



inseta

INSURANCE SECTOR EDUCATION
AND TRAINING AUTHORITY

EMPOWERED TO **INFLUENCE** AND **INSPIRE!**

TERMS OF REFERENCE

DESCRIPTION

BID NUMBER: TENDER-INS/2022/01013

BID DESCRIPTION – APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE A BOARD PORTAL SOFTWARE SOLUTION TO INSETA FOR A PERIOD OF THREE (3) YEARS.

1. BACKGROUND

- 1.1 The Insurance Sector Education and Training Authority (INSETA) is a public entity listed in schedule 3A of the PFMA and was established in March 2000. The INSETA must, in accordance with any prescribed requirements to perform in accordance with the Skills Development Act (SDA), the Skills Development Levies Act (SDLA), the Public Finance Management Act (PFMA), any other relevant legislation and the Constitution.
- 1.2 Therefore, the INSETA requires the services of a suitability qualified service provider to provide a Board Portal Software Solution for a period of three (3) years.

2. SCOPE OF WORK

- 2.1 The Board Portal Software Solution must be able to fully facilitate the electronic distribution of Board meeting packs to official INSETA devices. The solution should also be able to ease the logistics of compiling the packs and improve overall governance within INSETA.
- 2.2 The bidder is expected to provide INSETA with the following:
- Access for 26 users (made up Executive and non-Executive directors and the Board secretarial services).
 - Training immediately after deployment for users.

3 DELIVERABLES

3.1 The Board Portal Solution must provide the following capabilities/ functionalities:

3.1.1 Central Administration for:

- Creating/updating multiple committees as well as adding/removing committee members for each committee.
- Must be accessible from any location and should support strong security features such as encryption or two-phase authentications.
- System must be capable of providing enhanced security tools like remote locking and encryption.
- Remote wiping of information.
- Security of access (Complex passwords).
- The technology should cater for users on mobile platforms, cloud capabilities and should also support most modern web browsers.
- Ability to create virtual rooms (groups and sub-groups) for board committees or smaller groups to allow secure collaboration before and after meetings.

3.1.2 Creating/updating meetings:

- a) Meeting name / description.
- b) Date of meeting.
- c) Invitees (required / optional).
- d) Documents required for submission (date required and from who).
- e) Sending reminders for documents required.
- f) Attachments to the meetings (agenda, minutes, reports etc.) – available to invitees on all platforms (specified in paragraph)
- g) Push notifications to invitees on any meeting updates; and
- h) Integration to Outlook/ mail to schedule meetings and invite attendees.
- i) Ability to customise data classification (sensitive, secret, confidential, etc.)
- j) Customizable permissions for data access can be personalized down to the document-level and user level to improve privacy and security.
- k) Provision for editing with applicable user tracking.

3.1.3 Meeting Calendar Report

- a) Ability to generate a calendar with all scheduled meetings (past and future), either for a specific committee or all committees.
- b) Document Annotation and saving capability of annotations.
- c) Committee members should be able to comment on meeting documents.
- d) Data protection/restrictions (disabling of printing and sharing of documents/information).
- e) The system should allow Board members to use its functions and content both online and offline and provide Board members with full access to minutes and resolutions.
- f) Digital signatures (Sign on Glass) for specific documents by committee members. Ability to collect electronic signatures on documents for compliance in secured manner.

3.1.4 Board Secretary should be able to draw a report on all comments made based on the following criteria:

- a) Specific committee.
- b) Specific document.
- c) Specific member.
- d) Specific date range.
- e) Document Versioning.
- f) Document Approval.
- g) Document Encryption (both at rest and during transfer).
- h) Pin/Password Protection of Documents.
- i) Secure/Confidential Distribution of Documents; and
- j) Integration with Microsoft Active Directory for user authentication (single sign on where applicable).

