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Department of Arts and Culture

03 July 2020

## TERMS OF REFERENCE

### APPOINTMENT OF A SUITABLY QUALIFIED EXPERTS TO ASSIST IN OBJECTIVELY AND EFFECTIVELY VERIFY CULTURAL SIGNIFICANCE OF A SACRED SITE

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#### 1. PURPOSE

The South African Heritage Resources Agency (SAHRA) hereby invites suitably qualified and experienced experts to submit proposals to objectively and effectively verify the cultural significance of a sacred site situated about 30km from Thabazimbi, Limpopo Province as part of an ongoing nomination and provisional protection process.

#### 2. BACKGROUND

- 2.1. SAHRA is a statutory organisation established in terms of the National Heritage Resources Act, no 25 Of 1999 (NHRA). Part of this mandate is to identify places of national significance and to investigate the desirability to declare it a national heritage site (Section 27 (1) of the NHRA). SAHRA may also in terms of Section 29 provisionally protect a place for a maximum of two years in order to investigate the protection of the place in terms of the NHRA.
- 2.2. SAHRA received both a declaration nomination and a provisional protection application for the Gatkop Cave and Meletse Mountain, combined referred to as Madimatle, situated on Remainder of Farm Randstephne 455 KQ and Remainder of Farm Donkerpoort 448 KQ about 30km from Thabazimbi, due to the threat of iron ore mining on the site. The significance of the site was cited as an important sacred site.
- 2.3. The cave's cultural significance is undisputed, however, there is contestation about whether the mountain identified by the nominators is the mountain connected to the cave and thus holds the same cultural sacred significance.



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- 2.4. SAHRA is, therefore, looking to appoint an expert in Indigenous Knowledge Systems and/or understanding of African Religious practices to assist in objectively verifying the connection of the mountain to the cave and, therefore, its cultural significance.
- 2.5. Please note that the nominators include the following parties and are represented by Werksmans Attorneys (arguing that the mountain where the mining is taking place is connected to the cave):
- Grace Masuku,
  - Bongani Khumalo,
  - The Kara Institute,
  - The Traditional Healers Organisation, and,
  - Calshelf Investments 171 (Pty) Ltd; Calshelf Investments 172 (Pty) Ltd,
  - Calshelf Investments 173 (Pty) Ltd (the adjacent landowners)

The landowners are represented by Webber Wentzel Attorneys (arguing that the mountain is incorrectly identified).

### **3. SCOPE AND SERVICES REQUIRED**

#### **3.1 The following is required from the potential service provider:**

- Must be registered with ASAPA
- Must have expertise and deep understanding of African Religious practises and/or indigenous knowledge systems.
- A master's degree in cultural and social studies with research links in indigenous knowledge systems.
- Previously published research
- Must not have worked for either of the nominators or landowners.
- Important qualities include:
  - Good judgement in accessing the significance
  - Understand sensitivities of sacred places
  - To articulate findings clearly, with clear arguments in support of findings
  - Available to present findings to the various SAHRA committees
  - Findings may be subjected to legal proceedings and must be available to assist SAHRA regarding the findings should the need arise.
  - Adhere to deadlines as provided by SAHRA – commencing 17<sup>th</sup> July 2020 and finalised report must be submitted no later than 17<sup>th</sup> August 2020.
  - The service provider must prepare an online presentation concentrating of the details project plan.



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### **3.2. Scope of the work required**

- Conduct background research, including own literature review, review of reports submitted to SAHRA
- Conduct own site assessments at the site to verify information submitted to SAHRA
- Clearly articulated and well-structured research report objectively arguing assessment findings that is clearly referenced.
- Travel and accommodation costs must be included in the quotation

## **4. TERMS AND CONDITIONS OF PROPOSALS**

- 4.1. All costs and expenses incurred by potential service providers relating to their project proposal will be borne by each respective service provider. SAHRA is not liable to pay such costs and expenses or to reimburse or compensate service providers in the process under any circumstances, including the rejection of any proposal or the cancellation of this project.
- 4.2. While SAHRA endeavours to ensure that all information provided to all potential service providers is accurate, it makes no warranty as to the accuracy or completeness of any information provided by it.
- 4.3. 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.
- 4.4. SAHRA reserves the right to request new or additional information regarding each service provider and any individual or other persons associated with its project proposal.
- 4.5. SAHRA reserves the right not to make any appointment from the proposals submitted.
- 4.6. Service providers shall not make available or disclose details pertaining to their project proposal with anyone not specifically involved unless authorised to do so by SAHRA.



