



APPOINTMENT OF A SERVICE PROVIDER/INDIVIDUAL TO  
RENDER COMPANY SECRETARIAT SERVICES TO THE MTF  
GOVERNANCE STRUCTURES FOR A PERIOD UP TO THREE  
YEARS

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**THE MARKET THEATRE FOUNDATION (MTF)**

Request for Proposal:

APPOINTMENT OF A SERVICE PROVIDER/INDIVIDUAL TO RENDER COMPANY SECRETARIAT  
SERVICES TO THE MTF GOVERNANCE STRUCTURES FOR A PERIOD OF UP TO THREE YEARS.

MTF 09/2025-2026

**Closing Date:** 30 October 2025

**Closing Time:** 12:00



# APPOINTMENT OF A SERVICE PROVIDER/INDIVIDUAL TO RENDER COMPANY SECRETARIAT SERVICES TO THE MTF GOVERNANCE STRUCTURES FOR A PERIOD UP TO THREE YEARS

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## **Addendums**

- A : SBD 1 – Invitation to Bid and copy of the Advertisement
- B : SBD 2 – Tax Clearance Requirements
- C : SBD 4 - Declaration of Interest
- D : SBD 6.1 Preference points claim form to the Preferential Procurement Regulations 2022
- E : SBD 7.2 – Contract Form
- F : SBD 8 – Declaration of Past SCM Practices
- G : SBD 9 – Certificate of Independent Bid Determination
- H : CSD Registration Vendor Number



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## **1 General Information**

### **1.1 Purpose of this document**

The Market Theatre Foundation (MTF) wishes to appoint a Service Provider/Individual with proven Company Secretariat experience, to provide Secretariat Services to the MTF for a period not more than three years.

### **1.2 BACKGROUND**

The Market Theatre Foundation was declared a cultural institution in 2005, through the Cultural Institutions Act, 1998 (Act 119 of 1998).

**The following Acts have been promulgated by Parliament to create institutions in furtherance of the constitutional mandate of the Department of Sports Arts and Culture:**

- National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996);
- Cultural Institutions Act, 1998 (Act 119 of 1998);
- Culture Promotion Act, 1983 (Act 35 of 1983);
- South African Geographical Names Council Act, 1998 (Act 118 of 1998);
- Heraldry Act, 1962 (Act 18 of 1962);
- Legal Deposit Act, 1997 (Act 54 of 1997);
- National Arts Council Act, 1997 (Act 56 of 1997);
- National Film and Video Foundation Act, 1997 (Act 73 of 1997);
- National Heritage Council Act, 1999 (Act 11 of 1999);
- National Heritage Resources Act, 1999 (Act 25 of 1999);
- Pan South African Language Board Act, 1995 (Act 59 of 1995);
- National Library of South Africa Act, 1998 (Act 92 of 1998);
- South African Library for the Blind Act, 1998 (Act 91 of 1998); and
- The Use of Official Languages Act, 2012 (Act No. 12 of 2012).

## **2. OBJECTIVE**

The purpose of this tender is to appoint a service provider/individual to provide company secretariat services to the MTF for a 3 year period:

- The service provider/individual shall provide company secretariat and professional corporate governance services to the Council of the MTF, and to ensure that the MTF and the Members of the Council singularly and collectively fulfil their statutory requirements to meet the required standards of institutional governance required of the MTF.
- The service provider/individual shall have the capacity to understand the impact of the MTF's strategic thrust as an entity of the Department of Sport, Arts & Culture, as established by the Cultural Institutions Act No 19 of 1998 and other laws and applicable

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regulations in the governance of the MTF; and should therefore possess the capacity to identify financial, technological, reputational or legal risk to the MTF and to advise the Council accordingly.

