



**SOUTH AFRICAN HERITAGE
RESOURCES AGENCY**

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DATE: ~~September 28, 2009~~

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ENQUIRIES: d.sibayi

TERMS OF REFERENCE

COST ANALYSIS OF NATIONAL HERITAGE RESOURCES ACT, NO. 25 OF 1999

1. PURPOSE

To conduct a cost analysis of the National Heritage Resources Act, No. 25 of 1999 in order to determine the cost involved in the implementation of the various heritage resources management functions provided for in the Act.

2. BACKGROUND

The National Heritage Resources Act, No. 25 of 1999 became operative on 1 April 2000. The new legislation introduced an integrated system for the identification, assessment and management of the heritage resources of South Africa. The costing of this Act was never undertaken.

3. SCOPE OF WORK

The process of conducting a cost analysis of the National Heritage Resources Act is expected to consist of the following main components:

- i. **Information gathering regarding heritage identification, assessment, management and conservation;**
- ii. **Liaison and interaction with relevant Executives and Unit heads and other staff regarding the scope of the functions and required resources for implementation of the Act;**

- iii. **Desk top study and analysis of the cost implications of the national heritage legislation and all related heritage legislation;**
- iv. **Comparison of costing and management with other legislation that impacts on heritage legislation;**
- v. **Analysis and costing of all functions required by the legislation;**
- vi. **Identification and incorporation of hidden costs, such as intergovernmental and interauthority liaison;**
- vii. **Costing of the entire national heritage legislation and required human, financial and physical resources..**

4. PROJECT BREAKDOWN

Based on the above, the appointed team will be required to produce Phased Reports indicating primary deliverables, to be determined in the contract, that may include:

- i. Evidence of a comparative legislative analysis;
- ii. Evidence of assessment of full scope of heritage management;
- iii. Evidence of input from all Units;
- iv. Required costing for each Unit and all functions;
- v. Assessment of hidden costs;
- vi. Human, physical and financial resources required to implement the NHRA.

5. REQUIREMENTS FOR CONTENT OF PROJECT PROPOSAL

The following are minimally required in any Project Proposal;

5.1 Profile of Team

- Name and contact details of company or component companies (in the event of a joint venture) and key staff members, involved in project
- Skills within the team, which should include include:
 - Heritage resources management skills;
 - Legislative framework analysis;
 - Financial costing skills;
 - Project management skills;
 - Any other relevant skills;
- Equity ownership of historically disadvantaged individuals (HDIs).

5.2 Project Vision

5.3 Project Approach

5.4 Methodology for development of each deliverable, taking into consideration the need for:

- Sustainability of the project;
- Consultation with SAHRA management and staff, including communicating the results where and when necessary;

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- Appropriate standards;
 - Cost and Time.
- 5.5 Schedule of Deliverables, Time-Frames and Costs including hourly rate and time estimated per component
- 5.6 Any additional costs (flights, hotels, etc) should form part of the proposed budget
- 5.7 Where subcontracts are envisaged, these should be indicated with budgets and all expenses. Subcontractors should form part of the tender amounts given for each project component and of the total tender amount for the whole project as contemplated in paragraph 3 above.
- 5.8 Project administration proposals
- 5.9 SAHRA will require tenderers to demonstrate the following:
- That they have the capacity to manage the project;
 - How they intend to work closely with the Executive Management and relevant staff of SAHRA, at its Head Office in Cape Town, and how they will communicate regularly.
- 5.10 The final reports should be submitted in triplicate in hard copy and electronically on CD.

6. PROJECT TEAM

- 6.1 The project team should incorporate strong heritage resources management knowledge and familiarity with the implementation of the National Heritage Resources Act, No. 25 of 1999, as well as financial management and project management skills.
- 6.2 The appointed team must be managed by an experienced project manager, who should oversee the successful implementation of the project within the specified time frame of three months.
- 6.3 The project team will be expected to report to and work closely with SAHRA Executive Management and have regular meetings with them. The frequency of which will be determined at the initial meeting;
- 6.4 The project team will be required to respond to the changing needs of the project as the project develops.
- 6.5 The project team will be expected to conceptualize, lead and direct the project towards the best possible solutions, making use of best practice standards within the various areas of the project.

- 6.6 Deliverables will be required to be timeous and of the highest quality standards.

