



P·A·C·O·F·S

PERFORMING ARTS CENTRE  
OF THE FREE STATE

an agency of the  
Department of Sport, Arts and Culture

## **TERMS OF REFERENCE**

### **APPOINTMENT OF A SERVICE PROVIDER FOR CONSTRUCTION OF THE MAIN ENTRANCE**

**RE-ADVERT: BID/MAINENTRANCE/2022**

## 1. INTRODUCTION

The Performing Arts Centre of the Free State (PACOFs) is a schedule 3A public entity of the Department of Sports, Arts and Culture. It is a playhouse (theatre) based in Bloemfontein, Free State Province. The playhouse was established in terms of the Cultural Institutions Act of 1999.

## 2. PURPOSE

The purpose of the terms of reference is to appoint a suitable service provider for construction of the main entrance at PACOFs.

## 3. OBJECTIVE

PACOFs requires bids from CIDB registered service providers who are suitably qualified and experienced for construction of the main entrance at PACOFs.

## 4. PRE-QUALIFICATION CRITERIA

**NB.** A bidder that fails to meet the below-mentioned pre-qualifying criterion will be disqualified.

- **3GB or higher CIDB grading (proof of registration must be supplied with the bid)**

## 5. SCOPE OF WORK

5.1 The provision and completion of the main entrance at PACOFs **as per attached technical drawings in Annexure A1.**

5.2 Subsequent repairs must carry a warranty.

5.3 The service provider will be required to repair any defects within the warranty period at their own costs.

## 6. BIDDING IMPLICATIONS

### 6.1 Bidding documents

All documents submitted in response to this request for proposals will become the property of PACOFs.

### 6.2 Contractual implications

After awarding the bid, this proposal together with its bid terms, conditions and specifications will constitute a binding contract between the PACOFs and the successful bidder. The successful bidder will assume total responsibility, regardless of any third party or subcontracting agreements it may enter into. PACOFs reserves the right not to award the tender.

## **7. QUALITY COMMITMENT**

By the submission of a proposal, each bidder warrants that he/she/it is highly skilled, professional, competent, and experienced in the area for which he/she/it has tendered. Any work performed by a successful bidder will be evaluated against these criteria. The bidder also warrants that the service provided will be of an acceptable standard and is unlikely to cause undue difficulties.

## **8. SAFETY REQUIREMENTS**

Appearance and conduct:

- a) All works must adhere to the occupational health and safety act and consequently ensuring at all times that protective clothing is worn.
- b) At any given moment a qualified technician must be on site overseeing work to be done.
- c) Where electrical work (new circuit) has been drawn in, a certificate of compliance must accompany the invoice before payment will be processed.
- d) Public liability with regards to the project will remain the responsibility of the service provider.

## **9. LIABILITY**

The successful bidder will be held liable for work not done in terms of the specifications. The contractor shall take full risk of damage to or destruction of the works by whatever cause during construction of the works.

### **Performance Security**

The successful bidder will be required to provide the entity with performance guarantee and payment guarantee in case of cessations.

## **10. JOINT VENTURES, CONSORTIUMS AND TRUSTS**

A trust, consortium, or joint venture will qualify for points for their BBBEE status level as a legal entity, provided that the entity submits their combined BBBEE status level Certificate. Bidders must submit proof of existence of joint venture and or consortium arrangements. PACOFS will accept signed agreements as acceptable proof of existence of joint venture and or consortium arrangement.

The joint venture and or consortium agreements must clearly set out the roles and responsibilities of members of the joint venture and or consortium parties. The agreement must clearly provide for resolution process in case of dispute between members of joint venture and/or consortium and signed by both parties.

**Failure to adhere to the above-mentioned requirements will result in a disqualification.**

## **11.EVALUATION CRITERIA**

**The bid will be evaluated into three phases as below:**

### **12.PHASE 1 MANDATORY REQUIREMENTS**

The bidders are required to provide the following mandatory information. All the forms must be completed in full and signed off.

**Failing to provide all the required documentation, except where stated otherwise, will result in immediate disqualification of the bidder.**

12.1 Invitation to bid (Please fill in supplier number - i.e. MAAA number) SBD 1.

12.2 Pricing schedule SBD 3.3.

12.3 Bidders Declaration SBD 4.

12.4 Preference points claim form SBD 6.1.

12.5 Recent Central Supplier Database (CSD) or MAAA number should be supplied.

**NB. The bidder will be disqualified if the tax status on the CSD report shows non-compliant on the closing date and time of the bid.**

12.6 Valid B-BBEE certificate that is SANAS accredited or Sworn Affidavit for B-BBEE Exempted Micro Enterprises (for Joint Venture – Must be combined).

**Failure to submit will result in zero points awarded. Non-submission will therefore not result in a disqualification.**

12.7 Letter of Good Standing from the Department of Employment and Labour.

12.8 Joint venture agreement, if applicable.

12.9 Provide proof of a valid CIDB registration and grading (3GB or higher CIDB grading) on the closing of the tender, (for Joint Venture – Must be combined)

12.10 Provide health and safety plan for the project.

12.11 Service providers are required to provide pricing per the attached Bill of Quantities in Annexure B1.

12.12 3GB or higher CIDB grading, (attach proof of registration).

