

**SCM Enquiries: Mr. I Chiloane**

Tel: 012 441 3490/ 3671

Reference: ICRFQ 2024

**SUBJECT: NATIONAL LEGACY POLICY 2024**

REQUIRED BY: DEPARTMENT OF SPORT, ARTS & CULTURE

1. Kindly furnish the Department with a quotation for the subject mentioned above.
2. SBD 4, SBD 6.1, forms are attached for completion.
3. Bidders are requested to submit quotations, attached SBDs.
4. The 80/20 preference point system will be used to calculate price and specific goal points.
5. Bidders are required to submit the following proof/ documentation to claim points for specific goals:
  - a) An affidavit by the person or person acting on behalf of an enterprise indicating the level of ownership in the enterprise by persons historically disadvantaged by unfair discrimination based on race, gender, age, and disability (submit copies of IDs to support the affidavit or
  - b) Ownership Certificate issued by the Companies and Intellectual Property Commission(CIPC)
6. Failure to submit the required documents will result in 0 points for specific goals.
7. The closing is 15 February 2024 at 11:00 am
8. These forms must be returned with your quotation to the following e-mail address: [lpelengC@dsac.gov.za](mailto:lpelengC@dsac.gov.za)

Signature: I Chiloane

Date: 30 January 2024



## TASK DIRECTIVES

### REQUEST FOR QUOTATION FOR THE APPOINTMENT OF A SERVICE PROVIDER TO COST THE IMPLEMENTATION OF THE NATIONAL LEGACY PROJECTS POLICY

#### 1. INTRODUCTION

The National Department of Sport Arts and Culture (DSAC) would like to procure the services of a suitably experienced service provider to determine the cost implications of the implementation mechanisms of the newly developed National Legacy Projects Policy.

#### 2. BACKGROUND

Worldwide, memorials represent the consciousness of nations seeking representations of its history with symbols of its struggles, victories, and changes in its transition from past to present. This is achieved by placing the spotlight on particular events and persons. However, it can easily manifest itself as symbols of power. A practise to diffuse the divisions and rifts within a nation.





The DSAC is aware of this conflict of views. It rather seeks to find the balance between representation of the past and present in a manner which seeks to define museums, monuments and memorials as change agents to view and speculate on our history.

With the transition to a democratic government, the President's Office was inundated with requests to consider the commemoration of historic events and leaders. These people now seized the chance to have the historic picture of South Africa broadened. Most of the proposals were aimed at commemorating the heritage of previously disadvantaged communities. Government decided that the promotion of these new projects needed to be located within the then Department of Arts, Culture, Science and Technology. The Legacy Project was officially constituted in 1996.

Some of the National Legacy Projects included:

- Chief Albert Luthuli Legacy Project
- The Ncome/Blood River legacy Project
- Women's Monument
- Samora Machel Memorial
- Centenary of the Anglo-Boer/South African War of 1899-1902
- Nelson Mandela Museum
- Freedom Park
- Sarah Baartmann Site
- Winnie Mandela's Brandfort house and site





- OR Tambo legacy project
- JL Dube

However, policy guidelines have recently been developed. To provide funding for this policy, it is necessary to do a costing analysis of the implementation of the Policy.

### 3. SCOPE AND EXTENT OF THE TASK DIRECTIVE

The DSAC requires the services of a duly experienced and knowledgeable service provider with a proven track record and understanding of the heritage sector.

	TASK SPECIFICATIONS REQUIREMENTS	YES/NO/NOTED
3.1	<b>TASK DIRECTIVES</b>	
3.1.1	Develop a methodology and model that will be used during the costing exercise	
3.1.2	Identify core policy statements and proposals.	
3.1.3	Based on policy statements, determine which aspects of policy are new policy proposals and which form part of the existing policy and legislative framework. This should extend beyond heritage and include arts and culture and government broadly.	





