SOUTH AFRICAN HERITAGE RESOURCES AGENCY

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TERMS OF REFERENCE

SAHRA/BGG/03/08/2023

THE SOUTH AFRICAN HERITAGE RESOURCES AGENCY (SAHRA) INVITES SUITABLY QUALIFIED AND EXPERIENCED SERVICE PROVIDERS FOR THE RESCUE, EXHUMATION, STORAGE AND REINTERNMENT OF EXPOSED HUMAN REMAINS IN BETHAL, MPUMALANGA PROVINCE.

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08 AUGUST 2023

TERMS OF REFERENCE

1. PURPOSE

1.1 The South African Heritage Resources Agency (SAHRA) hereby invites qualified and experienced service providers to submit quality proposals for consideration to undertake work of rescuing the exposed human remains, exhuming the remnants of the remains that may still be in the pit of the desecrated grave and storing them before reinternment, exhuming the second grave in the enclosure and reinternment of the remains at a local municipal cemetery.

2. BACKGROUND

2.1 The South African Heritage Resources Agency (SAHRA) is an agency of the Department of Sport, Arts and Culture and is the national administrative body responsible for the management and protection of South Africa's cultural heritage resources.

2.2 SAHRA is a statutory organisation established under the National Heritage Resources Act, No 25 of 1999. The primary objective of SAHRA is to coordinate the identification and management of the national estate which is defined as heritage resources of cultural and other significance.

2.3 In terms of the National Heritage Resources Act, 25, (1999) (NHRA), SAHRA is enjoined with the responsibility of identifying and conserving graves of various categories including those that are 60yrs and older. Also included in this category are graves located outside a local municipal cemetery at an informal cemetery or gravesite. The desecration of graves in Bethal, Mpumalanga Province left human remains exposed, and since this was not a development related activity but a criminally related incident, SAHRA wishes to intervene to ensure that the exposed bones are rescued and reinterred in a dignified manner in line with the principles of heritage resources management. Given the isolated nature of the area, the second grave must also be exhumed and reinterred at the local municipal cemetery to mitigate the risk of possible future desecration.

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2.4 It is within this context that SAHRA wishes to appoint a competent service provider who will undertake the work of rescuing the exposed human remains, exhuming the remnants of the remains that may still be in the pit of the desecrated grave and storing them before reinternment, exhuming the second grave in the enclosure, stand reinternment of the exposed human remains. Secondly, exhuming another grave and reinterring the remains in a local municipal cemetery.

3. SCOPE AND SERVICES REQUIRED

3.1 The service provider must undertake the process of rescuing exposed human remains, exhuming those left underground in the original pit where the exposed remains were dug and taking them for storage.

3.2 The service provider must exhume the second grave that was not damaged during the destruction of the one whose remains are exposed.

3.3 To comply with provisions of section 36(3) of the NHRA and Chapter XI of the NHRA Regulation of 2000, the service provider must conduct a full a 60-days Public Participation process as per the NHRA regulations to identify next of kin(s) / affected communities before exhumation of these grave(s) can be conducted. During this period human remains must be stored in a secure facility until the legislated public participation process is completed.

3.4 After the 60-day Public Participation period, the service provider must reinter the human remains in a local municipality cemetery in the Bethal area or as directed by the next-of kin(s) if any.

3.5 The service provider must clean up the site and remove all rubble after the work of rescue and exhumation and backfill the trenches for rehabilitation of the site.

3.6 The service provider is responsible for the safe keeping of his goods and appoint at his/her own costs suitable and qualified security to the site/s during the period of contract (from date of Site Handover until Practical Completion).

3.7 The service provider is to take into account all costs related to this setting up on site and setting up of works and should be included in the Final Offer.

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3.8 The service provider is expected to provide a breakdown of the programme of works including a clear methodology to be followed in the exhumation and reburial with the submission of the quotation.

3.9 The project completion is estimated at 30 days after the period of public participation.

3.10 The service provider must submit a Completion Report to SAHRA.

4. TERMS AND CONDITIONS OF BIDS

4.1 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.

4.2 SAHRA reserves the right to request new or additional information regarding each bidder and any individual or other persons associated with its proposal.

4.3 SAHRA may require responsive bidders to present and discuss their proposals in person.

4.4 SAHRA reserves the right not to make any appointment from the proposals submitted.

4.5 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.

4.6 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.

4.7 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.

4.8 Any and all project proposals shall become the property of SAHRA and shall not be returned.

4.9 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.

4.10 Bidders are advised that submission of a proposal gives rise to no contractual obligations on the part of SAHRA.

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4.11 SAHRA reserves the right not to award the bid to the bidder that scores the highest points.

4.12 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.

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

4.14 All returnable bid documents must be completed in full and submitted together with the bidder's proposal.

4.15 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.

4.16 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 entities, to whom the service provider has supplied the same service.

4.17 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.

5. RETURNABLE DOCUMENTS

a) SBD 1 Invitation Bid
b) SBD 3.1 Pricing Schedule
c) SBD 4 Declaration of Interests form
d) SBD 6.1 Preference points claim form (valid BBBEE certificate must be submitted together with this completed document.
e) SBD 8 Declaration of Bidder's Past Supply Chain Management Practices
f) SBD 9 Certificate of Independent Bid Determination

Service providers must be registered with the CIDB. Only service providers with a minimum of 1GB qualify to submit bids. A valid CIDB Certificate must be attached to the Offer submitted.

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6. EVALUATION CRITERIA

6.1 All bid offers received shall be evaluated based on the following phase out approach:

- **Phase one**: Compliance to the terms of reference and conditions of the bid. Failure to meet any of the conditions of the bid will automatically disqualify your bid on this phase.
- **Phase two**: Preference points on specific goals as follows;

Preference Point System	Points
Price	**80**
Special Goals	**20**
Black owned company	8
Women	4
Youth	5
Disability	3
TOTAL	**100**

7. PRICE (VAT INCLUDED)

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

8. SUBMISSION OF BIDS

Project bids must be submitted in a sealed envelope, marked as confidential and for the attention of **Supply Chain Management - Bid No: SAHRA/BGG/03/08/2023**

Bids must be deposited in the Tender Box located in Cape Town:
South African Heritage Resources Agency
111 Harrington Street
Cape Town
8000

It remains the onus of the service provider to ensure that their Tender Offer reaches the SAHRA office no later than the closing date and time.

9. CLOSING DATE AND TIME: 08 SEPTEMBER 2023 at 11:00

NO LATE TENDERS WILL BE ACCEPTED

10. FOR SUPPLY CHAIN MANAGEMENT INFORMATION, PLEASE CONTACT:

Ms. Mandisa Tantsi
Acting Senior SCM and Compliance Officer
The South African Heritage Resources Agency
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Cape Town
8000
Tel: 021 462 4502 / 021 202 8665
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For technical information, please contact:

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