

**THE NATIONAL CREDIT REGULATOR AND
NATIONAL CONSUMER TRIBUNAL**

FEBRUARY 2020

**TERMS OF REFERENCE FOR A SERVICE
PROVIDER TO SUPPLY, INSTALL AND
SUPPORT THE OF COMPUTER HARDWARE,
SOFTWARE, NETWORK INFRASTRUCTURE
AND RELATED ITEMS**

RFP NUMBER: NCR 670.02.2020

**COMPULSORY BRIEFING SESSION: 27.02.2020 AT
11H00**

@NATIONAL CONSUMER TRIBUNAL

**Ground floor, Block B
Lakefield Office Park
272 West Avenue
c/o West and Lenchen North
Centurion**

**DUE DATE: 18 MARCH 2020 AT 11H00
CAT
Hand delivery to NCR offices**

1. INTRODUCTION

The National Credit Regulator and National Consumer Tribunal have been mandated by the Department of Trade and Industry (the Dti) to implement an Information and Communications Technology platform to enable the provisions of the National Credit Amendment Act (Act no 7 of 2019) which was signed into law in August 2019 by the president of South Africa.

The purpose of this act is to provide a protection mechanism and if necessary extinguishment of debt for consumers who are classified as low income earners. By implementing this strategy the South African Government is creating an environment whereby this consumer income sector can have a “second chance” in terms of being an active economic citizen.

This request for proposal is for the acquisition of the identified Information and Communications Technology servers, memory, storage and network infrastructure to enable the NCR and NCT to have a platform on which to host the to-be developed applications software which will enable the business processes for the processing of consumer applications in line with this act.

2. Backgrounds

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.

NCR promotes a fair and non-discriminatory market place for access of consumer credit provides for the general regulation of consumer credit and improved standards of consumer information, promotes black economic empowerment and ownership within the consumer credit industry, prohibits certain unfair credit and credit-marketing practices, promotes responsible credit granting and use, and for that purpose to prohibit reckless credit granting, provides for debt re-organisation in cases of over-indebtedness, regulates credit information, provides for registration of credit bureau, credit providers and debt counselling services, establishes national norms and standards relating to consumer credit, promotes a consistent enforcement framework relating to consumer credit.

The National Consumer Tribunal (“NCT”) was established in terms of the National Credit Act, No. 34 of 2005 (the Act) in September 2006. As an independent adjudicative entity, the NCT’s mandate is to hear and decide on cases involving consumers, service providers, credit providers, debt counsellors and credit bureaux. It is also responsible for reviewing decisions made by the National Credit Regulator and the National Consumer Commission.

In pursuing this mandate, the functions of the NCT is to –

- Adjudicate on any application or referral that may be made to it in terms of the National Credit Act and Consumer Protection Act;
- Make any order provided for in these Acts regarding such an application or referral of prohibited conduct and if finding that a contravention exists, by imposing a remedy provided for in these Acts;
- Grant an order for costs in terms of these Acts;
- Exercise any other power conferred on it by these Acts.

3. PRODUCTS REQUIRED

The NCR and NCT require computer hardware, software, network infrastructure and related items as set out in the terms of reference below.

4. LEGISLATIVE FRAMEWORK OF THE BID

4.1. Tax Legislation

- 4.1.1. Bidder(s) must be compliant when submitting a proposal to the NCT and remain compliant for the entire duration of the contract with all applicable legislative prescripts, particularly the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).
- 4.1.2. It is a condition of this bid that the successful bidder should be fully tax compliant, alternatively, that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations.
- 4.1.3. The Tax Compliance status requirements are also applicable to foreign bidders / individuals who wish to submit bids.

- 4.1.4. Bidders are required to be registered on the Central Supplier Database and the bidder’s tax compliance status will be verified through the CSD.
- 4.1.5. Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

4.2. Technical Legislation and/or Standards

Bidder(s) should be cognisant of the legislation and/or standards specifically applicable to the services required.

