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**TERMS OF REFERENCE**

**DSAC 10/21-22**

**APPOINTMENT OF A SERVICE PROVIDER TO CONCEPTUALISE, MANAGE AND MARKET SOUTH AFRICA’S PARTICIPATION IN THE 59TH INTERNATIONAL ART EXHIBITION IN VENICE FROM 23 APRIL 2022 TO 27 NOVEMBER 2022**

**CLOSING DATE AND TIME OF BID:**

**01 OCTOBER 2021 AT 11:00**

**SECHABA HOUSE (VWL BUILDING), 202 MADIBA STREET, PRETORIA**

**BID VALIDITY PERIOD: 120 DAYS**

**APPOINTMENT OF A SERVICE PROVIDER TO CONCEPTUALISE, MANAGE AND MARKET SOUTH AFRICA’S PARTICIPATION IN THE 59TH INTERNATIONAL ART EXHIBITION IN VENICE FROM 23 APRIL 2022 TO 27 NOVEMBER 2022**

1. **INTRODUCTION**

The National Department of Sport, Arts and Culture (DSAC) is seeking to appoint a service provider to conceptualise, manage and market the South African Visual Arts Exhibition at the 59th International Art Exhibition in Venice from 23 April 2022 to 27 November 2022, in line with Biennale Foundation requirements and prescripts.

**Should the Covid-19 pandemic still be relevant during this period or the exhibition be cancelled by the organizers due to the pandemic, this tender will be cancelled by DSAC.**

**2. BACKGROUND**

The Venice Biennale is the oldest most prestigious international Art Exhibition in the world. Over 30 countries participate at this prestigious platform as part of promoting and creating international exposure and market access for their artists. In line with the Department’s strategic outputs to develop and promote the cultural and creative industries, including the Mzansi Golden Economy (MGE)’s strategy to stimulate the supply and demand, South Africa has been participating at the Venice Biennale since 2011 after a long absence at this international platform.

The President of La Biennale di Venezia, **Roberto Cicutto**, and the Curator of the **59th International Art Exhibition**, **Cecilia Alemani**–appointedas the Artistic Director of the Visual Arts Department by the former Board of Directors on 10 January 2020 –,announced the title and theme of the Biennale Arte 2022, which will be held from 23 April to 27 November 2022 (pre-opening on 20, 21, 22 April) in the Giardini, at the Arsenale, and at various sites around Venice, Italy.

The 59th International Art Exhibition will be titled ***The Milk of Dreams***. This name is borrowed from a book by Leonora Carrington, in which, as Cecilia Alemani says, “the Surrealist artist describes a magical world where life is constantly re-envisioned through the prism of the imagination, and where everyone can change, be transformed, become something and someone else. The exhibition takes us on an imaginary journey through metamorphoses of the body and definitions of humanity.”

On the occasion of her appointment, Cecilia Alemani said: “It is a great honour to be able to take on this role in one of the most prestigious and recognized Italian institutions in the world. As the first Italian woman to hold this position, I understand and appreciate the responsibility and also the opportunity offered to me and I intend to give voice to artists to create unique projects that reflect their visions and our society.”

Cecilia Alemani (Milan, 1977) is an Italian curator based in New York. More information available at <https://www.labiennale.org/en/art/2022>

The allocated space for the South African Exhibition is in the Arsenale, Sale d’Armi building D- half portion of the first floor overlooking the basin. The floor space is approximately 250sqm with floating oak board floors, spotlight tracks and exposed brick walls. **The floor plan is attached as Annexure A. The Biennale Guidelines and theme will be provided to the service provider once received from the Biennale Foundation in due course.**

**3. TASK DIRECTIVE**

The Department requires the services of duly experienced and knowledgeable curator/s or entity in the visual arts in undertaking the tasks outlined in paragraphs 3.1, 3.2 and 3.3.

