



NATIONAL CONSUMER COMMISSION

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## TERMS OF REFERENCE

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**BIDDERS ARE HEREBY INVITED TO SUBMIT BIDS IN RESPECT OF THE FOLLOWING SERVICE FOR THE  
NATIONAL CONSUMER COMMISSION:**

**PROVISION OF THE WEB APPLICATION FIREWALL (WAF), IMPLEMENTATION, TRAINING AND  
SUPPORT FOR (24) MONTHS**

**Reference: NCC/ 03/2023/2024**

**Date issued: 11 January 2024**

**Closing date and time: 02 February 2024 @11am**

**Bid validity period: 90 days after closing date.**

**ADDRESS:**

**National Consumer Commission**

**SABS Campus, Building C,**

**1 Dr Lategan Road,**

**Groenkloof,**

**Pretoria**

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## 1. PURPOSE

To request proposals for the provision of the Web Application Firewall (WAF), implementation, training of NCC ICT resources, support and maintenance for (24) months.

## 2. BACKGROUND

- 2.1. The National Consumer Commission (NCC), herein referred to as the Commission, is a juristic person established in terms of section 85 of the Consumer Protection Act; No 68 of 2008 ("Act"), as an organ of the state within the public administration but as an institution outside the public service. The NCC has been operational since 1 April 2011. The main objective of the NCC is to, amongst other things, promote and advance the social and economic welfare of consumers in South Africa by: -
- 2.1.1. Establishing a legal framework for the achievement of a consumer market that is fair, accessible, efficient, sustainable, and responsible.
  - 2.1.2. Reducing and ameliorating any disadvantages experienced by vulnerable consumers in accessing goods or services.
  - 2.1.3. Promoting fair business practices & protecting consumers from improper conduct.
  - 2.1.4. Improving consumer awareness and encouraging choice.
  - 2.1.5. Promoting consumer confidence and empowerment.
  - 2.1.6. Providing a consistent, accessible, and efficient system of consensual resolution of disputes; and
  - 2.1.7. Providing an accessible, consistent, harmonized, effective, and efficient system of redress for consumers.
- 2.2. The NCC has about 100 employees and operates from a head office within the SABS premises. There are no regional offices, however, the NCC supports a hybrid working environment where there is a rotation base system to work at home or in the office.

### 2.3. NCC's current ICT Backend Infrastructure

The current NCC ICT infrastructure and systems comprise at least of:

#### 2.3.1. ICT backend infrastructure:

- 2.3.1.1. Two fail-over and load-balancing 100Mbps WAN links,
- 2.3.1.2. Four Hyper-Converged Infrastructure servers (Hewlett-Packard Enterprise (HPE) servers)
- 2.3.1.3. One HPE Backup and Management Server
- 2.3.1.4. One HPE Tape Library,
- 2.3.1.5. Two Cisco ISR 4461 routers and two 48-port Cisco Catalyst 9500 core switches,
- 2.3.1.6. Information security solutions (Fortigate Firewall, Forti Analyser, GFI LAN Guard, Symantec Antivirus (Datacentre Cloud Security).
- 2.3.1.7. Disaster Recovery as a service through a government entity (based on the outcome of this project, the NCC may relook at its ICT DR needs)

#### 2.3.2. Line of business systems

Line of business systems are hosted on-premises and include at least:

- 2.3.2.1. Sage 300 ERP
- 2.3.2.2. VIP (to be upgraded to Sage 300 People)
- 2.3.2.3. Opt-Out Registry System (critical business system to be used nationally by all consumers and direct marketers)
- 2.3.2.4. Hybrid email system (Office 365 and on-premises Exchange)
- 2.3.2.5. ATOS OpenScape contact centre system (to be upgraded to a cloud-hosted system)

**3. BUSINESS DRIVER FOR PROCURING A WAF-AS-A-SERVICE**

3.1. The NCC is on the digital transformation path to improve its business operations to serve the South African Public easier, better, and faster.