All SBD forms must be in their original form and not re-typed, completed in full and be signed by an authorised person. Non-adherence to this request will lead to disqualification.

**13.PHASE 2- FUNCTIONALITY**

CRITERION	POINTS
<p><b>B1: EXPERIENCE AND COMPETENCY IN COMPLETION OF SIMILAR PROJECTS</b></p> <p>Tenderers are required to demonstrate relevant experience and competency in completion of similar projects. Relevant projects must be of similar scope, nature, size and completed within the last five (5) years.</p> <p><b>Successful completion of similar projects in the last five (5) years. Completion certificates together with appointment letters must be submitted with the bid.</b></p> <p>The appointment letter(s) should be on the letterhead of the serviced client and should reflect at least name of the client, full description of the service rendered, contact person, and contact details. The letters must be authorized.</p> <ul style="list-style-type: none"> <li>• <b>10 points for each valid appointment letter and the related completion certificate.</b></li> </ul> <p><b>No score will be awarded if completion certificates and appointment letter are not attached or if appointment letter is provided without a completion certificate or vice versa.</b></p>	<p><b>40</b></p>

CRITERION	POINTS
<p><b>B2: EXPERIENCE OF SITE AGENT</b></p> <p>This Sub Criteria covers the general average qualifications and experience of the proposed Site Agent (total duration of professional activity at Site Agent level).</p> <p>The candidate must have a minimum of <b>NQF level 7 in built environment</b>. Copies of certified qualifications should be provided.</p> <ul style="list-style-type: none"> <li>• <b>5 points for the relevant qualification.</b></li> </ul> <p><b>No points will be awarded for qualifications not relevant to build environment and not a minimum of NQF level 7.</b></p> <p><b>At least 5 years' experience as a Site Agent.</b> Tenderers are required to submit curriculum vitae for the key personnel proposed to be employed on the project. These curriculum vitae are to include specific details of these individuals including past experience and competence in delivering key similar relevant building project.</p> <ul style="list-style-type: none"> <li>• 5 years of experience <b>3 points</b></li> <li>• More than 5 years of experience <b>5 points</b></li> </ul>	<p><b>10</b></p>
<p><b>B3: EXPERIENCE OF FOREMAN</b></p> <p>This Sub Criteria covers the general average qualifications and experience of the proposed Foreman (total duration of professional activity at Foreman level).</p> <p>The candidate must have a minimum of <b>NQF level 6 in built environment</b>. Copies of certified qualifications should be provided.</p> <ul style="list-style-type: none"> <li>• <b>5 points</b> for the relevant qualification.</li> </ul> <p><b>No points will be awarded for qualifications not relevant to build environment and not a minimum of NQF level 6.</b></p> <p><b>At least 3 years' experience as a Foreman.</b> Tenderers are required to submit curriculum vitae for the Foreman proposed to be employed on the project. These curriculum vitae are to include specific details of these individuals including past experience and competence in delivering key similar relevant building project.</p> <ul style="list-style-type: none"> <li>• 3 years of experience = <b>3 points</b></li> <li>• More than 3 years of experience = <b>5 points</b></li> </ul>	<p><b>10</b></p>

CRITERION	POINTS
<p><b>B4: METHODOLOGY AND PROJECT UNDERSTANDING</b></p> <p>All bidders are required to submit detailed methodology covering the project objectives, scope of work and deliverables and shows detailed explanation of how supervision of the works will be carried out, indicating tools and resources to be used for the entire project life cycle. Relevance and suitability of tools and processes to ensure quality control and assurance in all phases of the project.</p> <p>Detailed Comprehensive Methodology that demonstrates Project Understanding which comprises of the following Five (5) components:</p> <ol style="list-style-type: none"> <li>(1) Project objectives.</li> <li>(2) Scope of work and deliverables.</li> <li>(3) Shows detailed explanation of how supervision of the works will be carried out.</li> <li>(4) Indicating tools and resources to be used for the entire project life cycle.</li> <li>(5) Relevance and suitability of tools and processes to ensure quality control and assurance in all phases of the project.</li> </ol> <ul style="list-style-type: none"> <li>• Tenderer has submitted a detailed Method Statement Inclusive of all 5 components = <b>5 points</b></li> <li>• Tenderer has submitted a detailed Method Statement Inclusive of 4 components = <b>4 points</b></li> <li>• Tenderer has submitted the Method Statement Inclusive of 3 components = <b>3 points</b></li> <li>• Tenderer has submitted the detailed Method Statement Inclusive of 2 components = <b>2 points</b></li> <li>• Tenderer has submitted a Method Statement Inclusive of 1 components = <b>1 points</b></li> <li>• No submission = <b>0 points</b></li> </ul> <p><b>Evaluator must be able to identify the 5 components which are a guide to understanding the project.</b></p>	<p><b>5</b></p>