The bidders must confirm that they have read and understood the task description, and should indicate as such in the relevant c*o*lumn belo*w:*

|  | **Task** | **Noted** |
| --- | --- | --- |
| 3.1 | Conceptualization/Curatorial   * + Development of a concept and planning of the exhibition to showcase the diversity of the Visual Arts sector in South Africa.   + Designing of an exhibition within the space available of 250sqm and existing wall and lighting finishes.   + The exhibition concept must respond to the overall Biennale theme – “The Milk of Dreams”.   + Indicate the commissioning of new art works or collection of existing artworks outlined in the concept. List of proposed artists should be included.   + Developing content, editing, designing, translation, printing and distribution of the printable online catalogue.   + Provide curatorial content about the South African exhibition for inclusion in the Biennale Foundation catalogue within the required timeframes set by the Biennale Foundation. |  |
| 3.2 | Management/Logistics   * Construction of exhibition, including dry walling according to curatorial concept. * Lighting and technical equipment installation. * Mounting and dismantling of exhibition. * Transport and insurance of exhibition material and marketing material. * Procure and manage venue security to ensure that content is protected during visitor times. * Procure and manage cleaning services at the venue for duration of the exhibition. * Liaison with Commissioner in regard to Biennale Foundation requirements. * Liaison with Biennale organizers and submission of required documents in time to organizers.   + Management of contractual arrangements regarding Intellectual Property Rights (IP), and related production fees of art works and all exhibition material.   + Assistance to selected artists that will accompany the exhibition with their art works to Italy and the exhibition team in regard to travel arrangements, travel insurance, visa applications, accommodation and daily allowance.   + Provide a detailed budget for the entire project including the above mentioned, taking into consideration and making provision for the possible expected fluctuating exchange rate.   + Contingency plan including possible risks and mitigation. * Reporting and monitoring to the DSAC and to the Commissioner |  |
| 3.3 | Marketing/PR   * + Marketing & PR material including the online catalogue for the exhibition, printing of the online catalogue as and when required and other required written material.   + Providing material for the DSAC Communications and Marketing team for distribution to stakeholders and the DSAC webpage.   + Management of a webpage dedicated to the South African Pavilion.   + Input for the Venice Biennale Press tour.   + Coordinating press releases and interviews in SA and Italy.   + Organizing and managing the opening event including catering (cocktail) and guest list for approximately 200 people in co-operation with the Commissioner. (This is subject to Covid-19 protocols that might be in place during the time in which case and online opening must be held with limited numbers attending as required or prescribed)   + Press material for SA and Italy and translation into Italian if required.   + Profiling and management of the exhibition on social media such as Facebook, Twitter, Instagram and in the South African press and international press as well as in Biennale publications in Venice and Italy in general. |  |

4. **LEGISLATIVE AND REGULATORY FRAMEWORK**

This bid and all contracts emanating from this bid will be subject to the General Conditions of Contract issued in 2010 in accordance with Treasury Regulations 16A, published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract are supplementary to that of the General Conditions of Contract of 2010. Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract takes precedence.

4.1 The Department may investigate possible fronting by any bidder and any bidder found to be fronting will be disqualified and blacklisted.

4.2 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.

4.3 All bidders are required to submit detail of shareholdings status as follows: shareholder certificate with the names of directors and percentage of ownership and ID copies.

5. **EVALUATION STAGES**

5.1 The bid evaluation process consists of several stages that are applicable as defined in the table below:

|  |  |  |
| --- | --- | --- |
| **Stage** | **Description** | **Applicable for this bid** |
| Stage 1 | Initial screening process to check compliance with bid requirements. | Yes |
| Stage 2 | Functionality requirement evaluation. | Yes |
| Stage 3 | Price and BBBEE evaluation. | Yes |

5.1.1 Stage 1:

Verification of service provider (s) compliance with bid requirements and initial screening process.

5.1.2 Stage 2:

The Technical proposal will be evaluated out of 100 points with a threshold of 70 points. Bidders that score less than minimum of 70 points will be disqualified. Bidders must score a minimum of 70 or more points to qualify for further evaluation on price and preference points.

5.1.3 Stage 3:

Bids will then be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA) and the associated Preferential Procurement Regulations of 2017, which stipulate 80/20 preference point system that is applicable up to a rand value of R50 million (all applicable taxes included).

• The following criteria will be used in particular as the criteria for appointment, apart from those laid down in the Preferential Procurement Regulations, 2017, pertaining to the Preferential Procurement Policy Framework Act 5 of 2000.

• Where BBBEE points are claimed, a certified copy of BBBEE certificate must be attached. Only SANAS accredited certificates will be taken into consideration or sworn affidavits (EME or QSE) that must be valid at the time of the closing of the tender.