5. TIMELINE OF THE BID PROCESS

The period of validity of Bids and the withdrawal of offers, after the closing date and time shall be **90** days. The project timeframes of this bid are set out below:

Activity	Due Date
Advertisement	24 February 2020
Briefing session/ Site inspection	27 February 2020 at 11h00am
Bid closing date	18 March 2020 at 11h00am
Award of the bid and notification of outcomes	30 April 2020

6. COMMUNICATION DETAILS

- 6.1. A nominated official of the bidder(s) can make enquiries in writing, via email to procurement@ncr.org.za. Bidder(s) must reduce all telephonic enquiries to writing and send to the abovementioned email address.
- 6.2. The delegated office of the NCR may communicate with Bidder(s) where clarity is sought in the bid proposal.
- 6.3. Any communication to an official or a person acting in an advisory capacity for the NCR in respect of the bid between the closing date and the award of the bid by the Bidder(s) is discouraged, unless it is for purposes of providing clarity in

respect of the legitimate questions pertaining to the bid. The NCR reserves the right not to answer questions which it considers to be inappropriate.

- 6.4. All communication between the Bidder(s) and the NCR must be done in writing.
- 6.5. Whilst all due care has been taken in connection with the preparation of this bid, the NCR makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current or complete. The NCR, and its employees and advisors will not be held liable for any information communicated which may not be accurate, current or complete.
- 6.6. If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the NCR (other than minor administrative matters), the Bidder(s) must promptly notify the NCR in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the NCR an opportunity to consider what corrective action to take if necessary.
- 6.7. Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by the NCR shall, if possible, be corrected and be provided to all Bidder(s) without attributing such discrepancy, ambiguity, error or inconsistency to the Bidder(s) who provided the written notice of such matters.
- 6.8. All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid or the Tendering process must keep the contents of the Bid and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

7. LATE BIDS

Bids received after the closing date and time, at the address indicated in the bid documents, shall not be accepted for consideration and where practicable, shall be returned unopened to the Bidder(s).

8. COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by Bidders or qualifying any Bid Conditions shall render such bids invalid.

9. SUPPLIER DUE DILIGENCE

The NCR reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

10. SUBMISSION OF PROPOSALS

- 10.1. All tenders must be clearly marked: "For attention: Procurement Office " with the Tender Reference number included
- 10.2. Proposals must reach the offices of the NCR before 11:00 on **18 March 2020, @11H00am** and must be enclosed in a sealed envelope which must be clearly labelled/addressed on the outside:
 - (a) **RFP No: NCR670.02.2020**
 - (b) **TERMS OF REFERENCE FOR A SERVICE PROVIDER TO SUPPLY, INSTALL AND SUPPORT THE COMPUTER HARDWARE, SOFTWARE, NETWORK INFRASTRUCTURE AND RELATED ITEMS**
 - (c) **CLOSING DATE: 18 MARCH 2020 AT 11H00AM SHARP**
 - (d) **COMPULSORY BRIEFING SESSION TO BE HELD ON 27 FEBRUARY 2020 @11H00PM**
- 10.3. Proposals are to be submitted in the marked tender box, in the reception area, National Credit Regulator, 127-15th 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**).
- 10.4. Please note that this RFP closes punctually at 11h00 on **18 March 2020**. No late submissions will be considered under any circumstances.
- 10.5. Bid documents shall only be considered when received by the NCR before the closing date and time.

10.6. Bidders are requested to **initial each page** of the tender document on the right hand side at the bottom of each page.

10.7. Validity of proposals

10.7.1. 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.

11. PRESENTATION / DEMONSTRATION

The NCR reserves the right to request presentations/demonstrations from the short- listed Bidders as part of the bid evaluation process.

12. TERMS OF REFERENCE

12.1. Purpose of the bid

The National Credit Regulator seeks to select a preferred bidder who will supply, commission and support the following hardware and software products:

Category	Name	Description	Quantity
Servers	HPE DL380 Server	Base Server with two Intel Xeon-Gold 6240 processors, 256 GB RAM and 12.8 TB Mixed Use SSD storage, as well as 25Gbps network adapter.	6
Servers housing	HPE 42U Advanced Shock Rack	A hardware rack with cooling, keyboard and display kits as well as a 11KVA power distribution unit.	1
Redundant power.	6KVA UPS	A single phase 6kVA rack mounted uninterruptable power supply with online double conversion	1
Networking	HPE FlexFabric 5945 48SFP28 8QSFP28 Switch	25Gbps networking switch with 100Gbps uplinks including sfp cables.	4
Monitoring	FortiSIEM 500F	Collection and storage of security information and events	2
Security	Fortigate200D	Next generation firewall for threat detection and prevention of external threats.	1

