



an agency of the
Department of Arts and Culture

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7 OCTOBER 2021

TERMS OF REFERENCE SAHRA/LEGAL/DC/12/10/2021

THE SOUTH AFRICAN HERITAGE RESOURCES AGENCY (SAHRA) INVITES SUITABLY QUALIFIED SERVICE PROVIDERS TO SUBMIT QUOTATIONS FOR THE COLLECTION OF OUTSTANDING DEBT AND TO INITIATE EVICTION PROCEEDINGS AND RELATED LEGAL SERVICES.

1. PURPOSE

The South African Heritage Resources Agency (SAHRA) invites suitably qualified service providers to submit quotations for the collection of outstanding debt and to initiate eviction proceedings and related legal services.

2. BACKGROUND

- 2.1 The South African Heritage Resources Agency (SAHRA) as established by section 11 of the National Heritage Resource Act No 25 of 1999; and it is a listed public entity listed in terms of the provisions of the Public Finance Management act 1 of 1999.
- 2.2 SAHRA's mandate is to co-ordinate the identification and management of the National Estate. SAHRA also owns around 36 immovable properties around South Africa. Some of these properties are rented out to members of the public at fair market related rental and that will assist towards the conservation of our national estate.
- 2.3 In instances where the tenants do not fulfil the above, neglect maintaining the property and/ or fail to pay their rent, SAHRA is often obliged to enforce the Lease Agreement terms including termination of leases and the collection of outstanding rental.
- 2.4 In this regard, over time SAHRA has entered into various leases for different properties around South Africa some of which have been used either as business or residential purposes.
- 2.5 Most of the leases but one were entered into in the tenants personal capacity even though there may be one or two entered into on behalf of a corporative.



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- 2.6 Currently, the debt outstanding in respect of some of these leases is around R 2 732 046, 47 Million rand.
- 2.7 SAHRA has made various efforts to engage the debtors with no positive outcome and SAHRA wishes to evict the debtors from its properties and ensure the debt owing is paid.

3. SCOPE OF PERIOD

- 3.1 The intention of SAHRA is to appoint a firm of attorneys to initiate and complete the aforesaid collection of the rental from the tenant. However, the firm of attorneys will be expected to collect a minimum of 50% of the debt within a period of 12 months from date of appointment failing which the appointment may be cancelled. It is expected that the appointment will endure for a period of collection, provided all the above is complied with, and shall fall away once it is completed and the outstanding rental recouped has been handed over to SAHRA.

4. REQUIREMENTS FOR CONTENT OF A BID QUOTATION

- 4.1 To guarantee an objective and fair evaluation process, all quotations must be submitted in the format wherein the professional persons involved will be indicated, legal fees including the hourly charge out rate, possible disbursements and an estimate of the total legal fees should also be listed.

5. QUALIFICATIONS AND EXPERIENCE

- 5.1 The firm of attorneys must have a minimum of 5 years experience in this regard, proof of registration Legal Practice Council in terms of Legal Practice Act No 28 of 2014.
- 5.2 A proven track record in debt collection with the necessary professional registration documents including the Fidelity Fund Certificate should be submitted.

6. TERMS AND CONDITIONS

- a) All costs and expenses incurred by the 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.



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- b) SAHRA reserves the right to request new or additional information regarding each bidder and any individual or other persons associated with its proposal.
- c) SAHRA may require responsive bidders to present and discuss their proposals in person.
- d) SAHRA reserves the right not to make any appointment from the proposals submitted.
- e) Bidders shall not issue any press release or other public announcement pertaining to details of their project proposal without the prior written approval of SAHRA.
- f) Bidders are required to declare any conflict of interest they may have in the transaction for which the bid is submitted or any potential conflict of interest. It is important that bidders declare their conflict of interest through completion of relevant attached forms.
- g) 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.
- h) Any and all project proposals shall become the property of SAHRA and shall not be returned.
- i) The bid offers, and proposals should be valid and open for acceptance by SAHRA for a period of 120 days from the date of submission.
- j) Bidders are advised that submission of a proposal gives rise to no contractual obligations on the part of SAHRA.
- k) SAHRA reserves the right not to appoint any bidder that scores the highest points.
- l) Disputes that may arise between SAHRA and a bidder must be settled by means of mutual consultation, mediation (with or without legal representation) or, when unsuccessful, in a South African court of law.
- m) In addition to adherence to the specific terms and conditions of proposals, provided in this document, the bidder shall be bound by the provisions of the



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General Conditions of Contract attached hereto, an original signed copy of which must be submitted together with all other bid documentation.

- n) All returnable bid documents must be completed in full and submitted together with the bidder's proposal. Should the returnable documents not be completed, the bid will not be considered any further.
- o) The successful bidder will be subject to supplier clearance process as prescribed by the National Treasury. This process includes, verification of supplier and its shareholders/directors/members' status on the list of defaulters and restricted suppliers.
- p) The proposal must include a company profile/ organization profile, comprising a description of the organization of the bidder, its primary business activity, clients experience, management etc, including at least three references for companies, to whom the service provider has supplied the same service.
- q) After the successful service provider has received the purchase order, they must be able to deliver in full compliance with South African approved standards and in compliance to the specifications provided.
- r) Prior to the finalisation of the appointment, the successful bidder will be required to sign a Service Level Agreement (SLA) prepared by SAHRA.

7. RETURNABLE DOCUMENTS

- a. SBD 1 Invitation to BID
- b. SBD 2 Tax Clearance Requirements
- c. SBD 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. SBD 7.2 Contract Form (Rendering Services).
- g. General Conditions of Contract
- h. SBD 8 Declaration of Bidder's Past Supply Chain Management Practices.
- i. SBD 9 Certificate of Independent Bid Determination.

NB: Failure to submit completed returnable forms as mentioned above may disqualify your quotation.



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8. ANTICIPATED TIME SCHEDULE AND PROCESS

Request for Quotations Issued	Website	12 October 2021
Closing Date	Proposals submitted to SAHRA	26 October 2021

9. EVALUATION CRITERIA

- a) 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 quotation. Failure to meet any of the conditions of the quotation will automatically disqualify your quotation on this phase.
 - **Phase two:** 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



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B-BBEE Status Level of Contributor	Number of points (80/20 system)
Non-compliant contributor	0

10. Price (Vat included)

80 Points for price will be awarded with reference to the total fixed proposal amount inclusive of VAT. The service provider with the lowest price shall score the maximum 80 points.

11. SUBMISSION OF QUOTATIONS

Quotations must be submitted in a sealed envelope, marked as confidential and for the attention of **Supply Chain Management** at 111 Harrington Street, Cape Town

SAHRA takes no responsibility for mailed tender documents. It is the onus of the service provider to ensure that the document is placed in the Tender Box before closing date and time.

12. CLOSING DATE AND TIME

CLOSING DATE: FRIDAY, 26 OCTOBER 2021 AT 11H00 – NO LATE QUOTATION WILL BE ACCEPTED.

For legal information and property information, please contact:

South African Heritage Resources Agency
111 Harrington Street
Cape Town
8000
Tel: 021 462 4502

All enquiries must be sent in writing to:

Ms Ayanda Mkhize
Supply Chain Management
South African Heritage Resources Agency
111 Harrington Street
Cape Town
8000



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Email: amkhize@sahra.org.za