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3.1.4	The cost estimates should, as far as possible, be based on existing reality in the current period.	
3.1.5	The prospective service provider will submit a work plan with a breakdown of the budget.	
3.1.6	Submit a budget based on your proposal and work plan	
3.1.7	The submitted budget and proposed work plan may be inclusive i.e. all legacy projects proposed.	
3.1.8	Outline/list the key stakeholders that will be involved and their roles in the development of legacy projects.	
3.1.9	Explore and benchmark your proposed funding model with regional and/or international experiences on similar projects	
3.1.10	It will be expected of the service provider to provide final report one month after the completion of the project.	
<b>3.2</b>	<b>FINANCIAL ARRANGEMENTS</b>	
3.2.1	Payments will be made in tranches as per Service Level Agreement and no start-up capital will be	



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	provided.	
3.2.2	The cost breakdown should be provided and should form part of the proposal	
<b>3.3.</b>	<b>TIMING</b>	
3.3.1	The Project Coordinator will be expected to render a professional service for the duration of the project span: monitoring of deliverables by the reference group, all preliminary, progress and close-out reporting.	
<b>3.4.</b>	<b>SUB-CONTRACTING</b>	
3.4.1	The service provider must take note that they may not subcontract more 25% of total work to be done.	

#### 4. EVALUATION CRITERIA

All proposal/ quotations will be evaluated as per below evaluation criteria:

NO	CRITERIA	WEIGHT	TOTAL
4.1	<b>EXPERIENCE IN RENDERING A SIMILAR SERVICE</b>  Reference letters of successfully completed	20	





	<p>project/s is required.</p> <p>1 reference letter = 15 points</p> <p>2 reference letters = 20 points</p>		
4.2	<b>PROPOSED PROJECT TEAM</b>	30	
4.2.1	<p>Team leader (10 points)</p> <p>The team leader must possess a minimum of 3 years experience in the Project Management.</p>		
4.2.2	<p>Team members (20 points)</p> <ul style="list-style-type: none"> <li>At least one person on the team must have financial qualifications and experience.</li> <li>At least one person on the team must have qualification and experience in a heritage related fields.</li> </ul> <p>Please attach CVs with certified copies of qualifications for team leader and all members.</p>		
4.3	<p><b>PROJECT PLAN AND METHODOLOGY</b></p> <p>Company to provide a detailed project plan with clear timelines, milestones and costs breakdown as well as a clear methodology to prove the understanding of task to be executed.</p>	50 points	





## 5. GENERAL CONDITIONS OF CONTRACT

- 5.1. The Department may investigate possible fronting by any bidder and any bidder found to be fronting will be disqualified and blacklisted.
- 5.2. The service provider may not recruit or shall not attempt to recruit an employee of the Department of Sport, Arts and Culture for purposes of preparation of the bid or for the duration of the execution of this contract or any part thereof.

## 6. EVALUATION STAGES

Quotations received will be evaluated as follows;

- 6.1. Stage 1: The Technical proposal will be evaluated out of 100 points with a threshold of 70 points. Service provider must score a minimum of 70 or more points to qualify for further evaluation on price and preference points.
- 6.2. Stage 2: Bidder that score 70 points and above will be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA) and the associated Preferential Procurement Regulations of 2022, which stipulate an 80/20 preference point system is applicable to all quotations up to a rand value of R1 million (all applicable taxes included). Twenty (20) points will be awarded for specific goals as per SBD form 6.1 attached to this request for quotation.







## 7. TECHNICAL REQUIREMENTS

All quotations must be accompanied with a detailed proposal including the following information;

- (a) Reference letter to proof completed successful project;
- (b) CVs of all involved (including but not limited to: qualifications and experience and level of expertise/current designation; relevant document).
- (c) Detailed project plan with clear timelines, milestones and costs breakdown as well as a clear methodology to prove the understanding of task to be executed.
- (d) Detailed financial breakdown.

## 8. CONFIDENTIALITY

- 8.1. No information or documentation may be used for any other purpose other than providing for a quotation proposal to the Department, and no copies of any document may be made, except with prior written approval from the Department.
- 8.2. The successful service provider and staff might be required to sign a non-disclosure agreement.

