NATIONAL CONSUMER COMMISSION

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TERMS OF REFERENCE

BIDDERS WILL BE INVITED TO SUBMIT BIDS IN RESPECT OF THE FOLLOWING SERVICES, BASED ON THESE TERMS OF REFERENCE:

REDESIGNING, HOSTING, SUPPORT AND MAINTENANCE OF THE NATIONAL CONSUMER COMMISSION WEBSITE

REFERENCE: NCC06/2022/2023

Date issued: 20 February 2023

Compulsory briefing session: 27 February 2023 @ 11h00

Closing date and time: 06 March 2023 @ 11h00

Bid validity period: 90 calendar days after closing date

ADDRESS:

National Consumer Commission

SABS Campus, Building C,

1 Dr. Lategan Road

Groenkloof, Pretoria

Pretoria

Contents

REDESIGNING, HOSTING, SUPPORT AND MAINTENANCE OF THE NATIONAL CONSUMER COMMISSION WEBSITE

1. INTRODUCTION

The National Consumer Commission (NCC) is a juristic person established as an organ of the state within the public administration in terms of section 85 of the Consumer Protection Act; No 68 of 2008 ("Act"). The NCC is listed as a schedule 3A entity in terms of the Public Finance Management Act, 1999 (PFMA). The NCC has been operational since 1 April 2011. The main objective of the NCC is to, amongst other things, promote and advance the social and economic welfare of consumers in South Africa by: -

- Establishing a legal framework for the achievement of a consumer market that is fair, accessible, efficient, sustainable, and responsible.
- Reducing and ameliorating any disadvantages experienced by vulnerable consumers in accessing goods or services.
- Promoting fair business practices and protecting consumers from improper conduct.
- Improving consumer awareness and encouraging choice.
- Promoting consumer confidence and empowerment.
- Providing a consistent, accessible, and efficient system of consensual resolution of disputes; and
- Providing for an accessible, consistent, harmonized, effective, and efficient system of redress for consumers.

2. BACKGROUND

The National Consumer Commission (NCC) needs a re-development of its website. The re-developed website must comprise attributes that enable dynamic content management of the website. WordPress is the content management systems (CMS) option that has been selected to revolutionize the requested website.

The composition of the content of the website to be redeveloped will be aligned with the current NCC website as a guideline. The NCC representatives will be involved during the content taxonomy if the need arises.

The current website and domain are hosted by a 3rd party Government entity. The site is running on a dedicated server consisting of 44GB storage, 4GB RAM, 8 x vCPU on a Linux platform using Drupal CMS.

3. PROBLEM STATEMENT

The following are issues with the current website namely:

- Outdated technologies and components on the website
- Website security and privacy issues
- Unembedded files or content being referenced
- The website design is outdated
- Incompatibility with the latest Content management technologies
- Cumbersome process for capturing a complaint and submitting it to the NCC
- Website performance is slow

4. OBJECTIVE

The high-level objectives include:

- Redevelopment and modernization of the current NCC website.
- Improved browsing experience across device types.
- Improved look and feel including the embedding of files and media on web pages.
- Improved website security and meeting privacy compliance requirements (i.e., POPIA)
- Improve the current performance and capacity of the website
- Migration of current website content to the new site to enhance the website performance.
- Enable the use of a dynamic content management system on the website.
- Use of modern CMS and technology that can integrate easily with 3rd party plugins and platforms.
- Improved support and maintenance services.

5. SCOPE OF WORK

5.1. Website Design

- The service provider will have an experienced Graphic Designer to provide the NCC with the website design layout for approval before the website is developed.

- The graphic designer will design the new look and feel including creating of images and animations for the website.
- The design must be modern, interactive, professional and clean (e.g., the NCC considers a clean design to be something similar to www.sahpra.org.za , www.sanc.co.za [Home - Information Regulator (inforegulator.org.za)](), www.gijima.com).
- Services of the graphic designer will be required to design the website look and feel, and on ad hoc basis to assist the NCC digital artwork.

