



## TERMS OF REFERENCE

### APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF WATERPROOFING - PACOFS BUILDINGS

**BID/REPLACEMENTOFWATERPROOFING/2023**

## 1. INTRODUCTION

The Performing Arts Centre of the Free State (PACOFs) is a schedule 3A public entity of the Department of Sports, Arts and Culture. It is a playhouse (theatre) based in Bloemfontein, Free State Province. The playhouse was established in terms of the Cultural Institutions Act of 1999.

## 2. PURPOSE

The purpose of the terms of reference is to appoint a qualified and CIDB registered contractor for replacement of waterproofing.

In keeping with the PACOFs Facility Management Mandate and provision of world class facilities services, the PACOFs seeks to implement the works comprising of:

- a) Concrete flat roofs to be waterproofed, with waterproofing of stone cladding joints,
- b) Pitched corrugated metal roofs to be waterproofed, and gutters replaced.

All necessary safety measures as required by the OHS Act are to be included and provided.

## 3. OBJECTIVE

PACOFs requires bids from CIDB registered contractors who are suitably qualified and experienced for the replacement of waterproofing.

## 4. SCOPE OF WORK

**4.1 Contractors are required to provide pricing per the attached Bill of Quantities in Annexure A. Failure which may result in disqualification.**

**4.2 Completion of Installation of new waterproofing at PACOFs as per attached specifications and additional information in Annexure B.**

**4.3 Subsequent repairs will be subjected to 3 months liability as per the JBCC Minor Contract.**

**4.4 The service provider will be responsible for any defects and expected to remedy within the liability period.**

**4.5 The duration of the project is three (3) months.**

## 5. BIDDING IMPLICATIONS

### 5.1 Bidding documents

All documents submitted in response to this request for proposals will become the property of PACOFs.

## 5.2 Contractual implications

After awarding the bid, this proposal together with its bid terms, conditions and specifications will constitute a binding contract between the PACOFS and the successful bidder. The successful bidder will assume total responsibility, regardless of any third party or subcontracting agreements it may enter into. **PACOFS has the right not to award the tender.**

## 6. QUALITY COMMITMENT

By the submission of a proposal, each bidder warrants that he/she/it is highly skilled, professional, competent and experienced in the area for which he/she/it has tendered. Any work performed by a successful bidder will be evaluated against these criteria. The bidder also warrants that the service provided will be of an acceptable standard and is unlikely to cause undue difficulties.

## 7. SAFETY REQUIREMENTS

Appearance and conduct: -

- a) All works must adhere to the occupational health and safety act and consequently ensuring at all times that protective clothing is worn.
- b) At any given moment a qualified technician must be on site overseeing work to be done.
- c) Where new application has been placed, a **certificate of compliance** must be submitted with close-out report before final account payment is processed.
- d) Public liability with regards to the project will remain the responsibility of the service provider.

## 8. LIABILITY

The successful bidder will be held liable for work not done in terms of the specifications. The contractor shall take full risk of damage to or destruction of the works by whatever cause during construction of the works.

## 9. SECURITY

The successful bidder will be required to provide the entity with performance guarantee as per the JBCC form of contract and payment guarantee from reputable financial institutions in case of cessations, material on off-site.

## 10. JOINT VENTURES, CONSORTIUMS AND TRUSTS

A trust, consortium or joint venture, will qualify for points for their BBEE status level as a legal entity, provided that the entity submits their **consolidated** BBEE status level certificate.

Bidders must submit proof of existence of joint venture and or consortium arrangements. PACOFS will accept signed agreements as acceptable proof of existence of joint venture and or consortium arrangement.

