



arts & culture

Department:
Arts and Culture
REPUBLIC OF SOUTH AFRICA

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Enquiries : Ms. Refilwe Zulu
Reference : DAC 06 /16-17

REQUEST FOR EXPRESSIONS OF INTEREST FOR PANEL OF PROFESSIONAL SERVICE PROVIDERS TO ASSIST THE DEPARTMENT OF ARTS AND CULTURE WITH IMPLEMENTATION OF AN INFRASTRUCTURE PROGRAMME.

REQUIRED BY: DEPARTMENT OF ARTS & CULTURE

1. Kindly furnish the Department with a bid for the services shown on the attached forms.
2. The General Conditions of Contract (GCC) as well as the SBD1, SBD2, SBD3.3, SBD 4, SBD 6.1, SBD8 and SBD9 forms are attached for completion.
3. These forms must be returned with your bid. Bid documents must be submitted on a Separate envelope stipulating the following information: Name and Address of the Bidder, Bid Number and Closing Date of the Bid. The Budget Proposal must also be submitted on a separate envelope where necessary. **Interested parties to submit an original document plus 5 copies of the original document.**
4. All bids forwarded by postal services must be addressed to: **The Director-General, Department of Arts and Culture, Private Bag X 897, Pretoria, 0001**, attention: Director Supply Chain Management, and reach this address no later than the closing date and time. Alternatively bids may be deposited by hand at the **Department of Arts and Culture, Kingsley Centre, Cnr Steve Biko (Beatrix) & Stanza Bopape (Church) streets, 8th floor, Arcadia.**

MS REFILWE ZULU
DIRECTOR: SUPPLY CHAIN MANAGEMENT

DATE: 2016/09/13

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (DEPARTMENT OF ARTS AND CULTURE)

BID NUMBER: DAC 06/16-17

CLOSING DATE: 07 OCTOBER 2016

CLOSING TIME: 11:00

DESCRIPTION: REQUEST FOR EXPRESSIONS OF INTEREST FOR PANEL OF PROFESSIONAL SERVICE PROVIDERS TO ASSIST THE DEPARTMENT OF ARTS AND CULTURE WITH IMPLEMENTATION OF INFRASTRUCTURE PROGRAMME.

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

BID DOCUMENTS MAY BE POSTED TO: Department of Arts and Culture, 481 Kingsley Centre, 8th Floor, Cnr Steve Biko (Beatrix) and Stanza Bopape (Church) Street, Arcadia

OR

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

Kingsley Centre, 8th Floor; Cnr Steve Biko and Stanza Bopape Str, Arcadia, Pretoria, 0002

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 24 hours a day, 7 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER CODENUMBER.....

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (SBD 2) YES or NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (SBD 6.1) YES or NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR.....A REGISTERED AUDITOR

[TICK APPLICABLE BOX]

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED?
NO

YES or

[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE..... TOTAL NUMBER OF ITEMS OFFERED

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Arts and Culture

Contact Person: Ms. Refilwe Zulu

Tel: 012 441 3089

Fax: 012 441 3721

E-mail address: refilwez@dac.gov.za

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Ms P Ben-Mazwi at Tel: (012) 441-3041

E-mail: PamB@dac.gov.za

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: DAC 06/16-17
CLOSING TIME 11:00	CLOSING DATE : 07 OCTOBER 2016

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.		
	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY AMOUNT
	.....	.....	..... R.....
	.....	.....	..... R.....
	.....	.....	..... R.....
	.....	.....	..... R.....
		TOTAL: R.....	

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

Name of Bidder:

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL: R.....			

- 6. Period required for commencement with project after acceptance of bid
.....
- 7. Estimated man-days for completion of project
.....
- 8. Are the rates quoted firm for the full period of contract? *YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....
.....
.....