5.2.   Hosting

- 24 months hosting of the **thencc.gov.za** & **thencc.org.za** domains and the website (dedicated server hosting - browsing thencc.gov.za to reroute to thencc.org.za as the primary domain)
- A minimum of 99% website monthly uptime (24 hours x 7 days a week, excluding scheduled maintenance).

5.3.   Website Development

 The primary activities will include:

- Social Media integration (LinkedIn, WhatsApp, Twitter, etc.)
- Search Engine Optimization.
- Performance optimization, the site should load in a quickest possible time (not longer than 4 to 5 seconds).
- Browser compatibility – the site must be compatible with current versions of the mainstream web browsers such as Google Chrome, Microsoft Edge, Safari & Firefox)
- Contact us form
- Google analytics NCC to determine trends related to the site usage (e.g., amount of time a user spends on the site, the most browsed pages, usage peak times and geographical locations of users). Geolocation indicating the NCC address is a nice to have.
- Integration or use of Office 365 to send emails from the website (e.g., emails from the Contact us for must go to an O365 NCC mailbox)
- All subscription registered for any of the website components must be registered in the NCC's name and the login credentials be shared with the NCC.

- The service provider will provide all the software applications required for the successful implementation of the website (excludes Office 365).

5.4. Maintenance & Support

- Website maintenance over a period of 24 months. Maintenance to include:
    - Applying security patches and performing bug fixes
    - Clearing out log file
    - Increasing disk space and processing resources as and when required (with prior communication to the NCC)
    - Uploading content updates to the website (the service provider must be able to provide weekly website updates when required by the NCC).
    - Perform full backups and provide a secondary backup copy to the NCC monthly via a medium to be agreed by both parties.
    - The service provider will have a testing mechanism to test for broken hyperlinks on the site.
    - Be able to notify the NCC when the site goes down.
    - Provide monthly reports which includes browsing patterns, website performance, cyber security issues and vulnerabilities, data backup status, support calls logged & uptime statistics.

5.5. Skills transfer

- The service provider must provide skills transfer in a form of over-the-shoulder training supported by training manuals to:
    - Perform content updates (2 x identified end users).
    - Perform basic website maintenance (ICT Personnel)

5.6. Source Code

- A source code must be provided to the NCC when the website goes live or after major changes to the structure and or look and feel to the website. The medium to be used for transferring the source code to be agreed by both parties.

5.7. Information & Cyber Security

- The website must be hosted in a platform where vulnerability testing is performed on regular basis.
- Use of SSL certificate is mandatory
- Use of CAPTCHA on interactive forms to verify the user is human being not a machine

- Role based access (no sharing of user credentials)
- POPI Act consideration insofar as security personal identifiable information (e.g., database encryption).

5.8. Mobile Device Optimisation

- The site must automatically adjust to fit the end user mobile device such as mobile phone, tablet, IPAD, etc., without losing the interface quality or distorting the content.

5.9. Testing and Pre-Hosting

- The service provider must be able to perform a demonstration to the NCC of all the functionality required prior to go-live.
- The NCC must be able to test the website in a testing environment for at least five (5) days prior to the go-live.

5.10. Project Management

- The new service provider must provide a detailed project plan with timeline and activities to ensure the new website is live timeously or facilitate the moving for the current website to its platform for a period not exceeding two months with the new website if being finalised.

6. TECHNOLOGY REQUIREMENTS

Minimum technology requirements are:

- WordPress and related Plug-ins and technology
- MySQL
- Minimum space allocation of 40 GB (ability to auto scale is required)
- SSL certificate to secure browsing
- CAPTCHA
- Google Services
- Two Factor Authentication for backend access to the website (NCC ICT Personnel and end users uploading content)

7. FUNCTIONAL REQUIREMENTS

- The NCC will rely on the experience and the creativity of the design team to align the website design to international best practice standards to improve the look and feel, and the website performance.