- The service provider/individual must have the requisite knowledge and experience to carry out the duties of a company secretary of the MTF, and shall have the necessary competence, gravitas and objectivity to provide independent advice and support at the highest level of decision-making in terms of corporate governance, the Council's legal identity and statutory responsibilities in terms of the Cultural Institutions Act No 19 of 1998 and any other relevant laws and regulations and to report any failure to comply.
- The company secretary should devise a system to meet the obligation of ensuring that the Council and the MTF is fully compliant and should take responsibility for certain areas of the law which relate to service provider's expertise and to rely on the MTF's legal panel of advisors for other specialised expertise and support.
- The service provider/individual will also be responsible for other key or related tasks as designated by the Council Chairperson and the MTF CEO on an ad-hoc basis. The MTF shall ensure that the company secretary is empowered to carry out the required functions, and carries the necessary authority, accreditation and expertise required to render the required service to the MTF Council and its committees, and entity executives.
- The service provider/individual shall be privy to confidential information about the MTF and will need to act with integrity at all times. The service provider may not misuse confidential information or disclose it to any third party, in line with their fiduciary duties as a contractor of the MTF.
- Equally, the service provider/individual must act in good faith and avoid conflicts of interest and ensure that appropriate guidance is given to the Council of the MTF in these matters.
- The service provider shall be accountable to the Council of the MTF and be administratively accountable to the Chief Executive Officer of the MTF. The appointment of the service provider shall be a matter for the Council as a whole, termination of the service provider is a decision of the Council. Should the Council decide to terminate the engagement of the service provider before the end of the contract period, the service provider/individual shall be entitled to include a replying statement in the MTF's annual report.

In the event of the MTF not complying with its statutory requirements under the Cultural Institutions Act and other relevant legislation and/or the recommendations of King IV, the service provider/individual should raise the matter with the chairperson of the Council, Chairperson of the MTF's Legal, Governance, Compliance & Ethics Committee and the Chairperson of the Audit and Risk Committee, wherein such matters shall be as appropriate. As a last resort, if the matter is not resolved, the service provider may be



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compelled to notify the Institutional Directorate of the Department of Sports, Arts & Culture and/or approach a relevant regulatory agency for assistance.

### **3. QUALIFICATIONS, COMPETENCIES & SKILLS REQUIRED OF THE SERVICE PROVIDER/INDIVIDUAL:**

The person who is allocated by the service provider, or the individual winning this bid, must have legal qualifications and proven company secretariat experience and must be available for the business of Council, including attendance at meetings of Council and Committees of Council.

#### **a. Qualifications Required:**

- Relevant bachelor's degree in Law (LLB), .
- Certificate with the Institute of Chartered Secretaries is a requirement.

#### **b. Competencies:**

- Problem solving
- Conflict resolution
- Innovation and resourcefulness
- Leadership skills
- Delivery orientation
- Ethics orientation
- Attention to detail and accurate output
- Strong administrative and computer skills and
- Effective communications skills at all levels

#### **c. Knowledge and Skills Required**

- Sound understanding of legal, risk and financial matters.
- Understanding/knowledge of relevant South African legislation including, the Cultural Institutions Act No 19 of 1998, other laws and applicable regulations in the governance of the MTF, and applicable corporate governance frameworks, (e.g., King Report IV).
- Ability to interpret and explain written organisational policies and procedures
- Knowledge of relevant legislation (e.g. PFMA and Treasury Regulations), compliance and government requirements (Including King Code of Good Practice).
- Five (5) years' secretariat experience in private or public company or institution.

### **4. SCOPE OF WORK**

Provision of services shall be inclusive of, but not limited to the following:

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a. **Accountability to the MTF Council**

- i. The company secretariat should:
  - a. Have unfettered access to the MTF Council but, for reasons of independence, should maintain an arms-length relationship with it and its members. Accordingly, the company secretariat is not a member of the MTF Council;
  - b. Act as the custodian of all Council and the Committees of Council's business and records;
  - c. Ensure that a Council Charter and Terms of References for Council Committees are in place, implemented and annually reviewed;
  - d. Provide MTF Council, collectively and individually, with guidance as to their duties, responsibilities and powers;
  - e. Obtain and maintain Council Members' Declarations of Interest, personal address and contact information, copies of ID and their annual registration with the Institute of Directors of South Africa;
  - f. Keep the Council apprised of legislative and corporate governance developments, including but not limited to Treasury/DSAC regulations relevant to, or affecting the MTF;
  - g. Report to the MTF Council any failure on the part of the MTF or a Council member to comply with the Council Charter, MTF policies, the Skills Development Act, King Code on Corporate Governance, and all other relevant and applicable prescripts;
  - h. Register and renew members registration with the Institute of Directors South Africa and provide new Council Members with an information pack relating to the entity and their responsibilities to the Council.
  - i. Arrange induction workshops for Council Members and coordinate Council and Committee evaluations on an annual basis to identify training requirements for Council Members and ensure that there is an ongoing programme to keep Council Members informed of developments at the MTF and in respect of matters relevant to their responsibilities generally.
- j. The company secretariat will also be responsible for assisting in monitoring the adherence of the regulatory and compliance framework.