The joint venture and or consortium agreements must clearly set out the roles and responsibilities of members of the joint venture and or consortium party. **The agreement must clearly provide for resolution process in case of dispute between members of joint venture and/or consortium.**

## 11. EVALUATION CRITERIA

The bid will be evaluated into three phases as below:

### 12. PHASE 1 MANDATORY REQUIREMENTS

The bidders are required to provide the following mandatory information. All the forms must be completed in full and signed off. **Failure to provide all the required documentation, except where stated otherwise, will result in immediate disqualification of the bidder.**

12.1 Invitation to bid (Please fill in supplier number - i.e. MAAA number) SBD 1;

12.2 Pricing schedule SBD 3.1;

12.3 Bidders Declaration SBD 4;

12.4 Preference points claim form SBD 6.1;

12.5 Recent Central Supplier Database (CSD) report or MAAA number should be provided;

12.6 A valid 2SN or higher CIDB grading

**NB. The bidder will be disqualified if the tax status on the CSD report shows non-compliant on the closing date and time of the bid.**

12.7 Valid B-BBEE certificate that is SANAS accredited or Sworn Affidavit for B-BBEE Exempted Micro Enterprises.

12.8 Letter of Good Standing from the Department of Employment and Labour

12.9 A signed Joint venture agreement.

The agreement must clearly indicate the following in order to be accepted;

12.9.1 Responsibilities and contributions to the project by both parties to the agreement.

12.9.2 Percentage share of each party to the agreement.

12.9.3 The authority to sign documents on behalf of the joint venture.

Proof capacity of each party to execute the responsibilities per the JV agreement should provide. **Failing which will result in disqualification of the bid.**

12.9.4 Provide proof of CIBD grading.

12.9.5 Provide health and safety plan for the project.

***All SBD forms must be in their original form and not re-typed, completed in full and be signed by an authorised person. Non-adherence to this request will lead to disqualification.***

### **13. PHASE 2 – FUNCTIONALITY**

- Bids will be evaluated strictly according to the bid evaluation criteria stipulated in the terms of reference.
- Bidders must, as part of their bid documents, submit supportive documentation for all technical requirements as indicated hereunder. The panel responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided.
- Bidders will not rate themselves but need to ensure that all information is supplied as required. The Bid Evaluation Committee (BEC) will evaluate and score all responsive bids and will verify all documents submitted by the bidders.
- The panel members will individually evaluate the responses received against the following criteria as set out below:

A bidder that scores less than 70 points out of 100 as per categories in respect of functionality will be regarded as submitting a non-responsive proposal and will be disqualified. The bids that would have scored 70 or more for functionality will be further evaluated on the 80/20 points system where 80 points will be awarded for Pricing, and 20 points will be awarded in accordance with the preferential procurement (specific goals) requirements.

Each bidder's technical proposal will be evaluated as follows:

CRITERION	POINTS
<p><b>B1: EXPERIENCE AND COMPETENCY IN COMPLETION OF SIMILAR PROJECTS</b></p> <p>Tenderers are required to demonstrate relevant experience and competency in completion of similar projects. Relevant projects must be of similar scope, nature, size and completed within the last five (5) years.</p> <p><b>Successful completion of similar projects in the last five (5) years. Attach completion certificates with appointment letters.</b></p> <p>The appointment letter(s) should be on the letterhead of the serviced client and should reflect at least name of the client, full description of the service rendered, contact person, and contact details. The letters must be authorized.</p> <ul style="list-style-type: none"> <li>• <b>10 points for each valid appointment letter and the related completion certificate.</b></li> </ul> <p><b>No score will be awarded if completion certificates and appointment letter are not attached or if appointment letter is provided without a completion certificate or vice versa.</b></p>	<p><b>40</b></p>
<p><b>B2: EXPERIENCE OF SITE AGENT</b></p> <p>This Sub Criteria covers the general average qualifications and experience of the proposed Site Agent (total duration of professional activity at Site Agent level).</p> <p>The candidate must have a minimum of <b>NQF level 7 in Built Environment with Active SACPCMP</b> plus 5 years' experience. Copies of certified qualifications must be provided.</p> <ul style="list-style-type: none"> <li>• <b>10 points for the relevant qualification.</b></li> </ul> <p><b>No points for qualifications not relevant to Built Environment and not a minimum of NQF level 7.</b></p> <p><b>At least 5 years' experience as a Site Agent.</b> Tenderers are required to submit curriculum vitae for the key personnel proposed to be employed on the project. The curriculum vitae should include specific details of the individual including past experience and competence in delivering key similar relevant project.</p> <ul style="list-style-type: none"> <li>• 5 years of experience <b>5 points</b></li> <li>• More than 5 years of experience <b>10 points</b></li> </ul>	<p><b>20</b></p>