3.1.5 Accessible on the following platforms:

- a) iOS (an operating system used for mobile devices manufactured by Apple Inc.), Android (an open-source operating system (OS) used for smartphones and tablet computers).
- b) Web based and Mobile App via login.
- c) Capacity to handle multiple logins from multiple devices.
- d) Ability to update features continuously

3.1.6 Voting

- a) Voting on Resolutions available to invitees on all platforms.
- b) Votes with or without Wi-Fi/ Data.
- c) Voting option should be customisable for each vote (e.g., Yes/No).
- d) Approve / Reject, Recommend / Reject etc.).
- e) The Votes should be archived onto the system indefinitely.
- f) Administrators should be able to draw reports from the system on voting results per voting matter.
- g) Administrators should be able to send reminders to members who have not voted
- h) Discussion Forum for Committee Members to discuss topics. The discussion forum history needs to be available for audit reporting purposes.
- i) Solution should allow for meta data search through all current and historic documents.
- j) All user actions on the solution should be stored for audit reporting purposes.
- k) All previous meeting documents (agendas, minutes, resolutions etc.) would need to be loaded to the new system as part of this project.

4 TIMEFRAMES

4.1 The duration of the contract will be for period of **three (3) years**.

5 CONTRACTUAL OBLIGATION

5.1 Bidders to fully complete SBD 3.1 including all applicable **costs including VAT, with a fixed total price including all applicable licences and maintenance and support for the duration of the contract.**

5.2 In the case of the service provider using sub-contractors, the former will be responsible for ensuring delivery of services from any such sub-contractors and for making any payments to such sub-contractors.

5.3 **Bidder will be subjected to annual review in terms of measuring satisfactory performance.**

5.4 The successful bidder will be required to have adequate professional indemnity as well as liability insurance in place (**upon parties contracting**).

5.5 Bidders are required to fully comply with the relevant SCM Legislative Framework as well as application of regulatory and prescripts. Bidders are also required to take all reasonable steps to protect information, in line with the provisions of the POPIA 4 of 2014.

6 ABSENCE OF OBLIGATION & CONFIDENTIALITY

- 6.1 No legal or other obligation shall arise between the service provider and INSETA unless/until both parties have signed a formal contract or Service Level Agreement in place.
- 6.2 The Contract site is at **INSETA (as and when required)**.

7 WORKMEN AND SUPERVISION ON SITE

- 7.1 The service provider shall be held responsible for the conduct of his employees and the conduct of his sub-contractor's employees for the full duration of the contract.

8 PREQUALIFICATION CRITERIA (Phase 1)

- 8.1 Proof of registration on CSD (**Central Supplier Database**)
- 8.2 Submission of a complete, sign and submit and **Standard Bid Document (SBD) 4 – Bidder disclosure**.
Bidder must be BBBEE Level 1 or Level 2 contributor (EME or QSE) no Generic companies will be considered. Bidder must provide a valid BBBEE Certificate (accredited by SANAS only) or Sworn Affidavit (in as prescribed or CIPC or DTI template). **Note: All bidders who do not comply with the items listed above will be disqualified.**

9 MANDATORY CRITERIA (Phase 2)

- 9.1 INSETA seeks proof of compliance with the following valid registrations:
- 9.1.1 Proof of original software developer **or**
 - 9.1.2 Proof of authorised distributor rights (in South Africa) from the Original Software Developer **or**
 - 9.1.3 Proof of reseller rights (in South Africa) from the Authorised distributor.

Note: All bidders who do not comply with the items listed above will be disqualified.

10 EVALUATION CRITERIA

- 10.1 Responses will be evaluated using a predetermined set of evaluation criteria. The evaluation criteria is designed to reflect the INSETA's requirements in terms of identifying a suitable service provider and ensure the selection process is transparent and affords all the bidders a fair opportunity for evaluation and selection.

10.2 Functional Evaluation threshold (Phase 3)

- 10.2.1 The tender submission will be functionally evaluated out of a **minimum of 100 points on Phase 3A – any bidder who scores less than 70** will not be considered for further evaluation (Phase 3B).
- 10.2.2 Should the bidder meet the requirements on **Phase 3A**, they will be required to present their Board Portal Software solution for INSETA’s consideration as **Phase 3B** of evaluations and will be evaluated out of **25 points**.

