



OFFICE OF THE DATA PROTECTION COMMISSIONER

JANUARY, 2023

ADDENDUM 1

TENDER NO. ODPC/OT/11/2022-2023 (RE-TENDER)

SUPPLY, DELIVERY, INSTALLATION, TESTING, COMMISSIONING AND MAINTENANCE OF A DATA EXTRACTION, AUDIT AND INVESTIGATIONS SYSTEM FOR THE OFFICE OF THE DATA PROTECTION COMMISSIONER

Pursuant to section 75(1) of the Public Procurement and Assets Disposal Act, 2015, The office of the Data Protection Commissioner (ODPC) hereby clarifies/amends the above-mentioned tender as follows: -

#	BIDDERS QUERY	RESPONSE FROM ODPC						
1.	<p>Query: We wish to request for clarification as shown below; Please advise if we can use contract documents in place of the recommendation letters for ongoing contracts as reference letters are only received after completion of delivery of services. However, for completed services we shall issue the reference letters.</p> <p>Excerpt:</p> <table border="1" data-bbox="331 1305 1107 1541"> <tr> <td data-bbox="331 1305 427 1541">MR10</td> <td data-bbox="427 1305 1107 1541">Tenderers MUST submit recommendation letters for any/all the ongoing/current contracts related to development of ICT systems and solutions (EDMS' or ERPs or Audit Systems or CMS', etc..) with any public sector organization. The recommendation letters should confirm successful ongoing development and implementation of the system. The reference letters for ongoing assignments related to</td> </tr> </table> <p style="text-align: center;">Page 30 of 179</p> <hr/> <table border="1" data-bbox="331 1688 1107 2139"> <thead> <tr> <th data-bbox="331 1688 427 1794">No</th> <th data-bbox="427 1688 1107 1794">Requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 1794 427 2139"></td> <td data-bbox="427 1794 1107 2139">development of ICT systems and solutions with any public sector organization must provide the following details: <ul style="list-style-type: none"> • Name of contact person, • Email address and • Telephone number. Where the tenderer does not have any ongoing assignments, the tenderer should provide a signed letter confirming that there are no ongoing/current contracts related to ICT systems and solutions with any public sector organization.</td> </tr> </tbody> </table>	MR10	Tenderers MUST submit recommendation letters for any/all the ongoing/current contracts related to development of ICT systems and solutions (EDMS' or ERPs or Audit Systems or CMS', etc..) with any public sector organization. The recommendation letters should confirm successful ongoing development and implementation of the system. The reference letters for ongoing assignments related to	No	Requirement		development of ICT systems and solutions with any public sector organization must provide the following details: <ul style="list-style-type: none"> • Name of contact person, • Email address and • Telephone number. Where the tenderer does not have any ongoing assignments, the tenderer should provide a signed letter confirming that there are no ongoing/current contracts related to ICT systems and solutions with any public sector organization.	<p>ODPC hereby responds as follows;</p> <p>For criteria no. MR10, we require recommendation letters for only ongoing or current projects. The recommendation letters for ongoing or current projects should confirm satisfactory performance for the current progress made in execution of the ongoing projects in terms of your performance and adherence to agreed upon timelines to date. ODPC requires a confirmation on satisfactory current project implementation progress.</p>
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2.	Query: Please advise what this document entails for the	ODPC hereby responds as						

	<p>companies which do not store/handle personal data for its clients. We don't store any clients/personal data hence we need to know if this requirement is mandatory to all bidders.</p> <p>Excerpt:</p> <table border="1" data-bbox="319 336 1133 515"> <tr> <td data-bbox="319 336 422 515">MR3</td> <td data-bbox="422 336 1133 515"> <p>Registration as a Data Controller/Data Processor with the Office of the Data Protection Commissioner.</p> <p><i>Note: Bidders have the option of attaching a copy of the receipt for the registration fee paid where the registration certificate is pending approval from the Office of the Data Protection Commissioner</i></p> </td> </tr> </table>	MR3	<p>Registration as a Data Controller/Data Processor with the Office of the Data Protection Commissioner.</p> <p><i>Note: Bidders have the option of attaching a copy of the receipt for the registration fee paid where the registration certificate is pending approval from the Office of the Data Protection Commissioner</i></p>	<p>follows; If you have employees in your organization or contractors/suppliers, you are required to register as a data controller/data processor. Please refer to the Data Protection Act 2019 and Data Protection Regulations 2021 for further information on Data Controllers and Data Processors</p>
MR3	<p>Registration as a Data Controller/Data Processor with the Office of the Data Protection Commissioner.</p> <p><i>Note: Bidders have the option of attaching a copy of the receipt for the registration fee paid where the registration certificate is pending approval from the Office of the Data Protection Commissioner</i></p>			
3.	<p>Query: Our solution has the provision of cloudbased environment and on-premise. Please confirm your preference for purposes of responding to the tender with the correct requirement.</p> <p>Excerpt: <i>The system should have provisions to operate on a cloud-based environment. The locally installed system should have web-based capabilities to be accessed from various locations</i></p>	<p>ODPC hereby responds as follows; The system should primarily run on an on-premise environment with provisions of operating in a private cloud for scalability.</p>		
4.	<p>Query: The system does have the Compliance functionality however, please be specific on the compliance requirements that you'd like the system to meet as this will aid in our responses.</p> <p>Excerpt: Compliance Module</p>	<p>ODPC hereby responds as follows; The system should have a module for mapping & continuous tracking of compliance levels with regards to existing controls, investigations findings and audit recommendations.</p>		
5.	<p>Query: In case of a JV between local companies and foreign companies can the JV nominate a representative to be either of the members.</p> <p>Excerpt: . 4. Eligible Tenderers 4.1. A Tenderer may be a firm that is a private entity, a state-owned enterprise or institution subject to ITT 4.6, or any combination of such entities in the form of a joint venture (JV) under an existing agreement or with the intent to enter in to such an agreement supported by a Form of Intent. Public employees and their close relatives (spouses, children, brothers, sisters and uncles and aunts) are not eligible to participate in the tender. In the case of a joint venture, all members shall be jointly and severally liable for the execution of the contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the Tendering process and, in the event the JV is awarded the</p>	<p>ODPC hereby responds as follows; As indicated in the Tender Data Sheet, Joint Ventures are not allowed</p>		

	contract, during contract execution. Members of a joint venture may not also make an individual tender, be a subcontractor in a separate tender or be part of another joint venture for the purposes of the same Tender. The maximum number of JV members shall be specified in the TDS.	
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Except as clarified herein, all the other terms and details of the tender document remain the same.

DATA COMMISSIONER
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