7. TERMS AND CONDITIONS OF PROPOSALS

- 7.1 All costs and expenses incurred by tenderers relating to their project proposal will be borne by the tenderer. SAHRA is not liable to pay such costs and expenses or to reimburse or compensate tenderers in the process under any circumstances, including the rejection of any proposal or the cancellation of this project.
- 7.2 While SAHRA endeavors to ensure that all information provided to tenderers is accurate, it makes no warranty as to the accuracy or completeness of any information provided by it.
- 7.3 SAHRA reserves the right to waive deficiencies in project proposals. The decision as to whether a deficiency will be waived or will require the rejection of a project proposal will be solely within the discretion of SAHRA.
- 7.4 SAHRA reserves the right to request new or additional information regarding each tenderer and any individual or other persons associated with its project proposal.
- 7.5 SAHRA reserves the right not to make any appointment from the proposals submitted.
- 7.6 Tenderers shall not make available or disclose details pertaining to their project proposal with anyone not specifically involved, unless authorized to do so by SAHRA.
- 7.7 Tenderers shall not issue any press release or other public announcement pertaining to details of their project proposal without the prior written approval of SAHRA.
- 7.8 Tenderers are required to declare any conflict of interest they may have in the transaction for which the tender is submitted or any potential conflict of interest. SAHRA reserves the right not to consider further any bid where such a conflict of interest exists or where such potential conflict of interest may arise.
- 7.9 A valid original Tax Clearance Certificate, issued by the South African Revenue Services, must be submitted, failing which the relevant bidder's bid shall not be considered. (See attached application form for Tax Clearance Certificate)
- 7.10 Any and all project proposals shall become the property of SAHRA and shall not be returned.

- 7.11 The proposals should be valid and open for acceptance by SAHRA for a period of 60 days from the date of submission.
- 7.12 Tenderers are advised that submission of a project proposal gives rise to no contractual obligations on the part of SAHRA.
- 7.13 SAHRA reserves the right not to accept any bid which does not comply with the specifications and conditions set out in the bid documents.
- 7.14 SAHRA reserves the right not to award the bid to the bidder that scores the highest points.
- 7.15 Disputes that may arise between SAHRA and a tenderer must be settled by means of mutual consultation, mediation (with or without legal representation) or, when unsuccessful, in a South African court of law.
- 7.16 In addition to adherence to the specific terms and conditions of proposals, provided in this document, the tenderer shall be bound by the provisions of the General Conditions of Contract attached hereto, an originally signed copy of which must be submitted together with all other bid documentation.

8. TIME FRAMES AND PROCESS

Tender Invitation	Published in: - <i>Government Tender Bulletin</i> - <i>Sunday Times</i>	26 September 2009 26 September 2009
Submission of Proposals	Proposals submitted to SAHRA	16 October by 12:00
Opening of tenders	Tenders opened at SAHRA Head Office	16 October at 12:30
Project Phases	Project phases will be established in the contract	
Project Delivery	Completion of Project	Within 9 months of appointment

9. ADJUDICATION

The 90/10 preferential points system, specified in the Preferential Procurement Policy Framework Act, No. 5 of 2000 will be applied in the adjudication of tenders.

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The 90 points portion will be divided between functionality and price in the ratio of 70% to 30% respectively.

A minimum of 50% is required for the functionality component to qualify for further consideration.

9.1 Functionality

The 70% for functionality will be evaluated according to the following criteria and weights:

1.1	Project Vision and Approach: <ul style="list-style-type: none"> • Understanding of project requirements • Incorporation of all elements of Terms of Reference • Clarity of team organisation 	10%
1.2	Methodology for development of each deliverable , including: <ul style="list-style-type: none"> • Appropriate standards • Detailed explanation of deliverables: planned actions, milestones, outputs, timing and corresponding budget • Project administration • Consultation with SAHRA management and staff members 	10%
1.3	Qualifications, Experience and Skills of Project Team in terms of Project Management	15%
1.4	Qualifications, Experience and Skills of Project Team in terms of: <ul style="list-style-type: none"> • Heritage Resources Management • Financial Costing • Legislative Review • Project Management <p>A CV of each key member of the project team, signed by the consultant and team member, should be submitted with the proposal that indicate at least the following:</p> <ul style="list-style-type: none"> • • Relevant education and training • Length of relevant experience • Positions held 	35%

9.2 Price (Vat included)

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Separate tender amounts must be provided for each of the required project components, set out above under Section 3. Scope of Work, as well as the total tender amount for the whole project. Points for price will be awarded with reference to the total tender amount only. Number of hours and hourly rate should be explicitly stated.

9.3 Historically Disadvantage Individuals (HDIs)

The 10 points portion of the 80/20 point system will be allocated for the equity ownership of HDIs and/or contracting with an HDI in accordance with the requirements of the Preferential Procurement Policy Framework Act, No. 5 of 2000 and its associated regulations. For tenderers to be considered for preference points, the attached Preference Points Claim Form and Declaration must be completed.

10. SUBMISSION OF PROPOSALS

Project proposals must be submitted in a sealed envelope, marked as confidential and for the attention of the contact person. It must be posted to the following address: South African Heritage Resources Agency, P.O. Box 4637, Cape Town, 8000, or placed in the tender box at the SAHRA Head Office, 111 Harrington Street, Cape Town.

Proposals must be submitted in hard-copy in triplicate, and should also be submitted electronically on a CD by the closing date for bids, being 16 October 2009 at 11:00.

Contact Person:

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