**TERMS OF REFERENCE**

**SUBJECT: APPOINTMENT OF A SERVICE PROVIDER TO COST THE IMPLEMENTATION OF THE NATIONAL LEGACY PROJECTS POLICY**

**CLOSING DATE AND TIME OF QUOTATION:**

**28 FEBRUARY 2023 AT 16:00PM**

**QUOTATION VALIDITY PERIOD: 90 DAYS**

**SUBJECT: 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.

1. **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 | **TASK DIRECTIVES** |  |
| 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. |  |
| 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. |  |
| **3.2** | **FINANCIAL ARRANGEMENTS** |  |
| 3.2.1 | Payments will be made in tranches as per Service Level Agreement and no start-up capital will be provided. |  |
| 3.2.2 | The cost breakdown should be provided and should form part of the proposal |  |
| **3.3.** | **TIMING** |  |
| 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. |  |

4. **EVALUATION CRITERIA**

|  |  |  |  |
| --- | --- | --- | --- |
| **NO** | **CRITERIA** | **WEIGHT** | **TOTAL** |
| 4.1 | **EXPERIENCE IN RENDERING A SIMILAR SERVICE**  Reference letter required | 20 |  |
| 4.2 | **PROPOSED PROJECT TEAM**  Qualifications, skills and experience of the project leader to be assigned and committed to work on the project is required. Attach CV with certified copies of qualification. | 30 |  |
| **TOTAL** | | 50 |  |

5. **CRITERIA**

|  |  |  |  |
| --- | --- | --- | --- |
| **NO** | **CRITERIA** | **WEIGHT** | **TOTAL** |
| 5.1 | **PROJECT METHODOLOGY AND PROGRAMME**  **(GANT CHART)** |  |  |
|  | 1. Company did not attach | 0 |  |
|  | 2. Company attached, but not detailed, showing less understanding of the project scope | 0 |  |
|  | 3. Company attached a detailed methodology or programme with clear start date and completion. Clear understanding of task to be executed. | 5 |  |
|  | 4. Company attached both a detailed methodology and programme with clear start date and completion. Clear understanding of task to be executed | 10 |  |
| **TOTAL** | | 15 |  |

6. **TECHNICAL REQUIREMENTS**

|  |  |  |  |
| --- | --- | --- | --- |
| **NO** | **REQUIREMENTS** | **WEIGHT** | **TOTAL** |
| 6.1 | The service provider must have demonstrable knowledge and experience working in the heritage sector. | 5 |  |
| 6.2 | Have excellent project and financial management skills. | 2 |  |
| 6.3 | Have experience in managing similar or related projects. | 5 |  |
| 6.4 | Have good reporting skills. | 2 |  |
| 6.5 | Have excellent liaison and communication skills. | 2 |  |
| 6.6 | Demonstrable knowledge and experience in research and research methodology | 2 |  |
| 6.7 | Be able to show that the company has sufficient networks/contacts that will serve as entry points in the execution of the project. | 2 |  |
| 6.8 | Have a proven good working relationship with multiple partners and be able to work under pressure and meet tight deadlines | 5 |  |
| 6.9 | Demonstrate knowledge and experience in costing projects implemented within South Africa and abroad wherein foreign currencies apply. | 10 |  |
| **TOTAL** | | 35 |  |

7. **LEGISLATIVE AND REGULATORY FRAMEWORK**

7.1. This bid and all contracts emanating from this bid will be subject to the General Conditions of Contract issued in 2010 in accordance with of the 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.

8. **SPECIAL CONDITIONS OF CONTRACT**

**A quotation that fails to meet below conditions in the quotation documents will be disqualified.**

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

8.2. 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.

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

8.4 The bidder must take note that they may not subcontract more 25% of total work to be done in line with paragraph 5.8 of SDB form 6.1.

9. **EVALUATION STAGES**

9.1 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 requirements. | Yes |
| Stage 2 | Functionality requirement evaluation. | Yes |
| Stage 3 | Price and BBBEE evaluation and specific goals. | Yes |

9.1.1 Stage 1: Verification of service provider (s) compliance with bid requirements and initial screening process.

9.1.2. 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.