Phase 3A

| Category | Description | Weight |
|---|---|-----------|
| Capacity and Experience of the service provider: | <p>The bidder must demonstrate that they have the capacity to render the required service. Proof of experience of entity in supplying the same solution. The bidder must provide a minimum of three (3) references from the public institution confirming implementation of a Board Portal Solution.</p> <ul style="list-style-type: none"> • A minimum of 3 letters provided= 30 points • 4-5 letters provided= 40 points <p>Non-compliance with the minimum requirement = 0 points Due diligence will be conducted against reference letters submitted</p> | 40 |
| Project implementation Plan | <p>The bidder must provide a project implementation plan which details how the solution will be carried out for implementation. <i>clear time frames, skills, training of end users and resources utilised to deliver proposed solution.</i></p> <p>Project implementation plan must include the following (but not limited to) = 10 points</p> <ul style="list-style-type: none"> • Initiation • Clear time frames, • Resources, • Testing • Onboarding and training of end users • Feedback and close out report <p>Non-compliance to any and all of the above = 0 points</p> | 10 |
| Customer Service and support proposal | <p>Bidder required to provide a workflow incident report diagram offering monitoring, and draft maintenance support plan.</p> <ul style="list-style-type: none"> • Workflow incident report monitoring and <i>weekday draft service maintenance support plan for the duration of the contract</i> = 40 points • Workflow incident report monitoring and <i>24/7 draft service maintenance support plan for the duration of the contract</i> = 50 points <p>Non-compliance with all of the above information = 0 points</p> | 50 |

| | |
|--------------|------------|
| TOTAL | 100 |
|--------------|------------|

10.2.3 Bidder/s who meet the above mentioned minimum threshold of **70 out of 100 points**, qualify for further evaluation on **phase 3B**. Successful bidder/s will be notified and given 24 hours' notice for the presentation.

10.2.4 Bidder/s are required to present their Board Portal Software Solution for INSETA's consideration and will be evaluated **out of 25 points**.

Phase 3B

| Category | Description | Weight |
|--|---|-----------|
| Presentation of board portal solution | <p>The board portal solution presentation must be fully aligned to the requirements listed below:</p> <ul style="list-style-type: none"> • Central Administration • Creating and updating meetings • Meeting Calendar Report and applicable reports • Accessibility (web-based against the following applications: Windows, Apple, Android) • Voting procedure (voting, archiving, voting reports, reject or acceptance), including an audit trail <p>(5 points against each element listed in section 3 of the bid document) = 25</p> <p>Non-compliance with all the above information = 0 points</p> | 25 |
| Total | | 25 |

10.2.5 Bidders are required to pass the minimum threshold of **25 points** on the functional criteria (presentation – **phase 3B**) in order to be considered for the final **phase 4** which is price and BBBEE.

10.2.6 Bidders who score less than **25 points** will not be considered for the final phase, thus be disqualified, and will be declared non-responsive and therefore will not be eligible for **evaluation of BBBEE & Price Preference**.

10.3 Preference Evaluation (Phase 4)

10.3.1 BBBEE and Price

As the tender **price is estimated to be between R30 000 and R50 million including VAT**, the tender responses will be evaluated on the **80/20**-point system.

Board Members: Mr. J.S. Ngubane (Chairperson), Ms. V. Pearson (Organised Employer), Ms. L. van der Merwe (Organised Employer), Ms. R.G. Govender (Organised Employer), Ms. P. Mendes (Organised Employer), Ms. Z. Motsa (Organised Employer), Mr. K.A.A. Sungay (Organised Employer), Mr. M. Soobramoney (Organised Labour), Mr. J.J.M. Mabena (Organised Labour), Ms. S.A. Anders (Organised Labour), Mr. C.B. Botha (Organised Labour), Ms. S.T. Dinyake (Organised Labour), Ms. N.B. Jonas (Organised Labour), Ms. F. Mabaso (Professional Bodies), Mr. S.M. Mpuru (Professional Bodies)

CEO: Ms. G. Mkhize

11. ADJUDICATION USING A POINT SYSTEM

- 11.1 The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.
- 11.2 Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 11.3 In the event that two or more bids have scored equal points in terms of price and preference points for BBBEE, the successful bid must be the one scoring the highest number of preference points for BBBEE - in terms of PPPFA Act 5 of 2000.
- 11.4 However, when functionality is part of the evaluation process and two or more bids have scored equal points for BBBEE, the successful bid must be the one scoring the highest score for functionality.
- 11.5 Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