- The layout, the wording and the figures referenced below contains what the NCC considers to be minimum consideration benchmarking it with the SAPHRA website but it is subject to change during the design phase.
- The service provider is expected to present three (3) designs for approval by the NCC before completing the development. (

REQ #	Requirement	Description
	Home page	"Home" page shall be the landing page of the website and shall be accessible from all the pages of the website. The "Home" page shall contain the following (final layout to be discussed with the appointed service provider: i. Welcome to the NCC. ii. Latest News. iii. Quick links: a. Advisory Opinions and Clarification b. Current Investigation c. Exemptions d. Service Standards e. Supplier Database f. Tenders g. National Credit Regulator h. National Consumer Tribunal i. Provincial Consumer Tribunal • Gauteng. • Free State. • KwaZulu-Natal. • Limpopo. • Eastern Cape. • Western Cape. • Northern Cape. • Mpumalanga and

REQ #	Requirement	Description
		• Northwest. j. ADR Agents • CGSO • MIOSA • PROVINCES iv. Important Information: a. Notices b. Lodge a complaint c. Consumer alerts d. Educational Information e. Follow us on social media, Facebook, Twitter, YouTube and LinkedIn.
	About us page	"ABOUT US" page shall be accessible from all the pages of the website on the top banner by mouse over on the "ABOUT US" link. The "ABOUT US" page shall contain the following: i. Who we are. ii. What the NCC does iii. Divisions When each of the sub menu links is clicked, detailed information shall display as anticipated.
	FAQ page	"FAQS" page shall be accessible from all the pages of the website on the top banner by clicking on the "FAQS" link. When the "FAQS" link is clicked, detailed information shall display as anticipated.
	Policy page	"POLICY" page shall be accessible from all the pages of the website on the top banner by mouse over on the "POLICY" link. The "POLICY" shall contain the following sub menus: i. Act. ii. Regulation. iii. Industry Codes. iv. Codes of Good Practice. v. Guidelines.

REQ #	Requirement	Description
		When each of the sub menu links is clicked, detailed information shall display as anticipated

	Consumer safety page	"CONSUMER SAFETY" page shall be accessible from all the pages of the website on the top banner by mouse over on the "CONSUMER SAFETY" link. The "CONSUMER SAFETY" shall contain the following sub-menus:
		
		    i. Product recalls.
		    ii. Consumer alerts
		
		When each of the sub menu links is clicked, detailed information shall display as anticipated.

	Careers page	"CAREERS" page shall be accessible from all the pages of the website on the top banner by clicking on the "CAREERS" link. When the "CAREERS" link is clicked, detailed information shall display as anticipated.

	Enforcement page	"ENFORCEMENT" page shall be accessible from all the pages of the website on the top banner by mouse over on the "ENFORCEMENT" link. The "ENFORCEMENT" shall contain the following sub menus:
		
		    i. Case law.
		    ii. Advisory opinions
		
		When each of the sub menu links is clicked, detailed information shall display as anticipated.

	Media Resources page	"MEDIA Resources" page shall be accessible from all the pages of the website on the top banner by mouse over on the "MEDIA CENTRE" link. The "MEDIA CENTRE" shall contain the following sub menus:
		
		    i. Media Statements. Is it possible to add internet articles?
		    ii. Internet articles.
		    iii. Speeches.

REQ #	Requirement	Description
		iv. Annual reports. v. Plans and Strategies vi. Research reports. When each of the sub menu links is clicked, detailed information shall display as anticipated.
	Contact us page	"CONTACT US" page shall be accessible from all the pages of the website on the top banner by clicking on the "CONTACT US" link. When the "CONTACT US" link is clicked, detailed information shall display as anticipated.

Customer complaints

REQ #	Requirement	Description
	Create online complaint form capable to upload documents **(can be integrated to the contact us form)**	Create a form that can be used to submit complaint details and uploading of relevant documentation as required by the complaint form. Insert a disclaimer or indemnity and consent to POPIA (voluntary sharing of information to resolve a complaint) as a mandatory part of the form. Reference of the figure to give an idea of design and to be customized for the NCC: **Figure 7-1 : Complaints form**
	Receive complaint made	Receive submitted complaint via email and uploaded content to the following email address:

REQ #	Requirement	Description
		Complaints@thencc.org.za Automate acknowledgment or proof that the form was submitted successfully.