9.1.3. 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 2022, which stipulate an 80/20 preference point system 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, 2022, pertaining to the Preferential Procurement Policy Framework Act 5 of 2000.

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

Where specific goals points are claimed, bidders to attach certified copies

of ID’s, company registration documents and most recent CSD report.

• The points for this bid are allocated as follows:

|  |  |  |
| --- | --- | --- |
| **No** | **Components** | **Points** |
| 1. | Price | 80 |
| 2. | Preferential points: BBBEE | 10 |
| 3. | Specific goals as per SBD 6.1 | 10 |
|  | **Total** | **100** |

10. **EVALUATION PROCESS**

10.1. 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.

10.2. 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.

11. **BID REQUIREMENTS**

**General requirements**

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

11.1. Company profile.

11.2. 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.

11.3. 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. Bidders whose tax matters have expired or compliance status is invalid will be disqualified. **Note that it is no longer a requirement for bidders to submit hard copies of tax clearance certificates as compliance to tax matters can be assessed and verified on the CSD report.**

11.4. **Original and valid** 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.

11.5. Original Company Resolution or Letter of authority or Letter of appointment authorizing the signatory of the Entity to sign the contract with the Department.

11.6. Valid contact details including e-mail address.

11.7. Certified ID copies of all Directors.

11.8. At least three minimum reference letters must be provided, as well as an indication of experience with similar projects.

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

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

11.11. **Technical requirements**

* A detailed proposal including:

1. Project plan;
2. Project Implementation plan;
3. Detailed Cost breakdown
4. Capacity and experience of human resources;
5. Number and level/ranks of team member/s to be involved in the assignment;
6. CVs of all involved (including but not limited to: qualifications and experience and level of expertise/current designation; relevant professional membership).

11.12. 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.

12. **CONFIDENTIALITY**

12.1. 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.

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

13. **INTELLECTUAL PROPERTY AND OWNERSHIP**

13.1. Ownership and copyright of all documentation developed during the period of the contract will be vested in the Department of Sport, Arts and Culture.

13.2. 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.

13.3. 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).

14. **CONTRACTUAL ARRANGEMENT**

14.1. 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.

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

15. **FINANCIAL IMPLICATIONS**

15.1. No service will be provided to the Department before an official order has been issued to the supplier or service provider.

15.2. The service provider should be aware that DSAC only pays after the services have been rendered.

15.3. Payments will be done within 30 days of receipt of an invoice with all required supporting documents as per the Service Level Agreement;

15.4. Payments will be made by the Department after the service provider has submitted an invoice supported by all requisite documents.

16. **CLIENT BASE**

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

17. **COMMUNICATION**

17.1. 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.

18. **PRESENTATION**

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

19. **SUPPLIER DUE DILIGENCE**

19.1. 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 may conduct verification on the information submitted and any misrepresentation will result in an automatic disqualification.**

20. **CONFLICT OF INTEREST**

20.1. 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.

21. **PACKAGING OF BID**

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

22. **SUBMISSION OF BIDS DOCUMENTS**

22.1. 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.

22.2. All bidders are required to complete a bid register fully, when submitting bid documents. The Bid register is available at the below-mentioned address.

23. **COST OF BIDDING**

23.1. The bidder shall bear all costs associated with the preparation and submission of its bid and the Department, will no case 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.

24. **PRICE OR FEES NEGOTIATION**

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

25. **LATE BIDS**

25.1. 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. Bid documents should be submitted before 11:00 on the closing date of the tender.

26. **BID AND TECHNICAL ENQUIRIES / CLARIFICATION**

26.1. The Department will respond in email to any request for clarification which it received **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: 072 604 7259 |
| Email: [Tuelot@dsac.gov.za](mailto:Tuelot@dsac.gov.za) |
|  |
| Ms. Tshepiso Ramatapa |
| Tel: 072 751 8018 |
| Email: [TshepisoR@dsac.gov.za](mailto:TshepisoR@dsac.gov.za) |
|  |
| *For Technical Enquiries:* |
| Ms Reinette Stander |
| 083 469 2931 |
| Email: [ReinetteS@dsac.gov.za](mailto:ReinetteS@dsac.gov.za) |
|  |