



REQUEST FOR QUOTATION (RFQ)

The South African Qualifications Authority (SAQA) invites Service Providers to submit quotations for requirements stipulated below:

DOCUMENT NUMBER:	SAQA RFQ (Registration of trademarks and domains)
RFQ ISSUE DATE:	25 April 2022
RFQ CLOSING DATE AND TIME:	29 April 2022 @11h00
RFQ VALIDITY PERIOD	30 days (from RFQ closing date)
PERIOD	36 (Thirty-Six) months
DESCRIPTION:	To appoint a suitably qualified service provider to register trademarks and domain names, renew domain names, monitor and report on trademark infringements and provide trademarks related legal advisory services for 36 (thirty-six) months - (3 years)
RESPONSES TO THIS RFQ SHOULD BE FORWARDED TO:	rfq@saga.co.za
ENQUIRIES	Adv Patience Matinyenya pmatinyenya@saga.co.za

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 The South African Qualifications Authority (SAQA) is a public entity listed in Schedule 3(a) of the Public Finance Management Act (PFMA). It is mandated by the National Qualifications Framework (NQF) Act, 67 of 2008, to oversee the further development and implementation of the NQF, advance the objectives of the NQF and coordinate its three Sub-Frameworks.
- 1.2 SAQA has registered a number of trademarks and domain names that play an important role in developing and protecting its corporate image and legal mandate. To uphold the good image of SAQA, it is critical that SAQA protects its corporate image against improper or inappropriate external use.
- 1.3 SAQA has registered 26 (twenty-six) trademarks (3 pending) with the Registrar of Patents, Designs, Trademarks and Copyrights to provide the maximum possible protection against any unauthorised use.
- 1.4 SAQA has registered 24 Domain Names to support its website and applications as well as protect its corporate image.

2. PURPOSE

- 2.1 The purpose of this Request for Quotation (RFQ) is to appoint a suitably qualified service provider to provide registration of SAQA trademarks and domains, renew domain names, monitor and report on infringements and provide related legal advisory services for 36 (thirty-six) months (3 years).

3. SCOPE OF SERVICES

- 3.1 The services to be delivered in line with service level standards, will include the following:
 - 3.1.1 Ensuring that infringement on any of the SAQA trademarks in Table 1 below is monitored and reported, and legal advice is provided on how to deal with such infringement.

Table 1: SAQA Trademarks	
Quantity	Expiry Date
9	21 August 2031
12	29 August 2031
3	26 April 2027
2	06 July 2031
3	Pending
Total: 29 trademarks	

3.1.2 Registration of trademarks as and when required by SAQA.

3.1.3 Registration of domain names and ensuring that all the domain names in Table 2 below are renewed before they expire:

Table 2: SAQA Domain Names	
Quantity	Expiry Date
1	03-Apr-23
1	24-Apr-23
2	30-May-22
1	02-Jun-22
13	11-Jul-22
1	12-Jul-22
1	18-Jul-22
1	31-July -22
1	14-Aug-22
1	29-Aug-22
1	01-Sep-22
Total: 24 Domain Names	

3.1.4 Service Delivery Management Plan – required for the overall management of the project and service delivery by a dedicated Account Manager to manage all deliverables to be implemented by the bidder. The bidder shall submit reports on a monthly basis as defined by SAQA for the duration of the contract .

3.1.5 Providing legal advice on intellectual property matters as and when required.

4. SERVICE LEVELS AND APPLICABLE PENALTIES

Table 3: Reporting and advising on infringement on SAQA trademarks - Minimum Service Level Standards			
Service	Description	Target	Penalty
Reporting and advising on infringement on SAQA trademarks	Monitoring* and reporting infringement on SAQA trademarks	Monthly monitoring and reporting	15% of total monthly costs if applicable
	Providing advice on SAQA trademark infringement	14 working days after identifying infringement	10% of total monthly costs

***Monitoring for purposes of this RFQ means inter alia and at a minimum checking the CIPC Patent Journal and conducting web searches.**

Table 4: Registration and renewal of SAQA Domain Names. Minimum Service Standards			
Service			
Registration of SAQA domain names	Registration of domain names	Registration of domain name within 5 working days of receipt of Purchase Order	10% of total domain name registration costs
	Renewal of domain names	Renewal of registered domain name by no later than the day when it falls due for renewal.	15% of total domain name renewal cost

Registration of trademarks as and when required			
Service	Description	Target	Penalty
Registration of SAQA trademarks	Registration of trademarks	Registration of trademark within 5 working days after receipt of the Purchase Order	10% of total trademark registration costs

Table 3: Service Delivery Management Plan - Minimum Service Level Standards			
Service	Description	Target	Penalty
Service Delivery Management Plan	High level Service Delivery Management Plan for SAQA trademarks covering the duration of the contract	Within 5 working days of signature of contract	10% of total monthly costs
Monthly report	Performance and management report for the month aligned to the submitted Service Delivery Management Plan.	By the 30 th of each month.	10% of total monthly costs

4.1 Penalty Maximum Limit and Service Disputes:

- 4.1.1 The maximum penalties will be limited to 25% of the total monthly costs.
- 4.1.2 Furthermore, should the 25% limit be reached four (4) times during the contract period, SAQA reserves the right to immediately enter into a Service Dispute, that may result in the termination of the contract.
- 4.1.3 Notwithstanding the aforementioned, and without prejudice to any other rights SAQA has, SAQA reserves the right to enter into Service Disputes at any point in time with the view of contract cancellation. During a Service Dispute, the service provider shall continue to render services in accordance with these service levels.