3.2. New systems such as the eServices for complaints handling and the National Opt-out Registry are being introduced. These systems will process a significant amount of personal information for all the members of the Public who interact with the NCC. As a result, issues of Information Security are of paramount importance to maintain compliance with privacy regulations such as POPIA and to ensure the NCC information assets are properly safeguarded.

**4. SCOPE OF WORK**

Provide WAF-AS-A-SERVICE to the NCC for 24 months. The services to cover at least the following areas with expected deliverables:

Focus area	Scope	Deliverable
1	Provision and implementation of a WAF-AS-A-SERVICE solution.	a. Configuration and implementation on an unmetered WAF-AS-A-SERVICE for <a href="https://eService.thencc.org.za">https://eService.thencc.org.za</a>
2	Skills transfer and training of the NCC ICT Personnel (Once-off)	a. Training of ICT administrators (3 -5 personnel) by the service provider on how to manage the solution. b. Access to product documentation and online training with certification(s).
3	Support and maintenance (24 months)	a. Support on time and material basis to the value of 120 support hours per year. b. Monthly reporting c. Attending monthly SLA meetings online
4	Data Residency and Redundancy Requirements	a. Minimum two datacentre within South Africa b. Minimum of 99.99% availability
5	Minimum solution feature set	a. Unmetered DDOS attack prevention b. Brute force protection c. Bot Protection/ Machine learning d. No bandwidth limitation e. OWASP Top 10 Protection f. Zero Day Attack Protection g. Geo-IP and Threat Intelligence h. API protection i. Antivirus for file uploads j. Data Leakage protection k. Risk-based attack detection l. Quick deployment
6	Services continuity	a. Back-to-back agreement with the OEM to mitigate a risks of service

		outages should a reseller goes out of business
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## 5. SPECIAL CONDITIONS

### 5.1. National Consumer Commission Reserves the Right:

- 5.1.1. To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s).
- 5.1.2. To accept part of a tender rather than the whole tender.
- 5.1.3. To contact references provided by the bidders.
- 5.1.4. To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after proposals have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.

## 6. EVALUATION CRITERIA

The NCC will evaluate all proposals in terms of the Preferential Procurement Policy Framework Act. No.5 of 2000 (PPPFA). A copy of the PPPFA regulations can be downloaded from [www.treasury.gov.za](http://www.treasury.gov.za). In accordance with the PPPFA, submissions will be adjudicated on 80/20 points system and the evaluation criteria.

The NCC has set minimum standards, referred to as phases that a bidder needs to meet to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

Pre-qualification Criteria (Phase 1)	Technical Evaluation Criteria (Phase 2)	Price and Preference Points Evaluation (Phase 3)
<p>Bidders must submit all documents as outlined in paragraph 6.1.1 (Table 1) below.</p> <p>Only bidders that comply with ALL these criteria will proceed to Phase 2.</p>	<p>Bidder(s) are required to achieve a minimum of <b>70 points</b> out of <b>100 points</b> to proceed to Phase 3 (Price and Preference Points).</p>	<p>Bidders will be evaluated as per the PPPFA, where 80 points will be for price and 20 points for preference points.</p>

**6.1. PHASE 1 - ADMINISTRATIVE AND MANDATORY COMPLIANCE:**

**6.1.1.** Without limiting the generality of the Commission’s other critical requirements for this Bid, bidders must submit the documents listed in **Phase 1** below. All documents must be completed and signed by the duly authorized 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 some of the documents.

Administrative Compliance Documents	Guideline	Consequence of Non- submission of Information:
		Disqualification?
<b>Invitation to Bid – SBD 1</b>	Complete, sign and submit the provided pro forma document.	<b>NO</b>