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

Ms. Refilwe Zulu
Department of Arts and Culture
481 Kingsley Centre
8th Floor
Corner Steve Biko & Stanza Bopape Street
Arcadia

Tel: 012 441 3089

Or for technical information –

Ms. Pam Ben-Mazwi

Tel: 012 441 3041



arts & culture

Department:
Arts and Culture
REPUBLIC OF SOUTH AFRICA

ANNEXURE B

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹State" means –

(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance

- Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

2.8 Did you or your spouse, or any of the company’s directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	.....
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	.....
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 “**contract**” Error! Bookmark not defined. means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12

5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :.....

9.3 Company registration number
:

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent

basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....
 ADDRESS:.....



DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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.

³ 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.

10. 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.

.....
Signature	Date
.....
Position	Name of Bidder

REQUEST FOR EXPRESSION OF INTEREST FOR PANEL OF PROFESSIONAL SERVICE PROVIDERS TO ASSIST THE DEPARTMENT OF ARTS AND CULTURE WITH IMPLEMENTATION OF INFRASTRUCTURE PROGRAMME

1. INTRODUCTION

1.1 The Department of Arts and Culture's (DAC's) mandate is to conserve, develop and protect the South African Arts, Culture and Heritage. The DAC has 28 Public Entities through which it implements its mandate. The DAC and its Public Entities occupy 162 facilities throughout the country.

1.2 The status of the facilities is currently not satisfactory and there is a shortage of accommodation. The DAC through the Infrastructure Development Directorate is responsible for renovating, upgrading, restoring and constructing facilities.

1.3 The major challenge faced by infrastructure programme is the limited capacity to implement the infrastructure projects. In order to overcome this challenge a decision was taken to appoint the Project Managers (PMs). The PMs will assist the DAC with its Public Entities to implement the infrastructure projects. The appointment and pre-qualification of a panel of Professional Service Providers (PSPs) will form part of the strategy to successfully rollout the DAC infrastructure programme.

2. PURPOSE AND OBJECTIVE

2.1 The Department of Arts and Culture (DAC) seeks to establish a panel of professionals from various disciplines in the built environment, who will assist the Department in below mentioned areas:

The PSPs will be expected to deliver the following outcomes:

- i. Improve the infrastructure budget management and spending
- ii. Assist the department in the activities relating infrastructure planning (development of the User Asset Management Plan), implementation, monitoring and evaluation.
- iii. Status Quo Analysis, preparation and submission of Status Quo Reports (SQR).

- iv. Formulation of business plans informed by technical documentation and project / programme costing.
- v. Preparation of Budgets and Programmes for submission and Client approval.
- vi. To improve overall budget spend by ensuring the availability of capacity in the preparation of feasibility studies reports, pre-planning, detail planning, design, construction, monitoring and maintenance of projects on time and within budget.
- vii. Scope arrangement into work packages with budgets and programmes ready for implementation.
- viii. Project/ Programme implementation including
 - Professional Team procurement
 - Contractor procurement
 - Close-out
 - Key stakeholder liaison and management.
- ix. Advise the department in the matters relating to infrastructure technology, processes and systems improvement
- x. Lead the infrastructure in matters relating to application research methodologies, training & skills improvement methodologies and information management applications

3. TECHNICAL REQUIREMENTS

The preferred service providers referred to above are those that:

- 4.1 The professional required will mainly include ; Project Management, Quantity survey, Architects, Engineering, Town Planning, Environmental Specialist, Geotechnical Surveys, Land Surveys and landscaping
- 4.2 Will be able to deliver on their obligation in respect of professional service provider required by the DAC as per the scope that will be determined;
- 4.3 Will have the necessary capacity, skill and experience to perform quality work. Partner/Engagement Director should at least have an NQF 7 level qualification, and preference will be given to team members including the Partner/Engagement Director who are certified Professional Services by the Association of Certified Council
- 4.4 Knowledge and expertise in civil/structural engineering, architectural, quantity surveying, electrical engineering, mechanical engineer, project management (built environment) and landscape architecture.

