

THE NATIONAL CREDIT REGULATOR

MAY 2021

**TERMS OF REFERENCE (TOR) TO APPOINT A
SERVICE PROVIDER TO SUPPLY OF DIGITAL
SIGNATURE SOLUTION**

RFP NUMBER: NCR760.05.2021

**DUE DATE: 28 JUNE 2021 AT 11H00 CAT
HAND DELIVERY TO NCR OFFICES**

SECTION 1

GENERAL TERMS OF CONDITIONS

1. General Information for Bidders

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

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

1.1. General Terms

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

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

1.2. The Proposal Format

1.2.1. Economy of proposal preparation

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

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

1.2.2. Validity of proposals

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

1.2.3. Number of proposals

Each bid participant must provide **three (3) hard copies and 1 CD/Stick** of their entire proposal,

including all the documentation referred to in 4 below, in the format specified in that section. All submitted proposals will become the property of the NCR, and will not be returned. Receipt of all proposals will be recorded in a register at the point of receipt. One copy of the proposal must be signed and dated in black ink by the bidder or authorized representative of the bidder and initialled on each page.

2. Submission of proposals

2.1. Proposals must reach the offices of the NCR before **11:00 on 28 June 2021, @11H00am** and must be enclosed in a sealed envelope which must be clearly labelled/addressed on the outside:

(a) RFP No: NCR 766.05.2021

(b) TERMS OF REFERENCE (TOR) TO APPOINT A SERVICE PROVIDER TO SUPPLY OF DIGITAL SIGNATURE SOLUTION

(c) CLOSING DATE: 28 June 2021 AT 11H00 SHARP

2.2. 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).

2.3. Please note that this RFP closes punctually at 11h00 on **28 June 2021**. No late submissions will be considered under any circumstances.

2.4. All the documentation referred to in Section 4 below must be submitted. Failure to submit all the documentation referred to in this section may result in a submission being discarded, and not considered for evaluation.

2.5. If responses are not delivered as stipulated in this Section 2.1, such responses will be considered “late”, and will not be considered for evaluation.

2.6. The NCR shall not disclose any details pertaining to the responses received, to any other participant, as this is regarded as confidential information.

2.7. Envelopes must not contain documents relating to any RFP other than the one referred to in this RFP.

2.8. The responses to the RFP will be opened as soon as is practical after the expiry of the time advertised for receiving them.

2.9. Only the participants that are short-listed after the evaluation process will be informed of the results of the submission adjudication process.

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

3. Timetable

Date	Activity
02/06/2021	Advertisement of the RFP
28/06/2021	Closing date @ 11h00
02/07/2021	Preliminary evaluation
07/07/2021	Evaluations by the Evaluation Committee
22/07/2021	Adjudication Committee meeting
30/07/2021	Appointment

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

4. Documentation to be submitted

Please Note

All of the documentation described below must be submitted, with no omissions whatsoever. Where a particular form or format of documentation is stipulated, this is the only form or format in which these documents must be submitted. Failure to adhere to these requirements may result in the rejection of the entire submission.

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

4.1. Table of content

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

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

One – Proposal drafted in response to Terms of Reference

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

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

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

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

4.3. Two – Pricing Proposal- SEPERATE ENVELOPE

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

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

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

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

4.4. Three – General Conditions and Procedures of the NCR

Annexure B and B1 - General Conditions and Procedures of the NCR. Bid participants must indicate clearly that they have read this document, and have no objections to being bound by its contents. In cases where any provisions of the General Conditions and Procedures conflict with this

General Information for Bidders and/or Terms of Reference, the latter will take precedence over the General Conditions of Contract.

4.5. Four – Contract Form: Rendering of Services

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

4.6. Five – Tax status

Annexure D - Please attach CSD showing Tax status

A CSD print out must also be attached.