Multi-media content

This functionality does not exist on the current NCC website

REQ #	Requirement	Description
	Enable the display of Animation content	The capability of displaying animations on the website
	Searchable library	Searchable by alphabet selected and by keywords typed. The content being searched for is as follows: • Library media statements on the website • Research reports on the website
	Embed PDF content	All PDF files are to be displayed as website pages.
	Multimedia option	Multimedia menu option on the landing page. Reference of the figure to give an idea of design and to be customized for the NCC: **Figure 7-2: multi-media menu options**
	Podcasts media embedding	Embedded Podcast media player on the webpage and have a list of other podcasts that can be played. The podcast should not do live streaming. Reference of the figure to give an idea of design and to be customized for the NCC:

REQ #	Requirement	Description
		Figure 7-3: Podcasts media
	YouTube video's embedding	Embedded YouTube videos and have relevant Thumbnails displaying Reference of the figure to give an idea of design and to be customized for the NCC: **Figure 7-4: YouTube link and Thumbnails**
	Social media platform feeds	Feeds from the following platforms: • Facebook • Twitter • LinkedIn • YouTube Reference of the figure to give an idea of design and to be customized for the NCC: **Figure 7-5: Social media feeds**
	Footer section of the webpage	Create a footer section with the following elements: • Contact us details • Quick menu links • I want to link • Subscription capability Reference of the figure to give an idea of design and to be customized for the NCC: **Figure 7-6: Social media links and footer section**
	Consumer alerts section	Consumer alert content and recalls. Reference of the figure to give an idea of design and to be customised for the NCC: **Figure 7-7: Consumer alerts**

REQ #	Requirement	Description
	Product recalls alerts section	Product recall alert content and recalls. The product recalls alert should cater to displaying a picture of the recalled product as well. Reference of the figure to give an idea of design and to be customized for the NCC: **Figure 7-8 : Product recalls**
	Header menu section	The header section for putting a logo, banner, and top menu buttons. Reference of the figure to give an idea of design and to be customized for the NCC: **Figure 7-9 : Header section**

8. EVALUATION CRITERIA

8.1. Phase 1 - Administrative (Mandatory) Compliance

Document that must be Submitted	Non-submission may result in disqualification?	
Invitation to Bid – SBD 1	**Yes**	Complete and sign the supplied pro forma document

Document that must be Submitted	Non-submission may result in disqualification?	
Tax Compliance	**No**	i. Written confirmation that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status. ii. Proof of Registration on the Central Supplier Database iii. Vendor number iv. The supplier needs to be tax compliant at the time of award
Declaration of Interest – SBD 4	**Yes**	Complete and sign the supplied pro forma document
Preference Point Claim Form – SBD 6.1	**Yes**	Complete and sign the supplied pro forma document
BBBEE original Certificate or certified copy.	**No**	Non-submission will lead to a zero (0) score on BBBEE
Registration on Central Supplier Database (CSD)	**No**	The Service Provider must be registered as a service provider on the Central Supplier Database (CSD). If not registered, to complete the registration of company prior to submitting the proposal. Visit https://secure.csd.gov.za/ to obtain your vendor number starting with MAAA. Submit proof of registration.
Pricing Schedule – SBD 3.3	**Yes**	Submit full details of the pricing proposal **in a separate envelope**
Compulsory briefing session	**Yes**	Compulsory briefing session will be held via MS Teams and attendance will be downloaded from the application.
Phase 2: Functional and Technical Evaluation		

Element	Points
8.2. Service Provider's Experience	**25**
Five (5) years' experience implementing similar projects (WordPress website design & development, domain transfer and hosting (list websites developed and hosted). Detailed Company Profile provided clearly indicates experience, projects, and some of key clients.	
1) 5 years and higher	**25**
2) Between 3 to 5 years	**10**
3) Below 3 years	**0**
8.3. Contactable References (Track Record)	**10**
Five (5) contactable reference letters for similar work done in the last 10 years. Details to include contact person, project description and the year the project was implemented.	
1) 5 references letters and higher	**5**
2) 4 references letters	**4**
3) 3 references letters	**3**
4) 2 references letters	**2**
5) 1 reference letter	**1**
6) Zero (0) references	**0**
8.4. Team experience	**15**
Key Skills **1)** Graphic designer: More than 3 years' experience. Attach CV and qualification Diploma in Graphic Design or equivalent.	**5**
2) Web developer: More than 3 years' experience. Attach CV and qualification Diploma in Computer Science or Engineering, Software Developer or equivalent detailing where similar websites were developed	**5**
3) Project Manager = More than 3 years' experience Attach CV and qualification a three year relevant qualification (BSC, BCompt, BEng, B Informatics, National Diploma information Technology) The CV should detailing where similar projects were managed. **NB Experience less than what is required will lead to zero points on each resource**	**5**