- 4.5 The Professional Services Providers must possess skills in the following areas, infrastructure planning, design and development, financial and economic skills, strong qualitative and quantitative research skills, strategy development, benchmarking, norms and standards development, workshop facilitation, stakeholder consultation, computer aided drafting, computer aided tools such as GIS operations and computer information management applications
- 4.6 The bidders must provide details of the professional team including (years of experience, assignment in which the member is involved in level/ ranks of team member/s), in the Curriculum Vitae for each team member.
- 4.7 The successful bidders to be placed on the panel/database shall ensure that the team presented to the Department is in line with the proposal submitted, and team members who exit the employment of the successful bidder, are substituted with team members with similar experience and qualifications.
- 4.8 Engagement director/partner exiting the project should serve at least a period of 30 days' notice. Any replacement of professional resources, who will be part of the team during the notice period, must have appropriate skills, experience and qualifications.
- 4.9 Comply to the following
- ✓ Government Immovable Asset Management Act, Public Service Regulatory Framework such as, but not limited to:
 - ✓ the Public Finance Management Act (PFMA) and Treasury Regulations,
 - ✓ Public Services Procurement Policies,
 - ✓ South African Constitution,
 - ✓ Minimum Information Security Standards (MISS),
 - ✓ Labour Legislation,
 - ✓ Construction Industry Development Board and Infrastructure Delivery Improvement Programme (CIDB and IDIP toolkits),
 - ✓ Promotion of Access to Information Act,
 - ✓ Public Service Anti-Corruption Strategy;
 - ✓ Code of conduct for the Public Service; Arts, Culture, Heritage legislation/acts,
 - ✓ Protection of Personal Information (POPI) Act.

4. EXPERIENCE

- 4.1 Professional Service Providers of small to large projects for public, private and quazi-government client bodies.
- 4.2 Neighbourhood Development Programmes as administered by National Treasury, or similar programmes.
- 4.3 Infrastructure Programme Management.

5. PROFESSIONAL AFFILIATIONS

- 5.1 South African Council For Architectural profession (SACAP)
- 5.2 The South African Council for Project and Construction Management Professions (SACPCMP)
- 5.3 The South African Council for the Quantity Surveying Profession (SACQSP)
- 5.4 The Engineering Council of South Africa (ECSA)
- 5.5 South African Council for the Landscape Architectural Profession (SACLAP)
- 5.6 SA Council for the Property Valuers Profession

6. SCM REQUIREMENTS

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

- 6.1 All bidders must be registered on the National Treasury central database, and attach a copy of the most recent report to your tender document.

The tax status on CSD must be compliant because the Department is unable to award a contract to a company whose tax affairs are not in order as determined by SARS.

- 6.2 Company Profile

The bidder(s) must include a company profile detailing:

- 6.2.1 Company registration documents (Proof of ownership/shareholding certificate).
- 6.2.2 Original and valid and / or certified copy of B-BBEE status level certificate bearing SANAS logo from an accredited verification agency or qualified registered accountant / EME. Failure to submit a valid B-BBEE certificate will result in zero preference points being awarded for B-BBEE.;
- 6.2.3 Certified ID copies of owners/directors/ key decision makers;

- 6.2.4 Valid contact details including e-mail addresses;
- 6.2.5 Provide certified copy as proof of registration with South African professions council or acknowledged bodies
- 6.3 Professional service providers registered on DAC database will be required to sign a Service Level Agreement (SLA) as agreed on the SBD 7.2 as and when allocated a specific project.
- 6.4 Security vetting and clearance Professional service providers registered on DAC database must agree to be subjected to security vetting process if required.
- 6.5 Submit to the department a certified certificate(s) for proof of registration with one or more of the below mentioned Councils:
 - 6.5.1 South African Council For Architectural profession (SACAP)
 - 6.5.2 The South African Council for Project and Construction Management Professions (SACPCMP)
 - 6.5.3 The South African Council for the Quantity Surveying Profession (SACQSP)
 - 6.5.4 The Engineering Council of South Africa (ECSA)
 - 6.5.5 South African Council for the Landscape Architectural Profession (SACLAP)
 - 6.5.6 Council for the Property Valuers Profession
- 5.8 Company profile should be completed in the attached “Annexure A” Professional Service Provider database application form failing to comply with the above mentioned requirements will result to disqualification