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- 4.7. Service providers shall not issue any press release or other public announcement pertaining to details of their project proposal without the prior written approval of SAHRA.
- 4.8. Service providers 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 proposal where such a conflict of interest exists or where such potential conflict of interest may arise.
- 4.9. A **valid original Tax Clearance Certificate**, issued by the South African Revenue Services, must be submitted, failing which the relevant service provider's proposal shall not be considered. (See attached application form for Tax Clearance Certificate)
- 4.10. Any and all project proposals shall become the property of SAHRA and shall not be returned.
- 4.11. The proposals should be valid and open for acceptance by SAHRA for a period of 30 days from the date of submission.
- 4.12. Service providers are advised that submission of a project proposal gives rise to no contractual obligations on the part of SAHRA.
- 4.13. SAHRA reserves the right not to accept any proposal which does not comply with the TERMS OF REFERENCE and conditions set out in the proposal documents.
- 4.14. SAHRA reserves the right not to award, or not award the proposal to the service provider that scores the highest points.
- 4.15. Disputes that may arise between SAHRA and a service provider must be settled by means of mutual consultation, mediation (with or without legal representation) or, when unsuccessful, in a South African court of law.
- 4.16. All returnable proposal documents must be completed in full and submitted together with the service provider's quote.
- 4.17. The "Requirements for the content of the project proposal" section above outlines the information that must be included in proposal offers. Failure to provide all or part of the information may result in your proposal being excluded from the evaluation process.



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- 4.18. All goods/service or products to be supplied to SAHRA shall be in full compliance with South African approved standards and in compliance with the specifications provided.
- 4.19. It is the conditions of this RFQ that, a quotation is submitted together with the following completed forms; **kindly submit fully completed Bid Documents**
- a. SBD 1 Invitation Bid
  - b. SBD 2 Tax Clearance certificate application form
  - c. SBD 3.3 Pricing Schedule
  - d. SBD 4 Declaration of Interests form
  - e. SBD 6.1 Preference points claim form (valid BBBEE certificate must be submitted together with this completed document)
  - f. Contract Form – Rendering of Services
  - g. SBD 8 Declaration of Bidders SCM practices
  - h. SBD 9 Declaration of independent bid determination
  - i. Supplier Registration form (Complete only if not on SAHRA supplier database)

**NB: Failure to submit original completed returnable forms as mentioned above will automatically disqualify your quotation. Please ensure that you submit an original valid tax clearance certificate.**

## 5. EVALUATION CRITERIA

- 5.1. All proposal offers received shall be evaluated based on the following phase-out approach:

**Phase one:** Compliance to the terms of reference and conditions of the proposal. Failure to meet any of the conditions of the proposal will automatically disqualify your proposal on this phase.

**Phase two:** Prequalification criteria (Obtaining the minimum threshold for functionality as set out below).



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A bidder must obtain a minimum of 60 points on the prequalification phase to progress to the next phase. Failure to obtain 60 points will render your proposal non-responsive. -

No	Quality Criteria	Weight	Score	Weighted score
1	<p>1. Number of years of experience of research in fields of IKS and African Religious Practices</p> <p>9 and above years = 5</p> <p>7 - 8 years = 4</p> <p>5 - 6 years = 3</p> <p>3 - 4 years = 2</p> <p>1 – 2 years = 1</p> <p>Less than 1 year = 0</p> <p>CV's or full profile of research conducted must be attached</p>	40		
2	<p>Qualifications of expert to be utilised in the project.</p> <p>Doctoral Degree or equivalent in cultural and social studies =5</p> <p>Master's Degree or equivalent in cultural and social studies =4</p> <p>Honours Degree cultural and social studies =3</p> <p>Bachelor's Degree or equivalent cultural and social studies =2</p> <p>Higher Certificate or equivalent in cultural and social studies =1</p> <p>No Qualification in cultural and social studies =0</p> <p>Copies of qualification of the editor <b>must be</b> attached.</p>	10		
3	<p>Quality project Plan to be followed in the Research, assessment and presentation</p> <p>1. Project plan contains detailed methodologies, dates and detailed deliverables =5</p> <p>2. Project plan contains vague methodologies, only deliverables and <b>no</b> detailed dates = 3</p> <p>3. Project plan exist but does not contain methodology, dates and deliverables=1</p> <p>4. No project plan submitted=0</p> <p>Detailed project plan must be attached and presented online.</p>	50		
Total		100		



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**Phase three:** preference points for Broad-Based Black Economic Empowerment (BBBEE) Status Level of Contribution (80/20 preference points system), where 80 points are allocated to price, and 20 points are allocated to BBBEE status level as follows.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

## 6. SUBMISSION OF PROPOSALS

Project proposals must be submitted in a sealed envelope, marked as confidential and for the attention of **Supply Chain Management-Bid No: SAHRA/HPU/06/07/2020**

Proposals must be emailed to : [tenderinfo@sahra.org.za](mailto:tenderinfo@sahra.org.za)

Closing date for bid offers and proposals **13 July 2020 at 11:00 AM** no late proposals will be accepted after the closing time.

### **For technical information, please contact**

Ms. N. Machete  
Manager: Heritage Protection  
South African Heritage Resources Agency  
Office 101, 1<sup>st</sup> Floor, Sancardia Mall  
541 Madiba Street



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Pretoria  
Tel: 012 941 4960  
Email: [nmachete@sahra.org.za](mailto:nmachete@sahra.org.za)

**For Supply Chain related enquiries, please contact**

Ms. A. Mkhize  
Supply Chain Management  
South African Heritage Resources Agency 111 Harrington Street  
Cape Town 8000  
Tel: 021 462 4502  
Email:  
[amkhize@sahra.org.za](mailto:amkhize@sahra.org.za)