4.2 Service Level Agreement

- 4.2.1 The successful bidder will be required to enter into a Service Level Agreement which will be provided by SAQA. **Under no circumstances will SAQA accept:**
 - 4.2.1.1 A Service Provider's terms and conditions.
 - 4.2.1.2 Any changes to the scope of work as outlined in this RFQ; or
 - 4.2.1.3 Any changes to the proposal and costing model submitted in response to this RFQ.
- 4.2.2 SAQA reserves the right to have a service provider blacklisted on the Government National Supplier Database should SAQA fail to conclude the Service Level Agreement with such a service provider due to a contravention of the provisions in sub-clause 4.2.1 above.

5. PROPOSAL FORMAT

- 5.1 The bidding company is required to submit a proposal with price schedule in response to the Terms of Reference in the following format

DETAIL OF PROPOSAL DOCUMENTS (SUBMISSION FORMAT CHECKLIST) (BIDDERS MUST INDICATE WITH A TICK IF COMPLIED OR NOT COMPLIED WITH THE FORMAT)	Com ply	Not- Comply
Part 1: Bid document including SBDs Bidders must complete, sign, and submit the SBD 4 The proposal and required documents must be submitted using the PDF format through email.		

Part 2: SARS Tax Compliance Requirement Bidders must state their National Treasury (CSD) Central Supplier Database's Supplier Number or Unique number and Tax Pin in their bids to enable SAQA to confirm suppliers' tax status. (RECENT CSD REPORT MUST BE ATTACHED)		
Part 3: B-BBEE Certificate Bidders are required to submit the original and valid B-BBEE Status Level Verification Certificates or certified copies thereof with SANAS logo visible on it together with their price quotations to substantiate their B-BBEE rating claims. However, bidders who qualify as EMEs may submit a sworn affidavit signed by the EME representative and attested by a Commissioner of oaths.		
Part 4: Understanding of the Terms of Reference, refer to the Terms of Reference. • Provide an overview of the methodology. • Describe, in detail, exactly how you propose to carry out the activities to achieve the outcomes identified in the Terms of Reference. • You should identify any possible problems that might hinder delivery and indicate how you will avoid or overcome such problems. • Describe how the work will be managed.		
Part 5: Experience in this field Bidders should provide at least the following information: Details of contracts for similar work for the past years. Reference letters of organisations where similar services were provided (Reference letters must be attached). The CVs and certificates of leading personnel (s) with more than five (5) years relevant working experience within the legal advisory services.		

6. EVALUATION CRITERIA

6.1 The bid will be evaluated in two (2) stages:

- Stage 1: Screening of mandatory documents.
- Stage 2: Price evaluation only, the B-BBEE component is exempted by the National Treasury.

STAGE 1 - SCREENING OF MANDATORY DOCUMENTS

Bidders must comply with this section as it forms the basis of the evaluation of the bidder's proposal. For a bidder to qualify to be evaluated for functionality, **a bidder must not have been disqualified in compliance with the mandatory requirements below:**

- a) Proof of Company experience by means of duly signed reference letters on the company letterhead. **Six (6) Reference Letters for registration of trademarks and domains from Government Departments or State-Owned Entities (SOEs) or Organisations is required.**
- b) **Submission of quality methodology proposal** which should address the following attributes:
 - ✓ Describe in detail, exactly how you propose to carry out the activities to achieve the outcomes identified in the Terms of Reference.
 - ✓ Identify any possible problems that might hinder delivery and indicate how you will avoid, or overcome such problems
 - ✓ Provide a workflow of how the work will be managed
- c) The CVs and certificates of leading personnel (s) **with more than five (5) years relevant working experience within the legal advisory services.**

STAGE 2 - PRICE EVALUATION

- This RFQ will be evaluated on price only, as the B-BBEE component is exempted by the National Treasury.

SUMMARY OF COST BREAKDOWN

For the period of 36 months (3 years)		
ITEM DESCRIPTION	cost schedule / hourly rates (indicate which is applicable)	Total price for the period of 3 years (VAT Inc.)
1. Reporting infringement on SAQA trademarks	R.....	R.....
2. Providing advice on SAQA trademark infringement	R.....	R.....
3. Registration of trademarks	R.....	R.....
4. Registration and renewal of domain names	R.....	R.....
5. Providing general legal advice on intellectual property matters	R.....	R.....
Total Bid Amount for the period of 3 years – VAT and all other disbursements included.)		R.....

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of institution	State

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:
.....
.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of bidder