8.5. Implementation Plan (Project Plan)	20
Detailed implementation plan of how the project will be implemented (includes the various phases of the project and timelines), webhosting (includes cutting over from the current provider), support and maintenance:	
1) Plan addresses project implementation phases and timelines, web hosting, migration from current hosting provider, support, and maintenance	20
2) Plan addresses only two of the points above with no clear timelines	10
3) No detailed plan	0
8.6. Cybersecurity Plan	20
Details indicating the cybersecurity controls to be implemented (to include patch management process, type of cybersecurity controls used, continuity plans (backups & DR) and the location where the website will be hosted (e.g., Cape Town – South Africa).	
1) Detailed plan indicating secure development principles and cybersecurity plan used by the service provider to secure hosted websites (to include hosting location, vulnerability management, patch management, monitoring and detection mechanism, and response procedure when there is a cyber-attack on the site or hosting platform).	20
2) Cybersecurity plan does not include details of how security will be maintained to keep the site secure for the duration of the contract	10
3) Detailed plan not provided	0

Functional and Technical Evaluation	
Element	**Points**
Part 1: Sub-Total	80
NB: Minimum 75% qualifications on functionality	60

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Part 2 (Only bidders who obtained 60 or above score in Part 1, may be invited for oral presentation for verification and clarity on the bidders' proposed solution)	
3.5. Presentation	
Oral Presentation on: Company Background, Proposed website design and development approach (including domain migration), Reference websites recently designed, cybersecurity plans and controls, and ongoing Support and Maintenance Services	**20**
Part 2 Sub-Total	**20**
NB: Minimum 50% qualifications on Presentation	**10**
GRAND TOTAL (Part 1 and Part 2)	**100**
MINIMUM QUALIFYING POINTS (70%)	**70**

8.7. Phase 3 Evaluation – Price and Preference Points

In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- Specific Goals (maximum 20 points)

8.7.1. Stage 1 - Price Evaluation (80 Points)

Criteria	Points
Price Evaluation $$\textbf{Ps =80} \left(1 - \frac{Pt - P\min}{P\min} \right)$$	80

The following formula will be used to calculate the points for price:

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin   =   Comparative price of lowest acceptable bid

8.7.2. Stage 2 – Specific Goals Evaluation (20 Points)

Specific Goals Points allocation

A maximum of 20 points may be allocated to a bidder for attaining the specific goals in accordance with the table below:

Specific Goals	Number of Points
100% Black owned	6
51-99% Black owned	4
100% women owned	6
51% to 99% women owned	4
5% Youth Ownership	2
2% Owned by persons with disabilities	1
Exempt Micro Enterprise (EME)	5
Qualifying Small Enterprise (QSE)	3
Large Enterprise	0

Specific Goal points may be allocated to bidders on submission of the following documentation or evidence:

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1)
- B-BBEE Certificate
- CSD Report

9. GENERAL CONDITIONS OF CONTRACT

9.1.   Any award made to a bidder(s) under this bid is conditional upon

9.1.1. The bidder(s) accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which National

Consumer Commission is prepared to enter into a contract with the successful Bidder(s).