CRITERION	POINTS										
<p><b>B5: WORK PLAN</b></p> <p><b>Detailed Programme of works and Project associated cash flow.</b></p> <p>Note: For programme and cash flow: Five (5) components must be stated in writing/or be visible on a programme and cash flow spreadsheet as follows:</p> <p>(1) Milestones, (2) Critical Path (3) Resource allocation (4) Task dependency map (5) Monthly project cash flow, (cash flow must be in-line with the project cost and programme of works).</p> <p><b>The bidder must clearly write/ show all these 5 components on their submission. (The bidder should not only rely on Microsoft visual illustration).</b></p> <ul style="list-style-type: none"> <li>• Tenderer has submitted a work plan Inclusive of all 5 components = <b>5 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of all 4 components = <b>4 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of all 3 components = <b>3 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of 2 components = <b>2 points</b></li> <li>• Tenderer has submitted a work plan Inclusive of 1 components = <b>1 points</b></li> <li>• Tenderer did not submit the work plan and the cash flow = <b>0 points</b></li> </ul>	<b>5</b>										
<p><b>B6: COMPANY RESOURCES</b></p> <p><b>NB: Proof of ownership or leased agreement must be submitted with the bid. Failure to attach proof will result in the bidder forfeiting points.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Points</th> <th style="text-align: center;">Required Plant</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><b>6</b></td> <td>1 x TLB (Tractor Loader Backhoe) or Excavator (or one of each)</td> </tr> <tr> <td style="text-align: center;"><b>6</b></td> <td>1 x LDV (Light duty vehicle)</td> </tr> <tr> <td style="text-align: center;"><b>6</b></td> <td>1 x Tipper/ Dumper trucks</td> </tr> <tr> <td style="text-align: center;"><b>6</b></td> <td>1 x Handheld Compactor</td> </tr> </tbody> </table>	Points	Required Plant	<b>6</b>	1 x TLB (Tractor Loader Backhoe) or Excavator (or one of each)	<b>6</b>	1 x LDV (Light duty vehicle)	<b>6</b>	1 x Tipper/ Dumper trucks	<b>6</b>	1 x Handheld Compactor	<b>30</b>
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CRITERION		POINTS
6	1 x Water Cart: Mounted or towed	
TOTAL	<b>Bidder must score a minimum of 70 points to be considered for further evaluation.</b>	100

Bidders who score less than **70** out of possible 100 points for functionality will be disqualified and will not be evaluated further. The bids that would have scored **70** or more for functionality will be further evaluated on the 80/20 points system where 80 points will be awarded for Pricing, and 20 points will be awarded in accordance with the preferential procurement (specific goals) requirements.

#### 14 PHASE 3: PRICE AND B-BBEE

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

#### 15. TAX COMPLIANCE

No bid shall be awarded to the bidder who is non-tax compliant. PACOFS further reserves the right cancel a contract with a successful bidder in the event that such bidder does not remain tax compliant for the full term of the contract.

## **16. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS**

No bid shall be awarded to a bidder whose name (or any of its members, directors, partners, or trustees) appear on the register of Tender Defaulters kept at the National Treasury or who have been placed on National Treasury's list of Restricted Suppliers. The entity reserves the right to withdraw an award, or cancel a contract concluded with a bidder should it be established, at any time, that the bidder has been blacklisted with National Treasury or any government institution.

## **17. SITE VIEW**

Before submitting bids, the bidder(s) shall visit the site and satisfy themselves as to the nature and extent of the work to be done and the value of the materials contained in the Bill of Quantities. No claims for variations of the contract sum in respect of the nature and extent of the work or of inferior material will be entertained.

**Please note that only bids from bidders who attended site compulsory briefing session will be accepted.**

## **18. OUT CLAUSE**

PACOFS reserves the right not to appoint any service provider.

## **19. VALIDITY PERIOD**

Bids must be valid for a period of 90 days. PACOFS reserves the right to extend the validity period should need arise.

## **20. SUBMISSION**

20.1 Proposals must be deposited in the bid box located at the main entrance of PACOFS, 12 First Avenue, Westdene, Bloemfontein 9301.

20.2 Proposals should be sealed and marked: **RE-ADVERT:**

**BID/MAIN ENTRANCE/2022.** Prospective bidders must take note that the size of the tender box is **600mm L x 300mm B** and the size of the opening through which bids will be deposited is **310mm L and 90mm B**

20.3 Prospective bidders are required to sign and date the bid register available at PACOFS Main Entrance when submitting the bids. No emailed proposals will be accepted.

The closing date is 28 August 2023 at 11:00.

## 21. ENQUIRIES

21.1 For Supply Chain Management information please contact 051 – 447 7771 ext. 2234 or via e-mail at [quotation@pacofs.co.za](mailto:quotation@pacofs.co.za).

21.2 For all technical enquiries please contact **Mr Mzwakhe Mabaso** on 051 - 4477771 ext. 2228 or via e-mail at [smfacilities@pacofs.co.za](mailto:smfacilities@pacofs.co.za).

### **CLOSING DATE FOR BIDS:**

**FRIDAY, 28 August 2023**

**11H00**

**Please note: No late submissions will be considered.**

### **COMPULSORY SITE MEETING**

**MONDAY, 14 August 2023**

**12H00**