7. TASK DIRECTIVE

7.1 In order for the PSP’s to be registered on DAC PSP-Database the applicants should respond to the following task directive as presented in the schedule below:

Item No.	Task	Noted
	After the registration of the PSP on to the DAC database, the PSP’s will be expected to perform the following tasks as and when contracted	
7.1.1	Liaison with the DAC	

	<ul style="list-style-type: none"> • Receive the induction from the DAC on appointment • Prepare a work plan in accordance with the full scope of work • Obtain approval for the work-plan from the DAC • Execute the work plan in collaborating with the officials authorised by the DAC • Close out the project with the client in accordance to the requirements of the contract 	
7.1.2	<p>Support procurement processes</p> <p>The PSP will be required to prepare specification and adverts for the procurement of other programme related service providers. They will be also expected to participate in the specification, evaluation and adjudication structure and advice the department of procurement decisions</p>	
7.1.3	<p>Procurement Strategy</p> <p>The PSP will be required to develop a procurement strategy in accordance with the guidelines set out by the DAC</p>	
7.1.4	<p>Programme management</p> <p>PSP will be required to prepare programme management plans for various programme implemented by the DAC in accordance with the guidelines set by the DAC</p>	
7.1.5	<p>Project Management</p> <p>The PSP will be responsible for providing full project management support to execute of the project being implemented by DAC, and this includes:</p> <ul style="list-style-type: none"> • Undertake project oversight on projects being implemented to ensure quality is institutionalised and progress is monitored • The processing on invoice submitted by the 	

	contractors or implementing agents.	
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8. EXPRESSION OF INTEREST AND PROJECT ALLOCATION

- 8.1 Bidders are required to express interest to be in the DAC professional services provider database/panel by submitting their proposals in terms of their expertise in line with the brief scope outlined above.
- 8.2 Once the panel has been approved, only those successful bidders will be approached by obtaining quotations at the time when services are required.
- 8.3 It is expected that the quotations to be submitted by successful bidders at the time of engagement should be accompanied by a comprehensive project implementation plan(s) and a detailed quotation/costing schedule containing a breakdown of the hourly tariff, disbursements and overall price (VAT inclusive), detailing planned activities over the period of the project with strict timeframes and the team per category as would be required for the professional service for prior approval by the Director Infrastructure Directorate.
- 8.4 The Department reserves the right to limit and; or revise the projects that each service provider will be allowed to be allocated from time to time based on the demand and priorities presented by DAC at that time. Project value will be used to limit the amount of work each or a prospective service provide will be awarded from time to time; the aim being adequate monitoring and management of service provider activities in the Department.

9. EVALUATION PROCESS

- 9.1 Bids will be evaluated in accordance with the prescripts of the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000) as amended; aligned with the aims of the Broad Based Black Economic Empowerment Act and its Codes of Good Practice, and National Treasury Instruction Note on the "Amended Guidelines in Respect of Bids That Include Functionality as a Criterion for Evaluation (Issued September 2010).
- 9.2 All bids received will first be evaluated for functionality. Only bidders that meet a minimum **functionality threshold of 60 points** will be appointed to the panel/database of service providers for a period of 36 months.

9.3 Upon registration of bids that meet the functionality minimum threshold, service providers on the panel will be invited to quote as when required, at which point the B-BBEE status and price points will be evaluated.

9.4 The NQF consist of 10 levels divided into three band; Levels 1 to 4 equate to high school grades 9 to 12 or vocational training, 5 to 7 are college diplomas and technical qualifications, 7 to 10 are university degrees.

