



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

TERMS OF REFERENCE (“TOR”)

CIPC BID NUMBER: 20/2021/2022

DESCRIPTION: INVITATION FOR PROPOSALS FROM QUALIFYING SERVICES PROVIDERS FOR THE PROVISION OF A PATENT SEARCH TOOL INCLUSIVE OF A CAPACITY BUILDING PROGRAM FOR SUBSTANTIVE SEARCH AND EXAMINATION (SSE)

CONTRACT PERIOD: FIVE (05) YEARS

BID CLOSING DATE: 01 MARCH 2022

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**”.

NB: COVID -19 REGULATIONS TO BE ADHERED TO

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1. TERMS AND CONDITIONS OF REQUEST FOR TENDER (RFP)

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 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.



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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)**
- 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) The **USB** must contain the **exact** documents/ information submitted in the original copy
- f) Bidders to ensure that the information is properly copied in the USB prior submitting to CIPC and that there are no missing pages.
- g) **THE USB WILL BE USED FOR EVALUATION HENCE THE BIDDER IS REQUIRED TO ENSURE THAT THE USB CONTAINS ALL INFORMATION.**
- h) **CIPC WILL NOT BE HELD LIABLE FOR INCOMPLETE PROPOSALS/ INFORMATION SUBMITTED IN THE USB'S**
- i) All pages must be signed; numbered and initial as per the Original copy
- j) The USB must be submitted in **PDF format ONLY and must be read ONLY**
- k) **BIDDERS TO ENSURE THAT USB'S ARE WORKING PRIOR SUBMISSION**

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 separate price from the Technical proposal as Price is evaluated at the last phase of the Evaluation.
- b) The price envelop must be marked with the bidder's name
- c) **Bidders to complete Pricing Schedule SBD 3.3 (Annexure "C")**
- d) **The total Price (Ceiling price)** must be carried over to **BOTH SBD 3.3 (Pricing Schedule) and SBD FORM 1: (Invitation for Bids)**.
- 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 OR PRINTED COPY**
- 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
 - ❖ SBD1 - INVITATION TO BIDS
 - ❖ PRICE BREAKDOWN PREFERABLE IN THE BIDDERS LETTERHEAD SIGNED BY AN AUTHORISED REPRESENTATIVE
 - ❖ BIDDERS TO REFER TO ANNEXURE A PAGE 15 REQUIREMENTS ON PRICE PROPOSAL

NB: Bidders must also refer to page 11 of 16 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



4. INTRODUCTION

The Companies and Intellectual Property Commission (CIPC), herewith referred to as 'the CIPC' is an organ of state whose mandate is:

- 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.

The CIPC, therefore, needs to ensure the integrity and efficiency of its processes in substantively examining patents to determine whether the invention concerned meets the requirement of patentability i.e. novelty, inventiveness and capable of being applied in trade industry and agriculture. In order to establish whether the invention concerned meets the requirements for patentability it is necessary to conduct extensive patent search involving a review of both patent and non-patent literature and comparing the literature. CIPC would like to invite bidders to submit proposals for the provision of a specialized patent search tool inclusive of a capacity building program for substantive search and examination (SSE).

5. 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.

SSE entails that patent applications are examined substantively to determine whether the invention concerned meets the requirement of patentability i.e. novelty, inventiveness and capable of being applied in trade industry and agriculture. In order to establish whether the invention concerned meets the requirements for patentability it is necessary to conduct extensive patent search. This typically involves a review of both patent and non-patent literature and comparing the literature to the invention to then determine whether patentability requirements are met.

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 (IPOs) 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 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

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 inclusive of a capacity building program for substantive search and examination (SSE)

6.1. 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 to one of SSE, one of its 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 interpret 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 that CIPC can further subscribe to.

In addition to the comprehensive and specialized search tool, there is a need for continuous examination capacity building within CIPC. Thus it is essential that the prospective service provider have a proficiency for providing advanced examination training. Therefore, CIPC will require the service provider to provide a comprehensive continuous on-the-job patent examination training, and also specialized training on the search tool for prior art searches. Such envisaged co-operation should make it possible to capacitate CIPC's patent examiners on patent searching and examination of patent applications. Ideally, this should allow the work of the CIPC examiners to be on par with other patent offices which have implemented SSE.