4.7. Six – Preference Points Claim Form

Annexure E – form SBD 6.1. Bid participants must complete Sections 8 and 9 in full. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected. *## Please note that a **BBEE certificate/ sworn affidavit** must also be attached to the bid documents. None submission will result in zero scoring in this competitive bidding process*

4.8. Seven – Declaration of Interest

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

4.9. Eight – Declaration of past Supply Chain Management Practices

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

4.10. Nine – Non-Disclosure Agreement

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

4.11. Ten – Certificate of Independent Bid Determination

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

4.12. Eleven – SLA draft version for supplier review

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

5. Evaluation Criteria

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

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

Functionality will be evaluated in terms of Section 2 point 10

6. Conflict of interest

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

7. Confidentiality agreement

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

8. Contact details

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

SECTION 2

TERMS OF REFERENCE FOR THE SUPPLY OF DIGITAL SIGNATURE SOLUTION

1. Introduction

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

2. Background of the project

The NCR uses a paper-based handwritten signature to sign and approve documents on day to day business operations. A digital signature solution is needed to enable the NCR signatories to sign documents digitally in order to facilitate and enhance social distancing and remote working. The solution must be secured and also provide audit trail of who viewed, edited (amended), rejected or approved and signed the document.

3. The scope of work is as follows:

The scope of work by the bidder is as follows:

- Provide the software for the implementation of the digital signature.
- Supply the NCR with 100 annual licenses for 100 users renewable annually. **(The 3 year licenses for the software must be renewable annually for a period of 3 years and the service provider to provide the NCR with the licensing invoices annually until the contract expires).**
- Install and Configure a Digital Signature Solution (for 100 users) including a Trust Centre Digital Certificates (Class 4 for 100 users).
- Provide the technical solution, architecture and operational documentation (design, implementation and administrative guidelines and user manuals for the solution).
- Integration with MS Office products such as MS Word, Excel, PowerPoint, as well as Adobe pdf documents.
- Install the software on the server(s) to enable the functionality of the software. (The supply, installation and configuration must be completed within three (2) months from the date of last signature on the Service Level Agreement).
- Implement the solution on all users authorized for digital signature. **(The list of users will be provided to the winning bidder).**

- Ensure proper functionality of the software solution on all users by performing testing of the solution with all users to use the digital signature.
- Provide and implement security features and all relevant security controls for the solution. **(This includes any digital certificates, configurations required for the solution to function properly).**
- Provide technical maintenance and support (helpdesk and administrative support, including upgrades) for the solution for a period of 3 years.
- Provide training session of all users of the solution. **(The list of the users for the solution will be provided to the winning bidder).**

4. Solution functional requirements

- The solution must be able to retrieve the current date and time from a central, trusted source such as the server or a timestamp authority.
- The solution must have the ability to ensure that documents are routed to the right people and reroute a document back to the originator who would have the source document.
- The solution must allow user validation through password protection and other identity mechanisms.
- The solution must be able to synchronise with any security protocols for user digital key management.
- The solution must be able to verify that the signatory's certificates has not been modified or revoked upon signature verification and that the signatory's certificate was valid at the time of signing.
- The solution must provide a signature certificate(s) that has court-admissible validity data in line with the requirements of the digital Communication and Transaction Act of South Africa.
- The solution must be able to sign the Microsoft Word, Microsoft Excel file, Microsoft PowerPoint, Adobe Reader file formats.
- The solution must be able to sign the Microsoft Office Standard 2010 and latest technology file formats.
- The solution must provide a unique signature for each user.
- The solution must allow a user to embed a digital signature anywhere directly into the document.
- The solution must allow multiple page signatures to be placed into a document if such is required.
- The solution must not allow a document to be edited once a document has been signed by all signatories, but must allow the capability to insert comments on completed signed document.