10. PRICING TEMPLATE

- All pricing must be inclusive of VAT

Item	Item	Qty/ Hrs	Unit Price / Rate per Hour	Year 1 Costs	Year 2 Costs
1	Secure domain & webhosting hosting **thencc.org.za & thencc.gov.za**				
2	Website Development (includes all social media integrations, Google services and 3rd party Add-ins/Integration)				
3	Website design phase				
4	Graphic Design Services (2 hrs monthly post website go-live)				
5	Support/Content update (estimated 12 hrs monthly)				
6	Assisting with seamless migration from the current web & domain hosting provider				
7	Support & maintenance of the NCC website for 24 months (includes data / website backups).				
8	Monthly Google analytics and reporting				
9	Other				
TOTAL (INCLUDING VAT)					

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11. ENQUIRIES

For SCM related enquiries:

Name: Margery Mouton

Contact: 012 428 7730

E-mail: M.Mouton@thencc.org.za

For Technical enquiries

Name: Jacob Mulaudzi or Lindani Ngema

Contact: 012 428 7744 / 012 428 7745

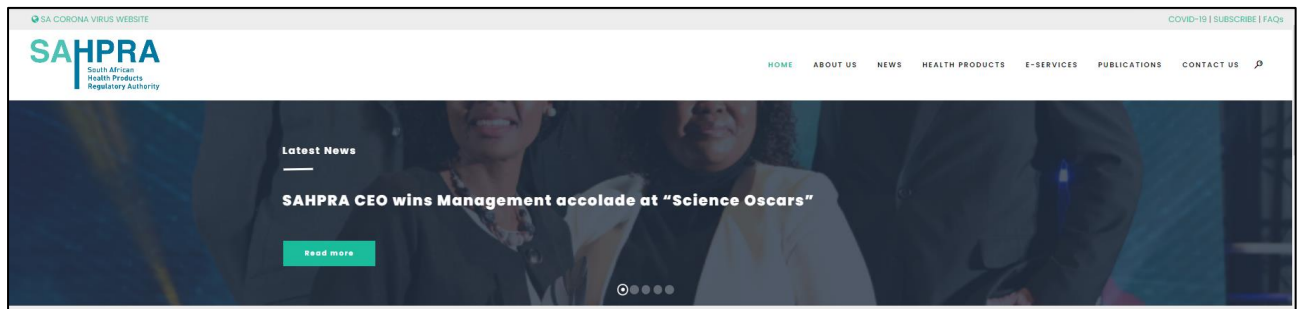E-mail: J.Mulaudzi@thencc.org.za or L.Ngema@thencc.org.za

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ANNEXURE A: ILLUSTRATION FIGURES

Figure 11-1 : Header section
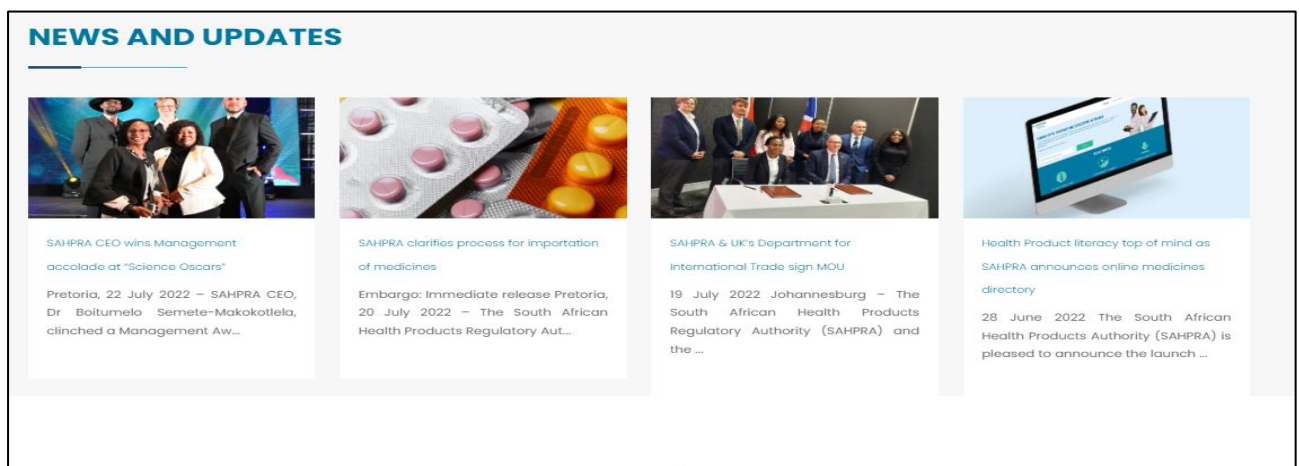
Figure 11-2: News and updates