b. **Administrative and corporate governance responsibilities:**

- i. The company secretariat should:
  - a. Have regular communication with the Chairperson of the MTF Council and the CEO of the MTF; and be available to provide comprehensive practical support and guidance to the MTF Council, with particular emphasis on the Chairperson of the Council, the Chairpersons of Committees; the Risk Committee and the external Audit and Risk Committee ;
  - b. Assist in the ongoing training and induction of MTF Council, including assessing the specific training needs of Council in their fiduciary and other governance responsibilities;

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- c. Ensure the accurate compilation and timely circulation of Council meeting packs and assisting the Chairperson of the MTF Council and Committees with planning in terms of the MTF's Annual Performance Plans and Strategic Performance Plans;
- d. Obtain appropriate responses and feedback to specific agenda items and matters arising from previous meetings in Council and Council Committee deliberations;
- e. Report to the MTF Council, via the Chairperson, on all fiduciary duties and statutory reporting functions to be performed;
- f. Certify in the MTF's Annual Financial Statements whether the MTF has filed the required returns and notices in terms of MTF policies, the Skills Development Act, King Code on Corporate Governance, and all other relevant and applicable prescripts;
- g. The person attending meetings must be a lawyer with 5 years company secretariat experience .
- h. Report on administrative matters to the CEO of the MTF, or to a person designated by the CEO for this purpose, as is appropriate.

### **c. Responsibilities in respect of Council and Committee Meetings:**

The company secretariat should:

- a. Liaise with the MTF's Executives and the Chairperson of Council and/or Chairpersons of Committees in respect of scheduling of ordinary meetings of Council and the Committees and the agendas thereof;
- b. Liaise with the MTF Executives to ensure that Special Council Meetings are aligned with dates when Council is required to review documents for statutory reports. Such meetings should be convened at least seven days prior to the submission of the statutory reports;
- c. Act as minute secretary for all meetings of Council and Committees of Council, and ensure timely delivery of meeting packs to Council Members and/or any relevant stakeholders;
- d. Ensure that minutes of all Council meetings, meetings of Committees of Council, or of the MTF Audit and Risk committee are recorded in accordance with the MTF policies, the Skills Development Act, King Code and Report on Corporate Governance, and all other relevant and applicable prescripts;
- e. Draft reports for Committee Chairpersons based on the minutes of the meeting and obtain sign-off of the Committee Chairperson before tabling the Committee Chairperson's Report in the Council Pack;
- f. Ensure the implementation of Council Resolutions and that Committee Recommendations are tabled at Council meetings;
- g. Ensure that all documents and records are kept in safe custody and handed over to the CEO of the MTF within 7 days at the termination of the service agreement.

### **d. Responsibilities in terms of minute taking:**



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- a. Ensure that attendance register is signed and completed by the attendees at all MTF Council and Committees of Council meetings;
- b. Ensure that all original minutes/transcripts are signed off by the Council Chairperson or Committee Chairpersons, as relevant;
- c. The original attendance register must be included in the minute book and the minute book must be submitted to the office of the CEO after every meeting;
- d. A copy of the register should be kept with the committee secretariat for record purposes;
- e. In the instance of online meetings (Microsoft Teams) the attendance report generated by Microsoft Teams should be kept with the committee secretariat for record purposes
- f. Ensure accurate and quality recording of deliberations of committee meetings reflecting description of item, actions required and decisions of the Committee;
- g. Maintain a register of Council and Committee resolutions;
- h. Prepare matters arising for review and action by the MTF;
- i. Prepare minutes and matters arising for approval by the relevant Chairperson, Council or Committee Member and upon approval circulate to all relevant parties within seven (7) days after the meeting;
- j. Ensure that the original and signed minutes are kept in minute books for safe keeping;
- k. Prepare transcription and verbatim minutes, as and when required, and ensure that there is a secure back up all recordings at the end of the meeting to ensure that if there is a hacking, theft or loss of information there is a copy for reference;
- l. All meetings of Council and Committees of Council must be recorded, and the minutes must accurately reflect the deliberations and decisions of the meetings. Copies of the recordings must be submitted to the CEO's office after;
- m. Receiving reports associated with the minutes from the CEO. Draft reports for the Chairpersons of Committees, based on the minutes of the meeting. The draft reports are to be approved and signed off by the Chairpersons of Councils and to be included in the Council's meeting pack 7 days before the scheduling of meetings.