8. REQUIREMENTS

SEARCH TOOL FUNCTIONALITY

Providing a specialized 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 CPC, ICP, F-term classifications,

Search option to allow for search of Application/publication/priority/NPL reference number

Search option to allow for search of Applicant/inventor/assignee

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: AND, OR, NOT

Proximity: Prox/distance<x, prox/unit=sentence, prox/unit=paragraph, prox/ordered for searching words within x words, within a sentence, paragraph or in a given order, respectively.

Comparison: (= (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)

Allow for other tools like:

Classification search (allow for inclusion of FI/FT/IPC/CPC)

Synonym search

Facet searches

Translation of documents from non-English IPOs/journals

Linking of figures with text labels

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.

9. TRAINING FUNCTION

Training requirements

TRAINING PROGRAMS AND ESSENTIALS THEREOF

The respondents must display the ability to training program for patent examiners, which includes training on the following aspects of patent examination.

- a. Basic patent examination.
- b. PCT procedure; non-unity and complex applications.
- c. Advanced patent examination.
- d. Various aspects of intellectual property.
- e. Dealing with replies.
- f. Strategic and efficient examination.
- g. Refusal, opposition and oral proceedings.

The training program should cover all aspects of patent search and examination including inter alia:

- a. IP and its role in innovation
- b. Basics of patent rights and the anatomy of a patent application
- c. Basic, intermediate and advanced training on the patentability criteria e.g. novelty, inventive step, industrial applicability, clarity, unity, sufficiency of disclosure, fair basis etc.
- d. Use of International classification systems
- e. Conducting patent searches, top up searchers, retrieving foreign search and examination reports
- f. Drafting search and examination reports and corresponding with applicants.
- g. Dealing with third party review mechanisms i.e. third party observations, opposition, oral and appeal proceedings.
- h. Any other matter concerning the search and/or examination of patent applications.

The training program should cover all aspects of patent search and examination including inter alia:

Continued on-the-job training for ·basic, intermediate and advanced training on the patentability criteria e.g. novelty, inventive step, industrial applicability, clarity, unity, sufficiency of disclosure, fair basis etc.

Use of International classification systems,

Conducting patent searches, top up searchers, retrieving foreign search and examination reports,

Any other matter concerning the search and/or examination of patent applications.

Mode of Delivery

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

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

Practical examples

Working on dummy cases and real files

Case studies

Role plays



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Cost of Training Program

The providers or organizations must indicate the approximate costs of providing such a training program according to the following requirements:

Training of approximately 50 patent examiners, and in line with CIPC's expansion plans, continued on-the-job training of approximately 100 patent examiners.

The training program should also include a "train the trainer" program to create long-term capacity and competency within CIPC.

10. DELIVERABLES

11. PRICING/COSTING GUIDELINES

- Costing must cover all components of the Search Tool and the Training of 50 patent examiners
- Prices must be fixed for the duration of the contract
- Costing should be aligned with the project activities

With this bid, the CIPC expects the following deliverables:

- a) A patents search tool with a minimum of 50 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) Integration of the tool with non-patent literature databases
- e) Training as outlined in Section 4 above
- f) Support and maintenance handover to CIPC ICT team

Prospective bidders **must submit a total price as clearly indicating the unit costs and any other costs applicable**. 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. **The quotation must be for a period of five (5) years**

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.

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

12. 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
Inclusion of the handover plan to CIPC employees

13. 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.

14. 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: Pricing and Preferential Procurement policy



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14.1. 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. The bidder(s) proposal *may* be disqualified for non-submission of any of the documents.