<p><b>Tax status – Compliant</b></p>	<p>i. Tax Compliance will be verified on the Central Supplier Database (CSD).</p> <p>ii. <b>Supplier to be Tax-Compliant before an award is made and throughout the contract period.</b></p> <p>iii. CSD Supplier number will be used to verify Tax Compliance.</p>	<p><b>NO</b></p>
<p><b>Bidder’s Disclosure– SBD 4</b></p>	<p>Complete and sign the supplied pro forma document.</p>	<p><b>YES</b></p>
<p><b>Preference Point Claim Form – SBD 6.1</b></p>	<p>Complete and sign the supplied pro forma document. Preference points will be verified using the CSD.</p>	<p><b>NO</b></p>
<p><b>Registration on Central Supplier Database (CSD)</b></p>	<p>The Service Provider must be registered as a service provider on the Central Supplier Database (CSD). If not registered, the service provider must visit <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> to <u>register on the CSD. An award will not be made to any bidder who is not registered on the CSD. Furthermore, no preference points will be allocated to bidders who are not registered on CSD.</u></p>	<p><b>NO</b></p>
<p><b>Pricing Schedule – SBD 3 and Annexure A</b></p>	<p>Submit full details of the pricing proposal <b>in a separate envelope ONLY and not as part of the proposal. Non-compliance will lead to disqualification.</b></p>	<p><b>YES</b></p>
<p><b>Partner accreditation (OEM accreditation)</b></p>	<p>Letter or certificate confirming that bidder is accredited to sell, implement and support the product quoted for</p>	<p><b>YES</b></p>

<b>Product description and features</b>	Product brochure listing all the feature set of the product quoted for	<b>No</b>
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**6.2. PHASE 2 - FUNCTIONALITY EVALUATION**

6.2.1. Only bidders that have met the Pre-Qualification Criteria in **Phase 1** will be evaluated in Phase 2 for Functionality, and will be evaluated as follows:

- a) **Functional Evaluation** – Bidders will be evaluated out of **100** points and bidders are required to achieve a minimum threshold of **70** points. The Bid Evaluation Committee (BEC) will evaluate proposals and bidders will require a minimum score of 70 to proceed to **phase 3** which is price and preference points.

<b>PHASE 2 - Functional and Technical Evaluation</b>		
<b>Evaluation Area</b>	<b>Evaluation Criteria</b>	<b>Points</b>
<b>Project implementation plan</b>	The project implementation plan must assume a project start date and cover at least the following aspects: <ul style="list-style-type: none"> <li>• Timelines</li> <li>• Deliverables in line with the scope of work</li> <li>• Project resources</li> <li>• Training plan and skills transfer</li> </ul>	<b>15</b>
	<ul style="list-style-type: none"> <li>• The implementation plan fully covers all the aspects listed above</li> </ul>	<b>15</b>
	<ul style="list-style-type: none"> <li>• The implementation plan partially covers all the aspects listed above</li> </ul>	<b>7</b>
	<ul style="list-style-type: none"> <li>• Implementation plan not provided or does not cover any of the aspects listed above</li> </ul>	<b>0</b>
<b>Bidder’s experience</b>	Number of similar projects (implementing and supporting WAF solutions) completed within the past 5 years.  <b>Provide references letters that contain:</b> <ul style="list-style-type: none"> <li>• Name of the company where the project was implemented.</li> <li>• Description of the project</li> <li>• Year the project was implemented.</li> <li>• Contact person (Name, surname, telephone number and email address.</li> </ul>	<b>45</b>

	<b>The NCC reserves the right to contact the references to verify the information provided.</b>	
	• 5 or more projects	<b>45</b>
	• 4 projects	<b>35</b>
	• 3 projects	<b>25</b>
	• 2 projects	<b>15</b>
	• 1 project	<b>5</b>
	• 0 projects	<b>0</b>
<b>Bidders team qualifications and experience</b>	Provide Information on the individuals who will be assigned to this project. Detailed CVs and proof of training must be attached.  <b>Proof of training must be a certification for the product quoted for.</b>	<b>40</b>
	<ul style="list-style-type: none"> <li>• The Bidder has 3 - 5 team members experienced in implementing the WAF solution for the product quoted for.</li> <li>• At least 3 team members are certified in the product quoted for.</li> <li>• Team lead with minimum of 5 years' experience.</li> </ul>	<b>40</b>
	<ul style="list-style-type: none"> <li>• The Bidder has 2 team members experienced in implementing WAF solutions for the product quoted for.</li> <li>• Both team members is certified in the product quoted for.</li> <li>• Team lead with minimum of 5 years' experience.</li> </ul>	<b>20</b>
	<ul style="list-style-type: none"> <li>• The Bidder has 1 team member experienced in selling and implementing WAF solutions for the product quoted for.</li> <li>• Team lead with minimum of 5 years' experience.</li> </ul>	<b>10</b>
	<ul style="list-style-type: none"> <li>• The Bidder has 0 team members with experience in implementing WAF solutions for the product quoted for.</li> </ul>	<b>0</b>