### **5. CONTRACT MANAGEMENT**

The Service Provider/Individual appointed shall be given instructions by the CEO and Chairperson of the MTF Council. In terms of business of council committees, they will be given instructions by the relevant Chairperson of the committee.



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### 6. PERIOD

The services will be engaged for a Three-year period.

### 7. PRICING

Service providers must provide a detailed breakdown of the costs and fees. The proposal must be firm and valid for a period of 150 days.

All assumptions made in preparing the proposal, including all cost factors such as travelling, must be detailed.

Prices quoted must be valid for at least 150 days from the closing date of the RFP.

a. The amount quoted must be denominated in South African Rand value, and should include VAT. The rates quoted may not exceed the rates prescribed by National Treasury instruction note/s on cost containment measures being either:

- (a) The "Guide on Hourly Fees Rates for Consultants", as issued by the Department of Public Service and Administration (DPSA);
- (b) The Auditor General rates; and or
- (c) Remuneration guidelines issued by professional service organisations or relevant regulatory bodies.

The amount quoted should include all the expenses related to this contract. No additional fees will be entertained thereafter.

Please transfer the total of the 3 years to the SBD 1

The above sessions vary based on the agenda and a meeting may extend up to 12 hours.

The quantum is an estimation and may increase or decrease at any given time.

The payment policy of MTF is 30 days from the date of receipt of invoice.

The Contract Sum shall NOT be subject to any price adjustment by any increase or decrease in the cost of labour from the date of submission of the bid to the completion of the contract. The Bidder must make allowance in rates or elsewhere in the tender for any escalation in costs which may occur.

### 8. Compulsory requirements

- Valid Tax Clearance Pin Certificate.
- Proof of Chattered Secretaries of Southern Africa (CSSA) membership or equal relevant body.
- Proof of Central Supplier Database (CSD) registration. **(Kindly note that the company must be tax compliant as per the CSD report on the stipulated closing date) If you are non-**



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**compliant on the closing date MTF will give a chance to become compliant at a stipulated date and time. If you are still not compliant by the stipulated date and time your bid will be disqualified.**

- Completion of all attached SBD forms ( 4, 6.1,8 and 9)
- Completed pricing schedule

**Failure to submit the required compulsory documents above will lead to disqualification.**

### **Other Requirements**

- Provide the signed reference letters from at least three (3) contactable existing/recent clients (within past 5 years). The letter must include company name, contact name, address, phone number and duration of contract, quality of service, satisfaction level by client and turnaround times.
- Certified copy of BBBEE certificate / affidavit.
- Experience of key staff (Project team) in dealing with Council and Committees
- CV/Profiles of the team to be attached.
- Professional body affiliation.
- The service provider must be affiliated to a recognized body in the secretariat industry or similar sector for the past 3 years. (Certified Copies)
- Proof of affiliation to a professional body and valid membership certificate.
- Valid certificate accompanied by a confirmation stating membership for a year. ICSA or equivalent.

### **9. RELEVANT COMMITTEES**

The appointed service provider will be recording the following meetings:

- a. Council
- b. Audit and Risk Committee
- c. Human Resources & Remuneration Committee
- d. Fundraising Committee
- e. Artistic Committee
- f. Legal and Governance Committee
- g. Building Committee and
- h. Any other Committees of Council that may be duly constituted.
- i. Risk Committee

The above committees' scheduled meetings shall be held quarterly. In addition, special meetings that may be arranged from time to time.

### **10. CONFIDENTIALITY**

All material processed must be treated with strict confidentiality and may not at any time or manner be used for personal benefit. The MTF reserves the right to call back any information/documents

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that may be in the possession of the service provider. The service provider shall sign a non-disclosure agreement with the MTF. Upon termination of the contract the service provider shall return all documents in its possession to the MTF within 7 days from the end of the contract.