- The solution must automatically detect modifications to documents after the document was signed. Documents that have been changed or altered must be invalidated.
- The solution must automatically embed certificate data to support long-term validation.
- The solution must automatically detect modifications to documents after the document was signed. Documents that have been changed or altered must be invalidated.
- The solution must keep an audit trail of every action in a document and ensure the audit trail is logged and secured.
- The solution must validate all signatures, confirming the identity of everyone who signed the document.
- The solution must provide encrypted copy protection and certificates/signatures, which makes it impossible to copy, cut and paste signatures into other documents.
- The solution must provide customised security level specifications that provide complete control over documents.
- The solution must provide the option to convert the document to PDF-format.
- The solution must work on the Microsoft Windows 7 and later Microsoft operating systems.
- The solution must allow users to sign documents using the Android mobile device and Apple iOS mobile devices.
- The solution must be implementable as an on premise managed (currently) and will be required on cloud (Office 365) deployment as an when the NCR requires such deployment.
- Users should be able to use the digital signature solution from their mobile devices such as laptops, tablets and cellphones.
- The solution should be able to collect multiple signatures and add multiple page signatures to a document at once.
- The solution must verify the recipient of the document to be signed.
- The solution must have the capability to create / add a new signature(s) to a document and to perform batch signing of different documents at once.
- Apply security to a document to prevent it from being changed after it was signed and to prevent the document signature from being used elsewhere.
- Encrypt documents / signatures.

5. The functional criteria will be evaluated based on the following:

<p>1. Provision of software and license</p>	
<p>Bidders must provide the software for the solution, digital certificates, and the licenses for the software renewable annually for 3 years.</p> <ul style="list-style-type: none"> • The bidder provided the software, digital certificates and licenses for the solution renewable annually for 3 years.= (5) • The bidder did not provide the software for the solution, provided digital certificates and licenses for the software renewable annually for 3 years. = (4) • The bidder did not provide the software for the solution, did not provide digital certificates but provided licenses for the software renewable annually for 3 years. = (3) • The bidder did not provide the software for the solution, digital certificates, provide licenses for the software but specified that the software is renewable annually for 3 years. = (2) • The bidder did not provide the software for the solution, digital certificates, provide licenses for the software and did not provide for the renewable annually of software for 3 years. = (1) 	<p>10</p>
<p>2. References:</p>	
<ul style="list-style-type: none"> • Did the bidder provide a minimum of 3 references and their contact details for similar previous services provided for a minimum of 3 years? <ul style="list-style-type: none"> - Bidder provided more than 3 references, their contact details for similar previous services provided and more than 3 years' experience = (5) - Bidder provided 3 references, their contact details for similar previous services provided and minimum of 3 years' experience = (4) - Bidder provided less than 3 references, their contact details for similar previous services provided and less than 3 years' experience = (3) - Bidder provided less than 2 references, their contact details for similar previous services provided and less than 2 years' experience = (2) - Bidder provided no references, no contact details for similar previous services provided and have less than 1-year experience = (1) 	<p>10</p>

3. Proposed approach / methodology, project plan with milestones of each of the scope of work with timelines	
<ul style="list-style-type: none"> - Does the proposal provide methodologies, project plan including milestones, timelines of each aspect of the scope of work, output and critical steps required for the completion of the project? <ul style="list-style-type: none"> - Bidder provided the methodology, project plan with milestones, timelines of each of the scope of work, output and outlined critical steps required for the completion of the project. = (5). - Bidder provided project plan with milestones, timelines for each aspect of the scope of work, output and outlined the critical steps required for the completion of the project = (4). - Bidder provided the scope of work with timelines, output of the project and critical steps required for the completion of the project but did not provide (methodology, project plan, milestones) = (3). - Bidder provided only critical steps required for the completion of the project and output only. = (2). - Bidder did not provide (methodology, project plan with milestones, timelines for each of the scope of work and did not outline the output and critical steps required for the completion of the project) = (1). 	30
4. Technical support and maintenance of the solution	10
<ul style="list-style-type: none"> • Bidders are required to provide technical support, maintenance of the solution for 3 years, technical helpdesk, upgrades and patches of the software for the solution. <ul style="list-style-type: none"> - The bidder provided for technical support, maintenance of the solution for 3 years, technical helpdesk to log calls, provided how upgrades and patches of the software for the solution will be provided as well as value adds for the solution. = (5) - The bidder provided for technical support, maintenance of the solution for 3 years, technical helpdesk to log calls, provided how upgrades and patches of the software for the solution. = (4). - The bidder provided for technical support, maintenance of the solution for 3 years, technical helpdesk to log calls. = (3) - The bidder provided for technical support, maintenance of the solution for 3 years. = (2) 	

