



an agency of the  
Department of Sport, Arts and Culture

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[www.nasmus.co.za](http://www.nasmus.co.za)

Incorporating the satellites:  
Olievenhuis Art Museum  
Freshford House Museum  
First Raadsaal  
Wagon Museum  
Florisbad Research Station

Insluitend die satelliete:  
Olievenhuis-kunsmuseum  
Freshford-huismuseum  
Eerste Raadsaal  
Waenhuismuseum  
Florisbad-navorsingsstasie

## REQUEST FOR QUOTE FOR ARTBANKSA LEGAL SERVICES

<b>RFQ</b>	<b>REQUEST FOR A QUOTE FOR ARTBANKSA LEGAL SERVICES (ONCE OFF SERVICE)</b>
<b>ISSUE DATE</b>	<b>01 December 2023</b>
<b>CLOSING DATE</b>	<b>13 December 2023</b>
<b>CLOSING TIME</b>	<b>18h00</b>

### 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](http://www.nasmus.co.za).

Art Bank of South Africa (ArtbankSA) is a programme of the Department of Sport, Arts and Culture (DSAC) and is hosted by the National Museum Bloemfontein, an agency of the Department of Sport, Arts and Culture. [www.artbanksa.org](http://www.artbanksa.org)

### 2. Purpose and Background

The National Museum would like to request a quotation for LEGAL SERVICES for Art Bank of South Africa.

### 3. Specifications

Items	Product	Item Description (related to a visual arts programme)
1	Review of zero-interest purchase agreement	<p>The agreement will be used for clients who need maximum 12 month payment terms to acquire artworks from the ArtbankSA</p> <p>1.1 To review the drafted zero-interest purchase agreement.</p> <p>1.2 Produce a zero-interest purchase agreement for approval</p>
2	Review copyright licence	<p>Artists sign a limited copyright licence to the ArtbankSA when their artwork is acquired</p> <p>2.1 To review the current copyright licence, updating to the latest (and pending (Copyright Amendment Bill) legislation</p> <p>2.2 Produce a limited copyright licence for approval</p>

## **4 Compulsory requirements**

The service provider must have the following:

### *Minimum Requirements*

Please provide at least three year warranty of goods and services and indicate on the quotation.  
PLEASE QUOTE ACCORDING TO THE SPECIFICATIONS

- 4.1.1** Completed, signed, and witnessed SBD form 4 must be attached to the quote.
- 4.1.2** The bidder must be tax compliant, and a tax pin issued by SARS must be attached.
- 4.1.3** 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.
- 4.1.4** the must be registered on CSD or CSD supplier report must be attached.
- 4.1.5** the bidder must be an active company registered in the Republic of South Africa and a copy of CIPC registration documents must be attached.
- 4.1.6** Three years' experience in entertainment law, specifically in visual arts sector
- 4.1.7** Two (2) Reference letters for previous entertainment, specifically visual arts, sales and copyright legal work

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

## 6. Bid Evaluation.

All bidders will be subject to a two-stage technical evaluation process as follows:

- 6.1. Pre-screening, i.e. determination of compliance to compulsory requirements. The will be required to pass pre-screening to be eligible for further evaluation.
- 6.2. Preferential procurement calculation 80/20, whereby 80 is for price and 20 points for BBBEE points.

## 7. Price

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

Bid document with all other compulsory documents must be forwarded to [scm@nasmus.co.za](mailto:scm@nasmus.co.za) by the due date provided. Late submissions will be disqualified.

Description	Qty	Cost (per hour incl. vat)
Review of zero-interest purchase agreement	1	R
Review copyright licence	1	R

Total cost inc. VAT R

## 8. BBBEE Assessment

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

## **Preference Point System**

**In accordance with the Preferential Procurement Regulations of 2022, NM has determined the following specific goals for which preference points will be awarded:**

### **Goal 1: Broad-Based Black Economic Empowerment**

Section 10 of the B-BBEE Act enjoins every public entity to take into account and apply the B-BBEE Codes of Good Practice in determining and implementing a preferential procurement policy. NM will thus award preference points to suppliers based on their B-BBEE status level of contributor.

### **Goal 2: Empowerment of Local Businesses**

NM is located in the Free State, a rural province on the margins of economic activity. In an effort to develop and empower local businesses based in the Free State, NM will award preference point to suppliers based in the Free State.

### **Goal 3: Youth Empowerment**

Youth participation in the economy is crucial for the growth and development of the South African economy, but their participation has been limited by several factors. One of the main challenges for youth has been the high levels of unemployment. The unemployment rate for young people in South Africa is much higher than the national average, which makes it difficult for them to enter the labour market and participate in the economy.

In an effort to empower youth and encourage their participation in the economy, NM will award preference points to businesses which are at least 51% owned by youth.

### **Goal 4: Women Empowerment**

Women participation in the economy is crucial for the growth and development of the South African economy, but their participation has been limited by several factors. For

women, the challenge has been unequal access to economic opportunities, including education, training, and employment. Women in South Africa often face discrimination and gender-based violence, which can limit their ability to participate in the economy. Additionally, women tend to be concentrated in low-paying, informal sector jobs, which offer little security and limited opportunities for advancement.

In an effort to empower women and encourage their participation in the economy, NM will award preference points to businesses which are at least 51% owned by women.

### **Goal 5: Empowerment of People with Disabilities**

People with disabilities face significant barriers to participating in the South African economy. According to the World Bank, about seven million South Africans have some form of disability, and they are more likely to experience poverty and unemployment compared to those without disabilities.

People with disabilities often face discrimination in the labour market and have limited access to education, training, and employment opportunities. They may also face physical and attitudinal barriers, making it difficult for them to fully participate in the economy.

In an effort to empower people with disabilities and encourage their participation in the economy, NM will award preference points to businesses which are at least 51% owned by people with disabilities.

#### **Points awarded for each goal**

Preferential points will be awarded as per below scoring:

Criteria	30/20	90/110
B-BBEE Status	4	2
Businesses Based in the Free State	4	2
Ownership by Youth	4	2
Ownership by Women	4	2
Ownership by People with Disabilities	4	2
	<b>20</b>	<b>10</b>

B-BBEE Status Points will be awarded as per below:

B-BBEE Status	(0) / (0)	(0) / (0)
Level 1	4	2
Level 2	3	1.5
Level 3	2	1
Level 4 and below	1	0.5
Non-compliant	0	0

Ownership Points for Youth, Women, and People with Disabilities will be awarded as per below:

(0) / (0)	(0) / (0)	(0) / (0)
Above 50%	4	2
Above 40%	3	1.5
Above 25%	2	1
Above 10%	1	0.5

### **Proof of claim**

Bidders must submit valid proof of claim for any of the above criteria as stipulated in the bid documents. Failure to submit proof of claim will not disqualify a bid but will result in points not being awarded for any criterion for which proof of claim has not been submitted or is invalid.

## 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 the table below.

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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.

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 /

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

## 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 consortium<sup>2</sup> 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.

**NASMUS**

- 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.

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**Signature**

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**Date**

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**Position**

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**Name of Bidder**