### 11. EVALUATION CRITERIA

- a. Proposals for the appointment of the bidder will be evaluated on functionality, price and BBBEE status in accordance with the Supply Chain Management Procurement Policy (Preferential Point System).
- b. The following criteria will be used in particular for appointment, apart from those stipulated in the Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act 5 of 2000.
- c. Bids will be evaluated individually on score sheets by a representative evaluation panel according to the evaluation criteria indicated below.

ELEMENT	WEIGHT	Scoring Criteria
<b>FUNCTIONAL</b>	<b>100</b>	
<b>Company Experience</b> <ul style="list-style-type: none"> <li>Provide 3 signed /reference letters from contactable existing/recent clients (within past 5 years). The letter must include company name, contact name, address, phone number and duration of contract, quality of service, satisfaction level by client and turnaround times</li> </ul>	<b>20</b>	<ul style="list-style-type: none"> <li>3 or more signed reference letters = 20</li> <li>2 signed reference letters = 15</li> <li>1 signed reference letters = 10</li> <li>No submission = 0</li> </ul>
<b>Personnel Experience</b> <ul style="list-style-type: none"> <li>Experience of Lead Member - Senior Member – Please provide certified copies of tertiary qualifications obtained. (Certified copies will be accepted only. If the qualifications are not certified no points will be awarded)</li> </ul>	<b>30</b>	<ul style="list-style-type: none"> <li>CV provided with bachelor's degree in Law (LLB), Commerce, Business Administration = 30</li> <li>No submission = 0</li> <li>CV provided with company secretariat experience 5yrs and above - 20 Points</li> </ul>

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Experience of Lead member - Please provide a detailed CV with relevant company secretariat experience	20	<ul style="list-style-type: none"> <li>CV provided with company secretariat experience 4yrs – 15 Points</li> <li>• CV provided with company secretariat experience 4yrs – 10 Points</li> <li>No submission - 0</li> </ul>
<b>Professional body affiliation</b> <ul style="list-style-type: none"> <li>Proof of a certificate with a relevant institution as COSEC. (Certified copies will be accepted only. If the qualifications are not certified no points will be awarded)</li> </ul>	30	<ul style="list-style-type: none"> <li>Valid proof of current registration at The SA Institute of Chartered Secretaries Administrators or equal relevant body (ICSA) = 30</li> <li>No submission = 0</li> </ul>
<b>100</b>		

### The Minimum Threshold is 75 points

d. Proposals will be evaluated in two phases. In the first phase, the bid documents will be evaluated individually on separate score sheets on functionality, by a representative evaluation panel according to the evaluation criteria indicated in these Terms of Reference. All bidders who will score less than **75 out of hundred (100) points for functionality** will not be considered further and will be regarded as submitting a non-responsive proposal. Short-listed bidders will be required to do a presentation in person to the department.

e. During the second phase of the bid the potential service provider will be evaluated using the 80/20 preference points system in accordance with the PPPFA guidelines. Based on this system the points will be allocated as follows:

### 1. GENERAL CONDITIONS

#### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

1.1 The following preference point systems are applicable to invitations to tender:

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- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

## 1.2 To be completed by the organ of state

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **80/20** preference point system.

## 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

## 1.4 To be completed by the organ of state:

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>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the

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time of bid invitation, and includes all applicable taxes;

- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$	<b>or</b>	$Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

## 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

### 3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$	<b>or</b>	$Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$



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Where

- Ps = Points scored for price of tender under consideration  
Pt = Price of tender under consideration  
Pmax = Price of highest acceptable tender

## POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

***(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)***

	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system)
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		(To be completed by the organ of state)	(To be completed by the tenderer)
1.	100% Black owned or	6	
	51-99% Black owned	4	
2.	100% Black women owned or	6	
	51% to 99% Black women owned	4	
3.	5% Youth Ownership	2	
4.	2% Owned by persons with disabilities	1	
5.	Exempt Micro Enterprise ( EME) or	5	
	Qualifying Small Enterprise ( QSE)	3	

## DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;

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- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

### 12. TERMS AND CONDITIONS OF THE BID

- a. Awarding of this contract will be subject to the service provider's acceptance of the Supply Chain Management's general conditions of contract.
- b. The appointed service provider will enter into a service level agreement with the MTF, which will include:
  - i. Period of agreement;
  - ii. Project objectives and scope;
  - iii. Method of communication;
  - iv. Disputes;
  - v. Termination of contract and other specific matters that will be agreed upon to form part of the service level agreement;
- c. The MTF reserves the right to terminate the contract in the event that there is clear evidence of non-performance and or poor quality of work;
- d. The MTF reserves the right to appoint one or more bidders for the projects;
- e. The basis of engaging bidders will be on an assignment basis.