CRITERION	POINTS
<p><b>B3: EXPERIENCE OF FOREMAN</b></p> <p>This Sub Criteria covers the general average qualifications and experience of the proposed Foreman (total duration of professional activity at Foreman level).</p> <p>The candidate must have a minimum of <b>NQF level 6 in Built Environment</b>. Copies of certified qualifications must be provided.</p> <ul style="list-style-type: none"> <li>• <b>10 points</b> for the relevant qualification.</li> </ul> <p><b>No points for qualifications not relevant to Built Environment and not a minimum of NQF level 6.</b></p> <p><b>At least 5 years' experience as a Foreman.</b> Tenderers are required to submit curriculum vitae for the Foreman proposed to be employed on the project. The curriculum vitae should include specific details of the individual including past experience and competence in delivering key similar relevant project.</p> <ul style="list-style-type: none"> <li>• 5 years of experience = <b>5 points</b></li> <li>• More than 5 years of experience = <b>10 points</b></li> </ul>	<p><b>20</b></p>

CRITERION	POINTS
<p><b>B4: METHODOLOGY AND PROJECT UNDERSTANDING</b></p> <p>All bidders are required to submit detailed methodology covering the project objectives, scope of work and deliverables and shows detailed explanation of how supervision of the works will be carried out, indicating tools and resources to be used for the entire project life cycle. Relevance and suitability of tools and processes to ensure quality control and assurance in all phases of the project.</p> <p>Detailed Comprehensive Methodology that demonstrate Project Understanding which comprises of the following Five (5) components:</p> <ol style="list-style-type: none"> <li>(1) Project objectives.</li> <li>(2) Scope of work and deliverables.</li> <li>(3) Shows detailed explanation of how supervision of the works will be carried out.</li> <li>(4) Indicating tools and resources to be used for the entire project life cycle.</li> <li>(5) Relevance and suitability of tools and processes to ensure quality control and assurance in all phases of the project.</li> </ol> <ul style="list-style-type: none"> <li>• Tenderer has submitted a detailed Method Statement Inclusive of all 5 components = <b>10 points</b></li> <li>• Tenderer has submitted a detailed Method Statement Inclusive of 4 components = <b>8 points</b></li> <li>• Tenderer has submitted the Method Statement Inclusive of 3 components = <b>6 points</b></li> <li>• Tenderer has submitted the detailed Method Statement Inclusive of 2 components = <b>4 points</b></li> <li>• Tenderer has submitted a Method Statement Inclusive of 1 components = <b>2 points</b></li> <li>• No submission of Method Statement Inclusive of all components = <b>0 points</b></li> </ul> <p><b>Evaluator must be able to identify the 5 components which are guide of understanding the project</b></p>	<p><b>10</b></p>

CRITERION		POINTS
<p><b>B5: WORK PLAN</b></p> <p><b>Detailed Programme of works and Project associated cash flow</b></p> <p>Note: For programme and cash flow: Five (5) components must be stated in writing/or be visible on a programme and cash flow spreadsheet as follows;</p> <p>(1) Milestones, (2) Critical Path (3) Resource allocation (4) Task dependency map (5) Monthly project cash flow, (cash flow must be in-line with the project cost and programme of works).</p> <p><b>The bidder must clearly write/ show all these 5 components on their submission. (The bidder should not only rely on Microsoft visual illustration).</b></p> <ul style="list-style-type: none"> <li>• Tenderer has submitted a work plan Inclusive of all 5 components = <b>10 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of all 4 components = <b>8 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of all 3 components = <b>6 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of 2 components = <b>4 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of 1 components = <b>2 points</b></li> <li>• Tenderer did not submit the work plan and the cash flow = <b>0 points</b></li> </ul>		<b>10</b>
<b>TOTAL</b>	<b>Bidder must score a minimum of 70 points to be considered for further evaluation.</b>	<b>100</b>