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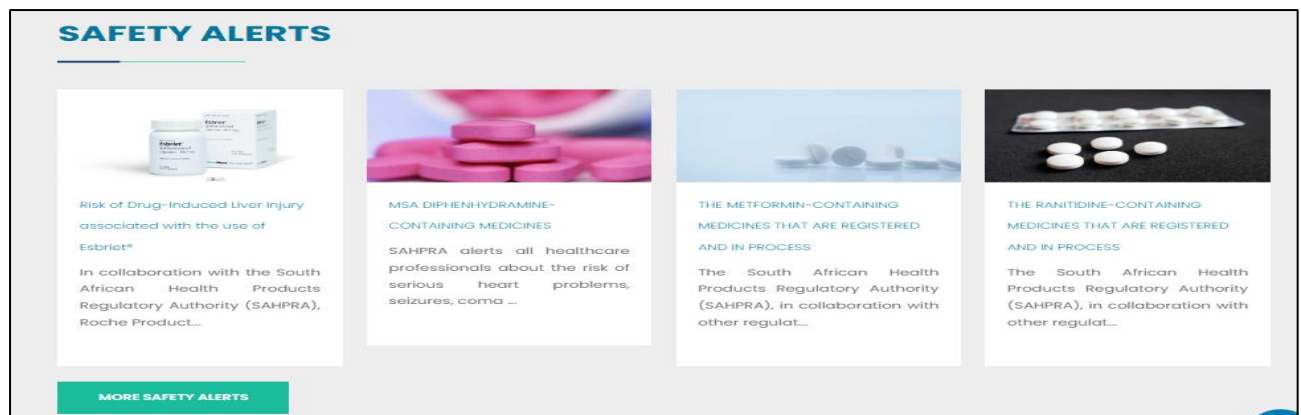
Figure 11-3: Consumer alerts

Figure 11-4: Social media feeds
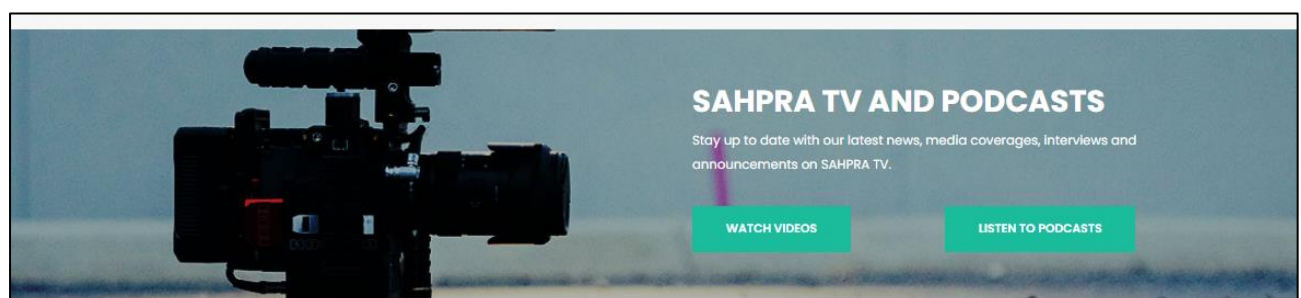
Figure 11-5: Multimedia menu options