<ul style="list-style-type: none"> - The bidder did not provide for (technical support, maintenance of the solution for 3 years, technical helpdesk to log calls, provided how upgrades and patches of the software for the solution will be provided as well as value adds for the solution). = (1) 	
<p>5. Provision and indication of internal capacity.</p>	
<ul style="list-style-type: none"> • Proposal should clearly indicate whether or not bid participants have the internal capacity to meet the requirements of the TOR. • The bidder must give an indication of the proposed team, • Submit brief CV of each member, including the Project Team leader • The Project Team leader must have at least a minimum of 5 years’ experience in the similar project. • Team members must have a minimum of 3years’ in the implementation of the digital signature solution in the government and/or public sector. <ul style="list-style-type: none"> - The bidder submitted brief CV of team leader with more than 5 years’ experience, brief CVs of each team member with more than 3 years’ experience in implementation of the digital signature solution in the government and/or public sector. = (5). - The bidder submitted brief CV of team leader with 5 years’ experience, brief CVs of each team member with a minimum of 3 years’ experience in implementation of the digital signature solution in the government and/or public sector. = (4). - The bidder submitted brief CV of team leader with less than 5years experience, brief CVs of each team member with less than 3 years’ experience in in implementation of the digital signature solution in the government and/or public sector. = (3). - The bidder submitted brief CV of team leader with less than 4 years’ experience, brief in implementation of the digital signature solution in the government and/or public sector. = (2). - The bidder submitted brief CV of team leader with less than 3years experience, brief CVs of each team member with less than 1 years’ experience in implementation of the digital signature solution in the government and/or public sector. = (1). 	20
<p>6. Training ICT personnel, all users of the solution and provision of user manuals</p>	

<ul style="list-style-type: none"> • Bidders are required plan sessions on how to provide for the training of all users of the solution • And further provide separate training session of all ICT personnel who will be supporting the solution. • Provide user manuals for the solution <ul style="list-style-type: none"> - The bidder provided for the sessions of user training, ICT personnel training, user manuals and other relevant documentation. = (5). - The bidder provided for the sessions of user training, ICT personnel training and user manuals. = (4). - The bidder provided for the sessions of all user training, ICT personnel training. = (3). - The bidder provided for the sessions of all user training. = (2) - The bidder did not provide (for the sessions of user training, ICT personnel training, user manuals and other relevant documentation). = (1) 	10
7. Financial criteria	
<ul style="list-style-type: none"> • Did the bidder quote for licenses, digital certificates and all services as per the scope of work required by the NCR in terms of pricing schedule provided? • Is there cost-benefit/value-adds criteria provided with the proposal? <ul style="list-style-type: none"> - The bidder quoted for all services required by the NCR. Provide the pricing schedule as well as cost benefit/value- adds for the project = (5). - The bidder quoted for some of the services required by the NCR, provided the pricing schedule as well as cost benefit/value-adds for the project = (4). - The bidder quoted for some of the services required by the NCR but did not provide the pricing schedule = (3). - The bidder quoted for some of the services required by the NCR but did not provide the pricing schedule as well as the cost benefit/value-adds for the project = (2). - The bidder did not provide a quote for services required by the NCR, did not provide cost benefit/value-adds = (1). 	10
TOTAL	100

Bidders will need a minimum of 70 points to be qualified for price and BBBEE.

Additional information/documents to be submitted

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

-----End-----