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.	Preference Point Claim Form – SBD 6.1		Non-submission will lead to a zero (0) score on BBBEE
5.	Declaration of Bidder's Past Supply Chain Management Practices – SBD 8		Complete and sign the supplied pro forma document.
6.	Certificate of Independent Bid Determination – SBD 9		Complete and sign the supplied pro forma document.
7.	Registration on Central Supplier Database (CSD)		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 NUMBER AND UNIQUE REFERENCE NUMBER
8.	NB: Pricing Schedule: Refer to PAGE 6 AND PAGE 11 OF 18 REFER TO PAGE 6 and 17 OF 18		<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). 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) <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>
9	IMPORTANT: SUBMISSION OF USB REFER TO PAGE 5 OF 18		<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 <u>FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL IMMEDIATELY DISQUALIFY A BIDDER.</u>
10.	RESPONSE FORMAT BELOW ON PAGE 14 OF 18		Bidders are required to note and comply to the response format

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

15. RESPONSE FORMAT

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

Question	Response
Project Preparation, Delivery and Post Project Support: <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? 	Attach as required documentation
Documentation: What documentation is provided for the software / system?	
Software/Architecture: <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? 	
Performance: Describe your scalability model (horizontal, vertical, load-balancing), availability (fault tolerance, clustering), and performance (messages, transactions, work flows) for all application components.	
Testing of the solution: 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.	
Training: <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? 	
Product Support: <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? 	



16. PHASE 2: FUNCTIONAL EVALUATION CRITERIA

No	EVALUATION CRITERIA	Rating					Weight	Total
		1	2	3	4	5		
1.	VENDOR EXPERIENCE IN PROVIDING PATENTS SEARCH TOOL SERVICES <u>Submit a reference letter on a client letter-head indicating relevant experience, date of project and duration. In addition, the reference letter should show the following details:</u> Experience in working with different national patent offices. Capabilities and experience of deploying patents search tools, training patent examiners on search and examination of patent applications. Purposes for which your search tool has been used by other offices. Volume of filings Typical number of filings the solution manages a year? Peak volumes of filings you have managed? <u>Ratings to be awarded as follows:</u> Experience less than 1 year -1 Experience between 1 to 3 years – 2 3 to 5 Years' experience – 3 5 to 10 Years' experience – 4 10 + Years' experience - 5						15	
2.	ABILITY OF THE BIDDER TO IMPLEMENT THE TOOL AT THE CIPC <u>Review submitted CV's</u> <u>Ratings to be awarded as follows:</u> CV's submitted have no experience on the tool– 1 One(1) employee with more than 3 years' experience on the tool – 2 T (2) employees each with more than 3 years' experience on the tool - 3 Three (3) employees each with more than 3 years' experience on the tool – 4 Four (4) employees each with more than 3 years' experience on the tool - 5						5	
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> CV's submitted have no training experience on the tool– 1 One(1) employee with more than 3 years' training experience on the tool – 2 Two (2) employees each with more than 3 years' training experience on the tool - 3 Three(3) employees each with more than 3 years' training experience on the tool – 4 Four (4) employees each with more than 3 years' training experience on the tool - 5						10	
4.	ABILITY OF THE SEARCH TOOL TO SATISFY CIPC 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> 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 searches large database volumes with the fastest turn-around time– 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> No search content integration – 1 <u>Ratings to be awarded as follows:</u> Tool integrates with only SA patent content – 2 Tool already integrated with SA top 10 and International databases, and non-patent literature content - 3 Tool meets the standard for 3 above, and is able to translate non-english searches and non-english search results into english – 4 Tool meets the standard for 4 above, and is able to integrate chemical structures and biological sequence searches – 5						10	
6.	CIPC TRAINING REQUIREMENTS Ratings are awarded as follows <u>Review the training bidder training plan against the requirements outlined in Section 4</u> <u>Ratings to be awarded as follows:</u> Bidder meeting only 40% of the training requirements – 1 Bidder meeting only 80% of the training requirements – 2 Bidder meeting 100% of the training requirements – 3 Bidder meeting 100% of the training requirements and provides a measure for search knowledge progression of participants - 4 Bidder meets the criteria for 4 above and other non-specified training requirement that benefits the CIPC - 5						20	
Total							100	

Note:

- This tender 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.
- THE SERVICE PROVIDER THAT ACHIEVE LESS THAN 60 POINTS ON FUNCTIONALITY WILL BE DISQUALIFIED FOR FURTHER EVALUATION**
“TOR” Patent search tool fv

17. PHASE 3: PRICING AND PREFERENTIAL PROCUREMENT POLICY

Please Note: CIPC 6.1 Preference Points Claim Form in terms of the PPPFA is attached for claiming above mentioned points, if not completed the company will automatically score 0 points.

