track record with or without proof of previous work done (clientele).</p> <p><b>2 points</b> = 3 years and less track record with or without proof of previous work done (clientele).</p> <p><b>3 points</b> = 4 years track record with proof of previous work done (clientele).</p> <p><b>4 points</b> = 5 years track record with proof of previous work done (clientele). Proof of previous work should include a minimum of 3 and maximum of 5 clients.</p> <p><b>5 points</b> = Over 5 years track record with proof of previous work done (clientele). Proof of previous work should include over 5 clients.</p>	20										
5	<p><b>Reference</b></p> <p>The bidder (s) must furnish a minimum of three (3) reference letters where relevant services have been rendered. The letters must stipulate that the services rendered were done in a satisfactory manner, which must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>Type of services rendered</li> <li>Date of service</li> <li>Duration and</li> <li>If the company delivered the services as required</li> </ul> <p>The reference letters must be on the clients' official letterhead and also include the company name, contact person, contact details (telephone number and email address.)</p> <table border="1"> <thead> <tr> <th>Description</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td>4 reference letters and more</td> <td>5</td> </tr> <tr> <td>3 reference letters</td> <td>4</td> </tr> <tr> <td>2 reference letters</td> <td>3</td> </tr> <tr> <td>1 reference letter</td> <td>2</td> </tr> </tbody> </table>	Description	Weight	4 reference letters and more	5	3 reference letters	4	2 reference letters	3	1 reference letter	2	15
Description	Weight											
4 reference letters and more	5											
3 reference letters	4											
2 reference letters	3											
1 reference letter	2											

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	0 reference letters	1	National Credit Regulator
6	<p><b>Company registration and qualifications of the maintenance team</b></p> <p>The bidder's must submit, as part of its proposal, the following:</p> <ul style="list-style-type: none"> <li>▪ The structure, composition and CV's of the bidder's maintenance/project team.</li> <li>▪ The CV's must clearly highlight qualifications e.g. relevant electrical qualifications (Technicians Electrical Trade Test Certificates and technicians NQF – 4 Certificates), skills and experience.</li> <li>▪ Bidders must be registered on the Central Supplier Database (CSD). Proof of registration must be provided.</li> </ul> <p><b>Point allocation:</b></p> <p>The bidder did not submit any documents relating to the requirements = 1</p> <p>The bidder submitted documents relating to one of the requirements = 2</p> <p>The bidder submitted documents relating to two of the requirements = 3</p> <p>The bidder submitted documents relating to three of the requirements = 4</p> <p>The bidder submitted documents relating to more than three of the requirements = 5</p>	10	
7	<p><b>Industry Affiliations</b></p> <p>The bidder must be registered with relevant industry associations. The bidder must provide certificates as proof of registrations / affiliation to the relevant industry association.</p> <ul style="list-style-type: none"> <li>▪ The bidder submitted proof of current affiliation to relevant industry affiliations or bodies e.g. Electrical Contractors Association (ECA).</li> <li>▪ Bidder must be registered with the CIDB (GB2, 2+EB, 2+EP and +2 ME). Proof must also reflect registration, gradings and the bidder's status with CIDB.</li> </ul> <p><b>Point allocation:</b></p> <p>The bidder did not submit proof relating to the requirements = 1</p> <p>The bidder submitted proof of one of the requirements = 3</p> <p>The bidder submitted proof of both of the requirements = 5</p>	5	
			100

## 6. Further requirements

Bidders are required to score a minimum of 70% points on functionality to qualify to be evaluated for the next level (BBBEE and price). Bidders who do not score the minimum of 70% points on functionality will be disqualified and not be evaluated on price and BBBEE.

- NO SUB-CONTRACTING IS ALLOWED.

NB: Bidders must also submit a proof of registration on the central database system.  
(National Treasury system)

### **Additional information/documents to be submitted**

- Brief company profile, as relevant to the above mentioned terms of reference.
- Experience in the relevant areas and Clientele
- All sub-contractor information (if applicable) needs to be disclosed in the proposal by the bidder for e.g. BEE certificate, SARS Tax Pin etc.
- **NB: The BEE level of the sub-contractor (if applicable) needs to be equivalent to that of the bidder.**
- CV/Resumes of key members
- Financial proposal- full and detailed pricing must be on the company's letter head and signed off by the delegated and authorised person, the total cost must link to SBD 3.1 attached