Levels	Designation
1	Grade 9
2	Grade 10 and National (vocational) Certificates level 2
3	Grade 11 and National (vocational) Certificates level 3
4	Grade 12 (National Senior Certificate) and National (vocational) Cert. level
5	Higher Certificates and Advanced National (vocational) Cert.
6	Diploma and Advanced certificates
7	Bachelor's degree and Advanced Diplomas
8	Honours degree, Post Graduate diploma and Professional Qualifications
9	Master's degree
10	Doctor's degree

10. RESPONSIVE CRITERIA WEIGHTING

		Value Rating	WEIGHT
10.1	Qualifications:		
	NQF Level 07 - 08		30
	• 3 people and more	18	
	• 2 people	15	
	• 1 person	10	
	NQF Level 06		
	• 3 people and more	12	
	• 2 people	10	
	• 1 person	8	
10.2	Relevant Experience of the Bidder		
	8 to 10 or more completed relevant projects with contactable references for verification of the completed projects in the last 5 years	40	40
	5 to 7 or more completed relevant projects with contactable references for verification of the completed projects in the last 5 years	30	
	2 to 4 or more completed relevant projects with contactable references for verification of the completed projects in the last 5 years	20	
10.3	Relevant Experience of Key Personnel		
	Project Leader		30
	• 10 years or more relevant experience	15	
	• 5 to 9 years or more relevant experience	10	
	• 1 to 4 years or more relevant experience	5	
	Project Manager		
	• 10 years or more relevant experience	10	
	• 5 to 9 years or more relevant experience	8	
	• 1 to 4 years or more relevant experience	4	
	Supervisor		
	• 10 years or more relevant experience	5	
	• 5 to 9 years or more relevant experience	3	
	• 1 to 4 years or more relevant experience	2	
	TOTAL		100

For purposes of comparison and in order to ensure meaningful evaluation, bidders are requested to furnish us with detailed information in substantiation of compliance to the evaluation criteria mentioned above.

11.COSTING/ PRICE TARIFF SCHEDULES INCLUDING VAT DETAILING:

Once appointed to the panel, service providers will be requested to submit price quotations as and when projects are allocated.

To remain on the panel, bidders are required to regularly submit responses to the Department's requests for quotations.

12.DURATION OF THE CONTRACT

The service providers will be appointed on the panel for a period of three years, and will only be utilised on a needs basis (as and when their services are required for the duration of the contract..

The professional service provider will be registered on the DAC database for a period of two years

13.CONFIDENTIALITY

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

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

14.INTELLECTUAL PROPERTY AND OWNERSHIP OF MATERIAL

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 **DAC** and may not be

used for any other purpose by the service provider. The service provider shall give **DAC** every 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 **DAC** and must be handed over to **DAC** on termination of the contract.

All service providers undertake not to infringe the intellectual property of third parties. Should any action or claim be instituted against the **DAC** emanating from an infringement of intellectual property or an alleged infringement of intellectual property, the service providers hereby indemnify the **DAC** against such claims or actions as well as all costs (including legal costs on an attorney and client scale).

15. GENERAL

- 15.1 Bidders should deposit their documents into the tender box available on the 8th floor reception on or before the 2016 at the address below:
8th Floor Kingsley Centre
481 Stanza Bopape
Cnr Steve Biko & Stanza Bopape Streets (Formerly known as Beatrix & Church Streets)
Arcadia, Pretoria
- 15.2 Any application documents received after the closing date and time will not be considered.
- 15.3 All correspondence to interested bidders will be in writing.

16. ENQUIRIES

Enquiries may be directed to the following persons:

FOR BID ADMINISTRATION & SPECIFICATIONS
Mr Tuelo Thubisi
Tel: (012) 441 3504
Email: Tuelot@dac.gov.za
Deputy Director: Supply Chain Management

Ms. R Zulu
Tel: (012) 441 3089
Email: Refilwez@dac.gov.za
Director: Supply Chain Management
<i>Technical Enquiries:</i>
Ms. P Ben Mazwi
Tel: (012) 441 3099
Email: pamb@dac.gov.za
Director Infrastructure Development Unit (IDU)

Should the service provider have reason to believe that the Terms of reference are structured for a particular brand or service provider, they should raise the objection in writing with the Department within 10 days from the placement of the advert in the Tender Bulletin.