**6.3. PHASE 3 - PRICE AND PREFERENCE POINTS EVALUATION**

6.3.1. Only Bidders that have met the **70** points threshold for functionality will be evaluated in phase 3 for price and preference points.

6.3.2. In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- Specific Goals (maximum 20 points)

**a) Stage 1 - Price Evaluation (80 Points)**

<p><b>Price Evaluation</b></p> $P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

The following formula will be used to calculate the points for price:

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

**b) Stage 2 – Specific Goals Evaluation (20 Points)**

**Specific Goals Points allocation**

A maximum of 20 points may be allocated to a bidder for attaining the specific goals in accordance with the table below:

Specific Goals	Number of Points
100% Black owned	6
51-99% Black owned	4
100% women-owned	6
51% to 99% women-owned	4
5% Youth Ownership	2
2% Owned by persons with disabilities	1
Exempt Micro Enterprise (EME)	5
Qualifying Small Enterprise (QSE)	3
Large Enterprise	0

Points for Specific Goals may be allocated to bidders on the submission of the following documentation or evidence:

- A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1)

- B-BBEE Certificate
- CSD Report

## **7. PRESENTATION / DEMONSTRATION**

The NCC reserves the right to request presentations from the short-listed Bidders as part of the bid evaluation process. Should this be necessary. Bidders will be notified. The NCC shall not be liable for any costs related to the bidder participating in this Bid.

## **8. GENERAL CONDITIONS OF CONTRACT**

8.1. Any award made to a bidder(s) under this bid is conditional upon:

- 8.1.1. The bidder(s) accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which National Consumer Commission is prepared to enter into a contract with the successful Bidder(s).

## **9. SUBMISSION OF PROPOSALS**

9.1. All tenders must be clearly marked: "For attention: The Manager: Supply Chain Management, with the Tender Reference number included and delivered at the reception, in the NCC's tender box, at the following address:

**The National Consumer Commission**

**SABS Campus, Reception,**

**1 Dr Lategan Road,**

**Groenkloof, Pretoria**

Bid documents shall only be considered when received by the Commission before the closing date and time.

9.2. The bidder(s) are required to submit two (2) copies, and one (1) original. Each submission must be marked correctly and sealed separately for ease of reference during the evaluation process.

9.3. Bidders are required to submit the pricing schedule in a sealed and marked envelope. Bidders are not supposed to write pricing anywhere on the tender document and their proposals.

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

## **10. ENQUIRIES**

**For SCM Inquiries:**

Name: Margery Mouton

Contact: 012 428 7730

Email: [m.mouton@thenc.org.za](mailto:m.mouton@thenc.org.za)

**For Technical enquiries**

Name: Lindani Ngema

Contact: 012 428 7745

Email: [l.ngema@thenc.org.za](mailto:l.ngema@thenc.org.za)

## 11. PRICING TEMPLATE

11.1. Bidders are required to complete the pricing template below for the NCC to have the annual cash flow projections for the duration of the contract.

<b>Item Description</b>	<b>Quantities</b>	<b>Year 1 Cost (Including VAT)</b>	<b>Year 2 Cost (Including VAT)</b>
Installation and Configuration	1		
Product Post Implementation Training	1		
On going support and maintenance (time and material – 120 hours)	120 hours (per year)		
<b>TOTAL (INCLUDING VAT)</b>			