<u>Category</u>	<u>Name</u>	<u>Description</u>	<u>Quantity</u>
Infrastructure	Windows Server 2019 Datacentre ROK	Server software used for providing highly available services such as virtualization, storage and web applications.	14
Databases	SQL Server 2017 Standard Software Assurance license	Relational database used to store information. Licensed per CPU core	8
Development Tools	Visual Studio Enterprise license	Integrated development environment for the development of all web applications, web services and utilities to implement the system including Azure DevOps Server 2019 entitlements.	10
Security	Nessus Professional Annual license	Vulnerability scanning tool to detect vulnerabilities in infrastructure and software.	2
	Trend Micro Worry-Free Business Advanced license	Anti-virus software for protection from viruses, malware and ransomware.	50
	Trend Micro Endpoint Encryption license	Full disk encryption for development team laptops to prevent unauthorised access to data in the event of loss or theft.	10
	SSL Certificates	Used for the encryption of web traffic between the end users and the web applications and system. Wild card certificates will be used to cover multiple services with minimal cost.	10
Backup	Veeam backup and replication.	Backup software for failure recovery.	24
Support	Manage Engine Service Desk Plus	For help desk and service management with ITIL and CMDB.	20
User Interface Design	Adobe XD	For the creation and editing of graphics and icons used within the user interface of the various systems.	4

12.2. Scope of work and timing

The bidders shall provide and install the above mentioned hardware, network and software products to the satisfaction of the NCR and NCT. This will be implemented by way of the preferred provider taking the NCR and the NCT through a user acceptance test once the equipment and software is installed to our satisfaction.

The installation of the above must be supplied at the NCT offices which are the Lakefield Office Park – Ground Floor Building B, 272 West Avenue (Corner of West Avenue and Lenchen Avenue North, Centurion, Pretoria). In addition the preferred provider will be expected to enter into two 3 year support contracts one with NCR and one with NCT (two

separate contracts) , for the support and maintenance of the identified afore mentioned ICT equipment and software.

12.3. Duration of the Contract

The service warranty (support and maintenance) shall be for a **3 year period** and shall form part of a service level agreement.

13. NCR REQUIREMENTS FOR BIDDERS

13.1. The Technical Information should contain the following information:

Bidders are required to submit a detailed business proposal consisting of technical and financial information

- 13.1.1. The experience and qualifications of the personnel to be allocated to the NCR and NCT;
- 13.1.2. Provide company registration documents (if applicable), board of directors (if applicable) and management and copies of identity documents and CSD Registration Information;
- 13.1.3. Provide original or the original certified copy of BBBEE Certificate or original sworn affidavit;
- 13.1.4. Provide three (3) or more reference letters from previous clients where similar services were or are being rendered; and
- 13.1.5. Full completion of the attached SBD Forms.

14. EVALUATION AND SELECTION CRITERIA

The NCR has set minimum standards (Gates) that a bidder needs to meet in order to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

Pre-qualification Criteria (stage 1)	Technical Evaluation Criteria (Stage 2)	Price and B-BBEE Evaluation (Stage 3)
Bidders must submit all documents as outlined in paragraph 14.1 (Table 1) Below. Only bidders that comply with ALL these criteria will proceed to Stage 2.	Bidder(s) are required to achieve a minimum of 80 points out of 100 points to proceed to Stage 3 (Price and BEE).	Bidder(s) will be evaluated out of 100 points and Stage 3 will only apply to bidder(s) who have met or exceeded the threshold of 80 points.

14.1. 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

Document that must be Submitted	Guideline		Consequence of Non-submission
Invitation to Bid – SBD 1	Yes	Complete and sign the supplied pro forma document	Disqualification from process

Document that must be Submitted	Guideline		Consequence of Non-submission
Tax status SBD 2	Yes	Written confirmation that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status. Proof of Registration on the Central Supplier Database Vendor number	Disqualification from process
Declaration of Interest – SBD 4	Yes	Complete and sign the supplied pro forma document	Disqualification from process
Preference Point Claim Form – SBD 6.1	Yes	Non-submission will lead to a zero (0) score on BBEE	Zero points awarded for B-BBEE
Declaration of Bidder's Past Supply Chain Management Practices – SBD 8	Yes	Complete and sign the supplied pro forma document	Disqualification from process
Certificate of Independent Bid Determination – SBD 9	Yes	Complete and sign the supplied pro forma document	Disqualification from process
Registration on Central Supplier Database (CSD)	Yes	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.	Disqualification from process
Pricing Schedule SBD 3.1	Yes	Submit full details of the pricing proposal in a separate envelope	Disqualification from process
General terms and conditions	Yes	Bidders are required to read and accept the terms as outlined	Disqualification from process

14.2. Technical Evaluation Criteria = 100 points

Only Bidders that have met the Pre-Qualification Criteria in (13.1) will be evaluated in

14.3 for functionality. Functionality will be evaluated as follows:

- i. Functional Evaluation – Bidders will be evaluated out of 100 points and are required to achieve minimum threshold of 80 points of 100 points.
- ii. The overall score must be equal or above 80 points in order to proceed to Gate 2 (this is the assessment of price and BBEE).
- iii. As part of due diligence, the NCR may conduct a site visit at a client of the Bidder (reference) for validation of the services rendered. The choice of site will be at the NCR’s sole discretion.