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Figure 11-6: YouTube link and Thumbnails
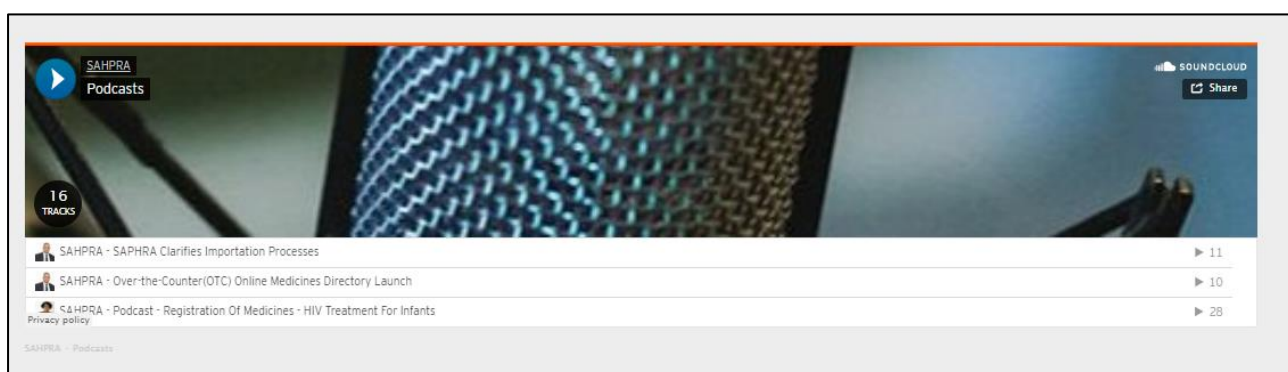
Figure 11-7: Podcasts media
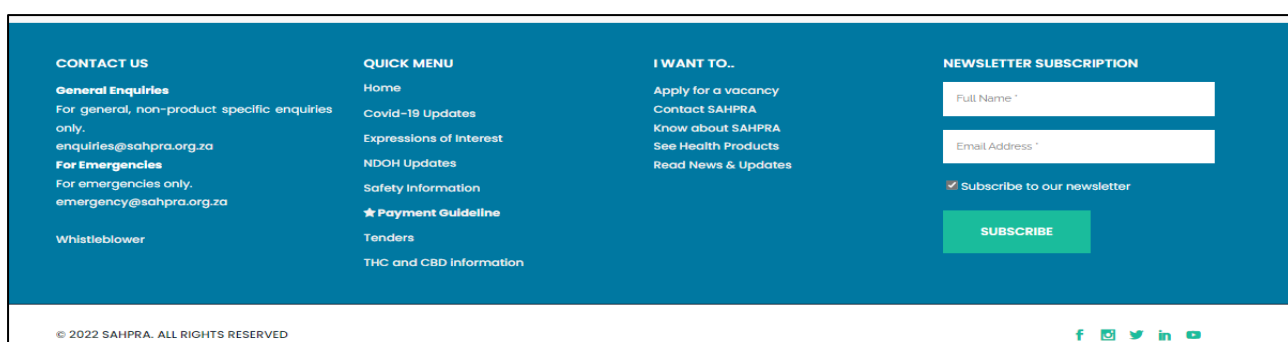
Figure 11-8: Social media links and footer section

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PRODUCT RECALLS

CHAMPIX 0,5 MG AND 1,0 MG (VARENICLINE) FILM COATED TABLETS – COMBO

Following Test results that indicated levels of increased N-nitroso-varenicline that exceed the Acceptable Daily Intake (ADI) threshold of 733 ng/day calculated by Pfizer, based on ICH M7 guidance, Pfizer Laboratories (Pty) Ltd in South Africa took the decision to initiate a voluntary recall on Champix, batch 18069 and notified SAHPRA Regulatory Compliance Units. *Recall process*: Recall letter distributed to all healthcare professionals via medpages.

ZAARIO 50 AND ZAARIO 100 FILM COATED TABLETS (LORSATAN POTASSIUM)

The products are being recalled due to quality defect: the presence of a mutagenic impurity above the threshold limit observed during analysis, as requested by the European Directorate for the Quality of Medicines and Healthcare (EDQM) on new Azido impurities [the presence of Azido (5-AMBBT) mutagesic impurity beyond total threshold limit was observed during analysis].

CLONAM 0.5 MG AND CLONAM 2 MG FILM COATED TABLETS (CLONAZEPAM)`

The products are being recalled due to quality defect: the tablet description should be cross-scored, but instead the tablet has only a single score.

MORE RECALLS

Figure 11-9 : Product recalls

Complaint Form 2021.pdf

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