Preferential Procurement Policy

The bidders that have successfully progressed will be evaluated in accordance with the **80/20** preference point system contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000).

Pricing

Pricing will be calculated using the lowest price quoted as the baseline, thus the lowest price quoted will achieve full marks, while all other quotes will achieve a weighted average mark based on the lowest price.

Description	Total
Price	80
BBBEE	20
Total	100

- 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

BROAD BASED BLACK ECONOMIC EMPOWERMENT (BBBEE)

- Provision of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its regulations 2017 will apply in terms of awarding points.
- Preference Points Claim Form, SBD 6.1 should be completed and signed by the bidder to be able to claim preference points.
- Calculation of points for B-BBEE status level contributor:
- Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:
- Failure to submit a certificate from accredited verification agency substantiating the B-BBEE status level of contribution or is a non-compliant contributor, such bidder shall score 0 points out of the allocated maximum points for B-BBEE.

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

18. MEDIUM OF COMMUNICATION

All documentation submitted in response to this Expression of Interest must be in English.



19. COST OF RESPONDING TO THIS REQUEST

Potential bidders are expected to fully acquaint themselves with the conditions, requirements and specifications of this RFP before submitting responses. Each service provider assumes all risks for resource commitment and expenses, direct or indirect, of RFP preparation and participation throughout the RFP process. The CIPC is not responsible directly or indirectly for any costs incurred by Companies.

20. CIPC RESERVES THE RIGHT TO:

- I. Extend the closing date;
- II. Verify any information contained in a response;
- III. Request documentary proof regarding any tendering issue;
- IV. Cancel or withdraw this RFP as a whole or in part; and
- V. Not to include any supplier on the list of suppliers on the approved database based on functional criteria not met.

21. DISCLAIMER

This is a Request for Proposals (RFP) only and not an offer document; answers to it must not be construed as acceptance of an offer or imply the existence of a contract between the parties. By submission of RFP, individuals shall be deemed to have satisfied themselves with and to have accepted all Terms & Conditions of this RFP. The CIPC makes no representation, warranty, assurance, guarantee or endorsements to service provider concerning the RFP, whether with regard to its accuracy, completeness or otherwise and the CIPC shall have no liability towards the service provider or any other party in connection therewith.

22. BRIEFING SESSION

There will be NO briefing session for this RFP.

23. SUBMISSION OF PROPOSALS

Sealed proposals will be received at the Tender Box. THE CIPC TENDER BOX HAS THE FOLLOWING DESCRIPTION: "CIPC TENDER BOX".

THE BID BOX IS SITUATED AT: AT THE WEST GATE ON 77 MEINTJIES STREET, CLOSE TO ENTFUTFUKWENI BUILDING (BLOCK "F"), 77 MEINTJIES STREET, SUNNYSIDE, "THE DTI" CAMPUS, PRETORIA.

Proposals must be addressed to:

Manager (Supply Chain Management)
Companies and Intellectual Property Commission (CIPC)
Block F, **the DTIC** Campus, 77 Meintjies Street,
Sunnyside
PRETORIA

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 Kabelo Ledwaba Email: KLedwaba@cipc.co.za
Dr Mavis Nyatlo Email: SNyatlo@cipc.co.za

24. DEADLINE FOR SUBMISSION

BIDS OPENING DATE: 01 FEBRUARY 2022

BIDS CLOSING TIME: 11: 00 AM

BIDS CLOSING DATE: 01 MARCH 2022

BIDDERS SHOULD 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 SERVICE.

NB: COVID -19 REGULATIONS TO BE ADHERED TO