• The points for this bid are allocated as follows:

|  |  |  |
| --- | --- | --- |
| **No** | **Components** | **Points** |
| 1. | Price | 80 |
| 2. | Preferential points: BBBEE | 20 |
|  | **Total** | **100** |

6. **EVALUATION PROCESS**

6.1 The 80/20 preference point system in terms of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) shall apply. The lowest acceptable bid will score 80 points for price and remaining 20 points for B-BBEE status level of contribution.

6.2 Prospective bidders will have to score at least 70 out of 100 points allocated for functionality before the company’s proposal will be considered for pricing.

7. **BID REQUIREMENTS**

**General requirements**

The following is required of bidders and should be submitted to the department as part of the bid submission:

7.1 Company profile.

7.2 All Bidders must be registered on the National Treasury Central Supplier Database (CSD) and must attach a copy of the most recent report to the tender document.

7.3 The tax status on CSD must be compliant, as Department is unable to award a contract to a company whose tax affairs are not in order as determined by SARS. A recommended bidder whose tax matters have expired or compliance status is invalid will be notified in writing of their non-compliance status and the bidder must be requested to submit written proof from SARS of their tax compliant status or proof that they have made an arrangement to meet their outstanding tax obligations within 7 working days. The bidder should thereafter provide the Department with proof of their tax compliant status which should be verified via CSD.

7.4 Original and valid and / or certified copy of B-BBEE status level certificate bearing SANAS logo or registered auditor. Failure to submit a valid B-BBEE certificate will result in zero preference points being awarded for B-BBEE. B-BBEE certificates or sworn affidavits must be valid at the time of the closing of the tender.

7.5 Original Company Resolution or letter of authority or letter of appointment authorizing the signatory of the entity to sign the contract with the Department.

7.6 Valid contact details including e-mail address.

7.7 Certified ID copies of all directors.

7.8 Bidders are requested to provide one original and 4 copies of all documents.

7.9 Companies, who registered for VAT, should include VAT on their costing.

7.10 Any other details that may be relevant in respect of the tender evaluation criteria described above.

7.11 All bidders are required to submit details of Shareholder status as follows:

* Shareholder certificates with the names of Directors and percentage of ownership.
* Identity Documents of all Shareholders.

8. **EVALUATION CRITERIA**

• All bids duly lodged will be evaluated by a panel first on functionality then price. The evaluation criteria are shown below:

• For purposes of comparison and in order to ensure meaningful evaluation, bidders are requested to furnish detailed information in substantiation of compliance to each task directive.

| **NO** | **CRITERIA** | **WEIGHT** | **VALUE RATING** | **TOTAL** |
| --- | --- | --- | --- | --- |
| 8.1 | Conceptualization/Curatorial  Display an understanding of the Venice Biennale Exhibition, sound and ethical curatorial practice and a concept that is aligned with the overall theme of the Biennale and the interaction with the Foundation.   * Provide a well-structured document that illustrates all the requirements as set out in the task directives at point 3.1 and what is envisaged with the South African exhibition. This must include the concept, theme, design of the exhibition, work plan, list and profiles of the proposed artists to be identified or to be commissioned including those drafting information for the catalogue. * Provide a detailed description of what you would want to achieve with the exhibition in line with the development of South African Visual Arts and the role of emerging artists. * Specify the combined knowledge and experience of the proposed curator/curatorial team and include profiles of the team members. The team that reflects the inclusion of historically disadvantaged individuals will have added advantage.   (Submit no more than 10 pages) | 40 | 0-8 = poor  9-16=below average  17-24 = average  25-32= above average  33-40 =good |  |
| 8.2 | Management/Logistics  The team will be responsible for all logistics and management of aspects relating to the exhibition as outlined in point 3.2:   * Provide proof of logistical experience of projects of this nature and management of such projects (national and international) including the securing of required services in other countries. * Outline a project plan with clear timeframes from conceptualisation up to the closure of the project. * Provide a detailed budget for the entire project taking into consideration and making provision for the expected fluctuating exchange rate.   (Submit no more than 5 pages) | 30 | 0-6 = poor  7-12=below average  13-18 = average  19-24= above average  25-30 =good |  |
| 8.3 | Marketing/PR  The team will be responsible for all marketing and PR aspects relating to the tasks as set out in the task directives at point 3.3.   * Outline a draft clear marketing, public relations and communication plan for this project covering all aspects as mentioned in the task directives.   (Submit no more than 5 pages) | 30 | 0-6 = poor  7-12=below average  13-18 = average  19-24= above average  25-30 =good |  |
|  |  |  |  | 100 |

9. **CONFIDENTIALITY**

9.1 No information or documentation may be used for any other purpose other than providing for a tender proposal to the Department, and no copies of any document may be made, except with prior written approval from the Department.