### TERMS AND CONDITIONS

- The specific goals will be applied for this tender and service provider will be required to complete SBD 6.1 and provide the supporting documents to claim allocated points.
- PACOFS reserves the right to screen and vet shortlisted service providers before appointment.
- PACOFS reserves the right to terminate the contract in the event that there is clear evidence of a breach of the agreed specifications.

### PHASE 3: PRICE AND SPECIFIC GOALS

Specific goals for the tender and points claimed are indicated per the table below. *The 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.*

Before completing this form, tenderers must study the general conditions, definitions, and directives applicable in respect of the tender and preferential procurement regulations, 2022)

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

#### 14. TAX COMPLIANCE

The bidder will be disqualified if the tax status on the CSD report shows non-compliant on the closing date and time of the bid.

In terms of National Treasury Instruction No. 4A of 2016/2017 regarding the National Central Supplier Database (CSD), all bidders must register on the CSD to provide the following information to be verified through the CSD:

- Business registration, including details of directorship and membership.
- Bank Account holder information.
- In the service of the State status.
- Tax compliance status.
- Identity number.
- Tender default and restriction status;

**PACOFs reserves the right to cancel a contract with a successful bidder in the event that the bidder does not remain tax compliant for the full term of the contract.**

#### 15. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS

No bid shall be awarded to a bidder whose name (or any of its members, directors, partners, or trustees) appear on the register of Tender Defaulters kept at the National Treasury or who have been placed on National Treasury's list of Restricted Suppliers. The entity reserves the right to withdraw an award, or cancel a contract

concluded with a bidder should it be established, at any time, that the bidder has been blacklisted with National Treasury or any government institution.

## 16. SITE VIEW

Before submitting bids, the bidder(s) shall visit the site and satisfy themselves as to the nature and extent of the work to be done and the value of the materials contained in the Bill of Quantities. No claims for variations of the contract sum in respect of the nature and extent of the work or of inferior material will be entertained.

***NB: Please note that proposals will only be accepted from only contractor that have attended the site compulsory briefing.***

**Date: Wednesday, 24 January 2024 – Time: 09h00 - 10h00.**

**Venue: PACOFS, @ The Muse**

## 17. OUT CLAUSE

PACOFS reserves the right not to appoint any service provider.

## 18. VALIDITY PERIOD

Bids must be valid for a period of 60 days. PACOFS reserves the right to extend the validity period should need arise.

## 19. SUBMISSION

Proposals must be hand delivered and placed in the bid box at PACOFS Security entrance, 12 First Avenue, CBD Bloemfontein, 9301. Contractors are required to sign and date the bid register available with security on submission of the proposal. No emailed proposals will be accepted.

## 20. ENQUIRIES

- 20.1 For Supply Chain Management information please contact Mr. B. Molefe, Acting SCM Manager on 051 – 447 7771 ext. 2234 or via e-mail at [quotation@pacofs.co.za](mailto:quotation@pacofs.co.za)
- 20.2 For all technical enquiries please contact Mr Mzwakhe Mabaso, Senior Manager Facilities on 051 – 447 7771 ext. 2228 or via e-mail at [smfacilities@pacofs.co.za](mailto:smfacilities@pacofs.co.za).

**CLOSING DATE FOR BIDS:  
MONDAY, 12 February 2024  
@11h00**

**Please note: No late submissions will be considered.**