

REQUEST FOR QUOTE FOR PROFESSIONAL SERVICES – STANDARD FORMAT

RFQ	REQUEST FOR PROVISION OF LEGAL PROFESSIONAL SERVICES
RFQ No.	RFQ QQ
ISSUE DATE	13 April 2023
CLOSING DATE	21 April 2023
CLOSING TIME	18h00

REQUEST FOR A QUOTE FOR PROVISION OF LEGAL PROFESSIONAL SERVICES

1. Background to the National Museum

The National Museum - a natural history, cultural history and art museum was established in 1877 and is a declared cultural institution, which resorts under the Department of Arts and Culture and is governed by a council. The mission of the National Museum is to provide heritage resources and an enjoyable experience to all people through quality research, conservation, education and exhibitions. More information about the organisation can be found at www.nasmus.co.za

2. Purpose, Background and scope of work

The Museum is looking for Art law professional service provider for sales contract review and drafting a new copyright licence for ArtbankSA

3. Scope/Specifications with deliverables of Service(s) required

Scope of work	Rate/hour for all activities
1. <u>Sales contract review</u>	R_____
2. <u>Drafting new copyright licence</u>	R_____

Rate per hour of all activities incl. VAT	R _____

4 Compulsory requirements

The bidder must attach the following documents to the quotation as follows;

- 4.1.1 at least 3 years' experience in provision of similar services supported by at least 3 contactable reference letters. A bidder will score more points on technical assessment with more than the required number of years of experience as indicated above. Contactable written reference letter(s) must be attached to support the number of years' claimed by the bidder.
- 4.1.2 a valid copy or copies of relevant professional registration with a professional body or professional bodies must be attached.
- 4.1.3 completed, signed and witnessed SBD forms 4, 8 and 9 must be attached.
- 4.1.4 a copy of a detailed CV(s) and qualification(s) of expert in contractual and art law to be used on this project must also accompany the quote.
- 4.1.5 the bidder must be tax compliant and a tax pin issued by SARS must be attached.
- 4.1.6 a valid copy of BBBEE certificate or completed and signed BBBEE declaration is not compulsory but may be attached to score points on bid evaluation.
- 4.1.7 the must be registered on CSD and CSD supplier report must be attached.

- 4.1.8 the bidder must be an active company registered in the Republic of South Africa and a copy of CIPC registration documents must be attached.

Matters for noting

1. Non-compliance to the above compulsory requirements will lead to a disqualification of the bidder, except for non-tax compliant with tax matter which is subject to grace period of at least 7 days that will be provided to a preferred service provider should that service provider is not compliant following bid evaluation.
2. Failure by this preferred service provider to rectify its tax matters to a compliant status within the grace period provided will lead to an automatic disqualification.
3. Validity period for bids or formal written quotations submitted shall be valid for a minimum period of thirty (30) days. The formal written price quotations received from the service provider/supplier will be regarded as valid for 30 days despite expiry date less than 30 days indicated on a quote.

5 Price and Preference Points Evaluation

	Preference Points Criteria	Points Allocation
1	Price	80
2	Broad – Based Black Economic Empowerment (BBBEE)	20
	Total Points	100

5 Bid Evaluation.

All bidders will be subject to a three-stage technical evaluation process as follows;

- 5.1 Pre-screening, i.e. determination of compliance to compulsory requirements. The will be required to pass pre-screening to be eligible for further evaluation.
- 5.2 Technical assessment, measurement of capability. The bidder will be required to obtain a minimum of 60 points in order to be eligible for preferential procurement evaluation.
- 5.3 Preferential procurement calculation 80/20, whereby 80 is for price and 20 points for BBBEE points.

6 Technical Assessment

FUNCTIONALITY CRITERIA	POINTS ALLOCATION
<p>Experience of firm – for similar scale projects or services required.</p> <p>Score points;</p> <p>1 = 1 year 2 = 2 years 3 =3 years 4 =4 years 5 =5 years plus</p>	40
<p>Experience and Qualifications of one (1) Lead Technical – for similar scale Projects or services required.</p> <p>Score points;</p> <p>1 = 1 year 2 = 2 years 3 =3 years 4 =4 years 5 =5 years plus</p> <p>Certificate, trade test, Diploma or higher = 5 No qualification = 1</p>	40
<p>Reference letters</p> <p>Score points;</p> <p>1 = 1 reference letter 2 = 2 reference letters 3 = 3 reference letters 4 = 4 reference letters 5 – 5 plus reference letters</p>	20
Total points	100 points

7 Price

The bidder must provide a cost inclusive quotation including VAT if applicable. The financial offer must be provided in the table below;

8 BBBEE Assessment

Preferential procurement calculation 80/20, whereby 80 is for price and 20 points for BBBEE points.

1	20
2	18
3	16
4	14
5	12
6	10
7	8
8	6
Non – contributor	0

NB: The Museum reserves the right to determine whether a technical evaluation or assessment of bids should be applied or not depending on the lowest price obtained from this request for a quote (RFQ) but all compulsory requirements of submission of information stated above must be adhered to by the bidder.

This important notice is in line with the Museum's approved Supply Chain Policy which is aligned to Public Finance Management Act



an agency of the
Department of Sport, Arts and Culture

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Incorporating the satellites:	Insluitend die satelliete:
Olievenhuis Art Museum	Olievenhuis-kunsmuseum
Freshford House Museum	Freshford-huismuseum
First Raadsaal	Eerste Raadsaal
Wagon Museum	Waenhuismuseum
Florisbad Research Station	Florisbad-navorsingstasie

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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 interest¹ 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 the table below.

¹ 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.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the **National Museum, Bloemfontein**? **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 of shareholding

3.1 Are any of the bidder's directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, designated as youth, women, and/or people with disabilities? **YES/NO**

3.1.1 If so, furnish particulars of the names, individual identity numbers, sex, shareholding and, if applicable, disability of sole proprietor/ directors /

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trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in the table below.

Full Name	Identity Number	Sex	Disability	Shareholding %

4 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:

- 4.1 I have read and I understand the contents of this disclosure;
- 4.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 4.3 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 consortium² will not be construed as collusive bidding.
- 4.4 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.

² 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.

- 4.5 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.
- 4.6 There have been no consultations, communications, agreements, or arrangements made by the bidder with any official of the **National Museum, Bloemfontein** 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.
- 4.7 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, 3 and 4 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