12 POINTS AWARDED FOR PRICE AND BBBEE PREFERENCE POINT

The **80/20** preference point system

A maximum of **80** points is allocated for price on the following basis:

$$P_s = 80 \{1 - (P_t - P_{\min})\}$$

P_{\min}

Where:

P_s = Points scored for comparative price of bid under Consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

13 B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

| B-BBEE Status Level of contributor | Number of points 80/20 system |
|------------------------------------|-------------------------------|
| 1 | 20 |
| 2 | 18 |
| 3 | 14 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |
| Non-compliant contributor | 0 |

- 13.1 Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information constitutes a criminal offence.
- 13.2 Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by SANAS.
- 13.3 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

14.4 Consortium

- 14.4.1. A consortium is an association of two or more individuals, companies, organisations or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.
- 14.4.2. A consortium requires that each participant retains its separate legal status and the consortium's control over each participant is generally limited to activities involving the joint endeavour, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.
- 14.4.3. In a consortium, only the lead bidder's credentials both in terms of financial and technical qualifications are considered. Therefore, the interpretation and application to a RFQ/Bid process is such that the lead partner is identified and the following requirements are required as follows:
- a) Lead Partner**
- All administrative documents (consortium agreement between the lead partner and the partner)

- Technical requirements (which will show in the proposal and other requirements why the need for the consortium, which for all intent and purpose fulfils the requirements of the bid through combination of skills)

b) Partner

- Proof of CSD registration.
- Tax Pin.
- BBBEE Sworn-Affidavit.
- SBD 4

14.4.4. It should be taken into cognisance that although the lead partner is the qualifying entity, the partner should prove that it can do business with state-owned entities, through CSD registration, proof that the taxes are compliant, its level of BBBEE status in order to align with the BBBEE status level required by the BID, declare interest and answer questions that it is not a disqualified entity with the National Treasury. The foregoing ensures compliance from an SCM process perspective that the consortium is in order.

14.4.5. Of importance is that in a consortium, each individual team members retain their identities.

14.5 A joint venture

14.5.1. A joint venture is a business entity created by two or more parties, generally characterized by shared ownership, returns and risks and shared governance.

14.5 Unincorporated joint venture:

14.5.1. All SCM documents are filled in by the joint venture in the name of the joint venture, although the submission of administrative documents (partnership agreement between parties) will be completed in the name of the joint venture, and the following will be required from both parties, amongst others

- a) SBD 4
- b) SBD 6
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

14.6 Incorporated joint venture

14.6.1. This aligned to a registered entity or company. A registered entity/ company with a consolidated BBBEE certificate and a bank account in the name of the Joint venture. The required compliance documents must be complete by the entity/ company the name of the joint venture, and the following will be required amongst others

- a) SBD 4
- b) SBD 6
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

14.6.2. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.

14.7 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

15. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of INSETA in respect of BID process, between the closing date and the date of the award of the business.

All enquiries relating to this BID should be emailed **three days before the closing date.**

16. CONDITIONS TO BE OBSERVED WHEN BIDDING

16.1 The organization does not bind itself to accept the lowest or any BID, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of his BID submission. The organization also reserves the right to withdraw or cancel the BID at any stage. No BID shall be deemed to have been accepted unless and until a formal contract / letter of award is prepared and executed. The competitive shall remain open for acceptance by the Organization for a period of **120 days** from the closing date of the BID Enquiry.

INSETA reserves the right to:

16.2 Not evaluate and award a bid that do not comply strictly with this BID document.

16.3 Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the terms of reference.

16.4 Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the BID shall be sought, offered or permitted.

16.5 Cancel this BID at any time as prescribed in the PPPFA.

16.6 Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the cost effectiveness and the principal of value for money not necessarily on the basis of the lowest costs.

17 COST OF BIDDING

17.1 The bidder shall bear all costs and expenses associated with preparation and submission of its BID submission and the INSETA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

18 NOTE TO BIDDERS:

18.1 Due diligence to be conducted by INSETA prior to the award of the contract.

END OF TERMS OF REFERENCE DOCUMENT