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- f. In the event where there is more than one bidder accredited on the bid, and they have the necessary skills that are required to render a specific service, the MTF will issue the Terms of Reference/Specifications to call for bids and award the work accordingly.
- g. The MTF reserves the right to interview bidder(s) that are short listed for a specific assignment (meaning that bidders may be requested to do presentations for a specific project / assignment).
- h. The MTF may at its sole discretion, award an assignment or any part thereof to more than one bidder (s).
- i. Payments will only be made for acceptable work completed and timeously delivered.
- j. Any deviation from the project plan should be requested in writing and signed off by the project manager.
- k. Any suggestions and / or contributions during progress meetings, once accepted by both parties, shall form part of the contract.

### 13. CONTACT PERSONS FOR ENQUIRIES

All enquiries related to this bid call must be forwarded to:

Supply Chain Management Enquiries

**Mr Vickey Pienaar**

Tel: (011) 832 1641

E-mail address: [vickeyp@markettheatre.co.za](mailto:vickeyp@markettheatre.co.za)

### 14. RFP SUBMISSIONS

Bid document must be submitted in the MTF tender box situated in the MTF foyer at The Market Square Building at 138 Lillian Ngoyi Street, Newtown, Johannesburg.

Bid documents must be placed in a sealed envelope clearly marked with the description and bid number that you are bidding for.

Only original bid documents will be accepted and faxed or emailed bid documents will not be considered for evaluation at all.

Bid documents may only be completed in ink and mistakes must be corrected with a signature next to the correction.

### 15. GLOSSARY

The following definitions are used within this *RFP*:

- **'Bid'** means a formal submission by a Bidder in response to the RFP document;
- **'Bidder/s'** means an entity or entities submitting a Bid as above in response to the RFP and include a Bidder Consortium;
- **'MTF'** means The Market Theatre Foundation;
- **'Photo Workshop'** means the Market Photo Workshop;
- **'LAB'** means the Market Laboratory;



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- **'Preferred Bidder'** means the Bidder selected by the Evaluation Panel to enter into negotiations with MTF for the provisions of services;
- **'Service Level Agreement'** means the agreement entered into between MTF and the Preferred Bidder setting out the terms and conditions for the services to be provided by the Preferred Bidder;
- **'CSSA'** means Chartered Secretaries of Southern Africa.



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## 16. PRICING SCHEDULE

The MTF has developed the following pricing schedule as a baseline to assist in the evaluation of bids.

Each bidder is required to complete and submit the Pricing Table.

Additional hours price components must be included in the additional guards pricing table below, if the hours exceed the number of hours allocated in the original proposal.

ITEM DESCRIPTION	SESSION QTY OVER 12 Months/	DURATION PER SESSION	RATE PER HOUR	RATE OVER 12 MONTHS
1. Council	6	4 Hours	R	R
2. Audit and Risk Committee	6	4 Hours	R	R
3. Legal and Governance Committee	6	4 Hours	R	R
4. Human Resources and Remunerations Committee	6	4 Hours	R	R
5. Fundraising Committee	6	4 Hours	R	R
6. Artistic Committee	6	4 Hours	R	R
7. Building Committee	6	4 Hours	R	R
8. Special Meetings	12	8 Hours	R	R
9. Strategy Planning Session	2	8 Hours	R	R
<b>TOTAL (YEAR 1) Inclusive of VAT @ 15%</b>				<b>R</b>

Total for Year 2 Inclusive of VAT @ 15%		R
Total for Year 3 Inclusive of VAT @ 15%		

Grand Total Year 1 + 2 + 3 =	R
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Additional Hours (Price per hour)	R
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