9.2 The successful bidders and staff will be required to sign a non-disclosure agreement.

10. **INTELLECTUAL PROPERTY AND OWNERSHIP**

10.1 Ownership and copyright of all documentation developed during the period of the contract will be vested in the Department of Sport, Arts and Culture except the artworks developed by the artists for the purpose of the Venice Biennale, whereby the department can request the permission to exhibit the works as and when required.

10.2 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.

10.3 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).

11. **CONTRACTUAL ARRANGEMENT**

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.

12. **FINANCIAL IMPLICATIONS**

12.1 No service will be provided to the Department before an official order has been issued to

the supplier or service provider.

12.2 Payments will be done according to the schedule and requirements as per the Service Level

Agreement.

13. **CLIENT BASE**

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

14. **COMMUNICATION**

The Department of Sport, Arts and Culture may communicate with bidders for, among others, where bid clarity is sought, to obtain information or to extend the validity period.

15. **PRESENTATION**

The Department of Sport, Arts and Culture may request presentations and or interviews from short-listed bidders as part of the bid process.

16. **SUPPLIER DUE DILIGENCE**

The State reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. **Bidders must note that, the Department will conduct verification on the information submitted and any misrepresentation will result in an automatic disqualification.**

17. **CONFLICT OF INTEREST**

The bidder or bidders group must submit a document (you may include it in your covering letter), stating whether any of its employees have any interest in the Department or whether any of Department’s personnel have any interest in the bidders or affiliated business.

18. **PACKAGING OF BID**

Bidders to arrange the Standard Bidding Documents (SBDs) in your submission numerically and orderly.

19. **COMPULSORY BRIEFING SESSION**

The Department will not have a briefing session.

20. **SUBMISSION OF BIDS DOCUMENTS**

20.1 Bidders are advised to ensure that bids are submitted allowing sufficient time for any

unforeseen events that may delay the delivery of the bid and time to access the premises

because of security arrangements when entering the department main entrance.

20.2 All bidders are required to complete a bid register fully, when submitting bid documents.

The Bid register will be available at the below-mentioned address.

20.3 Bidders should deposit their documents into the tender box available on the Ground Floor

reception area by **11H00** at the address below:

**Department of Sport, Arts and Culture**

**Sechaba House**

**202 Madiba Street, Cnr Madiba and Paul Kruger Streets**

**Pretoria**

**0001**

21. **COST OF BIDDING**

The bidder shall bear all costs associated with the preparation and submission of its bid and the Department will not be held responsible or liable for these costs, regardless of the conduct or outcome of the tender process. The bidder will not be entitled to claim for travel and subsistence expenses. If such expenses are applicable, these charges must be included in the bid price.

22. **PRICE OR FEES NEGOTIATION**

The Department may negotiate the price or fees with the preferred bidder/s during a competitive bidding process.

23. **LATE BIDS**

Bids are received at the address indicated above. Bids received after the closing date and time will not be accepted for consideration and will be returned unopened to the bidder. Bids documents should be submitted before 11:00 on the closing date of the tender.

24. **BID AND TECHNICAL ENQUIRIES / CLARIFICATION OF TENDER DOCUMENTS**

The Department will respond in e-mail to any request for clarification of the tender documents which it receives **no later than one (1) week prior to the deadline for submission of bids prescribed by the Department.** All enquiries related to the technical content of the Terms of Reference as well as the bid enquires may be directed in writing to the officials listed below:

|  |
| --- |
| For Bid Enquiries |
| Mr Tuelo Thubisi |
| Tel: 0726047259 |
| Email: [Tuelot@dsac.gov.za](mailto:Tuelot@dsac.gov.za) |
| Ms Refilwe Zulu |
| Tel: 0826775300 |
| Email: [refilwez@dsac.gov.za](mailto:refilwez@dsac.gov.za) |
| *For Technical Enquiries:* |
| Mr Andries Oberholzer |
| Tel: (083) 4077839 |
| Email: [andrieso@dsac.gov.za](mailto:andrieso@dsac.gov.za) |