14.3. Functionality evaluation criteria

The bidder’s information will be scored according to the following points system:

CRITERIA		WEIGHT
NO	TECHNICAL	POINTS
1	Company Profile/Expertise and Functionality	
	Is the bidder a partner or licensed reseller (Certification or accreditation by HP and Microsoft). Certification or accreditation by HP, is required. Certification provided should indicate the expiry date of the certificate.	10
2	Methodology/Equipment	
	All equipment should be on 3-year warranty onsite next business day warranty.	50
	Does the proposal outline what support can be provided with regards to the delivered equipment? <ul style="list-style-type: none"> • Bidders must how the technical calls will be logged through the Helpdesk or the Service desk • Bidders must provide the turn-around times for normal and emergency calls? 	
	Does the proposal conform to or better the specifications laid out? (5)	
	Does the supplier have on demand delivery capability? (10)	
	Does the bidder specify that they will install the equipment and conduct a user acceptance test? (10)	

3	Setup, configuration, testing and connection to the network	
	<ul style="list-style-type: none"> Bidders are required to provide the setup, installation and connection plan of all switches to the network. 	15
4	Financial Criteria	
	<ul style="list-style-type: none"> Did the bidder quote for the equipment requested by the NCR and NCR?. Did the bidder indicate the delivery timelines after receiving a purchase order? (5) Bidders are required to indicate any exchange rate, taxes linked to the pricing. 	15
5	References	10
	<p>Bidders must submit three contactable references.</p> <ul style="list-style-type: none"> Does the bidder provide references from clients where similar projects have been successfully conducted for the period of 1 – 3 years? The letters submitted by the bidders should be in the letter head of the client for whom the services was rendered with clear indication of the year the project was performed and associated cost for the project. The letters should contain official stamps of clients confirming work conducted and reference thereof. 	

Only bidders who have scored a minimum score of 70 points will be eligible to be evaluated on Price and BBEE.

a. B-BBEE Points allocation

- A maximum of 20 points may be allocated to a bidder for attaining their B-BBEE status level of contributor in accordance with the table outlined in SBD 6.1:
- B-BBEE 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); and
- Original certified copy of the B-BBEE Certificate.

b. Pricing

- A maximum of **80 points is allocated to the pricing on this tender**
- The bidders are required to complete SBD 3.1
- Detailed pricing must be submitted on the bidders' letter head signed by and authorised person.
- Bidders are required to indicate the price and inclusive of all applicable taxes.
- Bidders are required to indicate if prices are fixed or not, if not fixed for the full period, provide details of the basis on which adjustments will be made, for example consumer price index increase.
- Rand Dollar exchange rate must be clearly indicated.

- The Pricing Proposal must be submitted in separate sealed documents (Document 2). The document must be clearly marked "Pricing Proposals" and a detail price breakdown should be provided.

NOTES REGARDING PRICING

- I. *The rates **MUST** be all inclusive. This means, all direct and indirect related cost must be included. Note that failure to propose the rates will render the entire bid as non-responsive and will result in the bidder scoring zero out of 80 points achievable on the price criteria.*

15. GENERAL CONDITIONS OF CONTRACT (refer to separate annexure)

Any award made to a bidder under this bid is conditional, amongst others, upon –

- a. The Bidder accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which NCT is prepared to enter into a contract with the successful Bidder.
- b. The Bidder submitting the General Conditions of Contract to the NCT together with its bid, duly signed by an authorised representative of the bidder.

1. **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 PIN.
- **NB: The BEE level of the sub-contractor (if applicable) needs to be equivalent to that of the bidder.**
- CV/Resumes of the technicians, highlighting experience relevant to this exercise. Individual CVs should not exceed 3 pages along with confirmation that the proposed team members will in fact be available to undertake this exercise at the appropriate time.
- Work plan, showing tasks, timelines etc.
- 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 3.3 attached.