## 9. INTELLECTUAL PROPERTY AND OWNERSHIP





- 9.1. Ownership and copyright of all documentation developed during the period of the contract will be vested in the Department of Sport, Arts and Culture.
- 9.2. All intellectual property rights relating to any work produced by the service provider in relation to the performance of this contract shall belong to the Department and may not be used for any other purpose by the service provider. The service provider shall give the Department all assistance in protecting such intellectual property rights. All material, in paper, electronic or any recorded format produced by the service provider in the performance of this contract shall remain the property of the Department of Sport, Arts and Culture and must be handed over to the Department on termination of the contract.
- 9.3. All service providers undertake not to infringe the intellectual property of third parties. Should any action or claim be instituted against the Department emanating from an infringement of intellectual property or an alleged infringement of intellectual property, the service providers hereby indemnify the Department against such claims or actions as well as all costs (including legal costs on an attorney and client scale).

## 10. **CONTRACTUAL ARRANGEMENT**

- 10.1. The service provider is required to enter into a Service Level Agreement with the Department of Sport, Arts and Culture to perform all functions as set out in the





project Specification or Terms of Reference and National Treasury General Conditions of Contract of 2010.

- 10.2. The project should be completed within a duration of 3 months starting from the date of appointment.

## 11. FINANCIAL IMPLICATIONS

- 11.1. No service will be provided to the Department before an official order has been issued to the supplier or service provider.
- 11.2. The service provider should be aware that DSAC only pays after the services have been rendered.
- 11.3. Payments will be done within 30 days of receipt of an invoice with all required supporting documents as per the Service Level Agreement;
- 11.4. Payments will be made by the Department after the service provider has submitted an invoice supported by all requisite documents.

## 12. CLIENT BASE

- 12.1. The Department of Sport, Arts and Culture reserves the right to contact references during the evaluation and adjudication process to obtain information.





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### 13. LATE QUOTATIONS

13.1. Quotations received after the closing date and time will not be accepted.

### 14. TECHNICAL ENQUIRIES / CLARIFICATION

14.1. All enquiries related to the technical content of the Terms of Reference as well as the bid enquires may be directed to Ms Reinette Stander who can be contacted on 083 469 2931 or [ReinetteS@dsac.gov.za](mailto:ReinetteS@dsac.gov.za)



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## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship

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<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
 .....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
 .....

### **3 DECLARATION**

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned,  
 (name)..... in  
 submitting the accompanying bid, do hereby make the following  
 statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

### 2. DEFINITIONS

(a) **“tender”** means a written offer in the form determined by an organ of state in



response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

#### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

##### 3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration  
Pt = Price of tender under consideration  
Pmax = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

***(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)***

The specific goals allocated points in terms of this tender (Specific goals 20 points)	Achievement Level	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
<b>PROMOTION OF SMMEs (RDP GOALS)</b>		20	
<b>Women</b>	100% women ownership	6	
	75% - 99% women ownership	5	
	60% - 74% women ownership	4	
	51% - 59% women ownership	3	

	0 – 50% women ownership	0	
<b>Black People</b>	100% black ownership	7	
	75% - 99% black ownership	6	
	60% - 74% black ownership	5	
	51% - 59% black ownership	3	
	0 – 50% black ownership	0	
<b>Youth</b>	100% youth ownership	5	
	75% - 99% youth ownership	3	
	60% - 74% youth ownership	2	
	51% - 59% youth ownership	1	
	0 – 50% youth ownership	0	
<b>People living with Disabilities</b>	75% - 100% owned by persons living with disabilities	2	
	51% - 74% owned by persons living with disabilities	1	
	0 - 50% owned by persons living with disabilities	0	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
  - ☐ One-person business/sole propriety
  - ☐ Close corporation
  - ☐ Public Company
  - ☐ Personal Liability Company
  - ☐ (Pty) Limited
  - ☐ Non-Profit Company
  - ☐ State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in

addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....