



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

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

Contents

1.	General Information	
1.1	Purpose of this document	4
1.2	Background	4
2	Objective for this tender	4-6
3	Qualifications, Competencies and skills required of the Service Provider	6
3.1.	Qualifications	6
3.2.	Competencies	6
3.3.	Skills	6
4	Scope of work	7
4.1.	Accountability to the MTF	7
4.2.	Administrative & Corporate Governance Responsibility	7-8
4.3.	Responsibilities in respect of Council & Committee Meetings	8-9
4.4.	Responsibilities in terms of minute-taking	9
5	Time Schedule	9
6	Project Management	10
7	Project Proposal	10
8	Period	10
9	Pricing	10-11
10	Compulsory Requirements	11
11	Other Requirements	11
12	Relevant Committees	11-12
13	Confidentiality	12
14	Evaluation Criteria	12-16
16	Contact persons for Enquiries	16
17	RFP submission	16
18	Glossary	16
19	Pricing Schedule	17



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

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



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

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

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

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

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

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:

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

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;

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

- 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:

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

- 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.



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

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-**



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

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

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

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
FUNCTIONAL	100	
Company Experience 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	20	3 or more signed reference letters = 20 2 signed reference letters = 15 1 signed reference letters = 10 - No submission = 0
Personnel Experience 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)	30	- CV provided with bachelor's degree in Law (LLB), Commerce, Business Administration = 30 - No submission = 0 - CV provided with company secretariat experience 5yrs and above - 20 Points

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

Experience of Lead member - Please provide a detailed CV with relevant company secretariat experience	20	- CV provided with company secretariat experience 4yrs – 15 Points • CV provided with company secretariat experience 4yrs – 10 Points - No submission - 0
Professional body affiliation 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)	30	- Valid proof of current registration at The SA Institute of Chartered Secretaries Administrators or equal relevant body (ICSA) = 30 - No submission = 0
100		

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:

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

- 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
Total points for Price and SPECIFIC GOALS	100

- 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

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

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:

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

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:

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



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

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)
--	---	--	--



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

		(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;

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

- 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.



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

- 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

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;



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

- **'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.



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

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
TOTAL (YEAR 1) Inclusive of VAT @ 15%				R

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

Grand Total Year 1 + 2 + 3 =	R
------------------------------	---

Additional Hours (Price per hour)	R
-----------------------------------	---



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

ANNEXURE A



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

SBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)				
BID NUMBER:	MTF 09/2025-2026	CLOSING DATE:	30 October 2025	CLOSING TIME: 12:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER/INDIVIDUAL TO RENDER COMPANY SECRETARIAT SERVICES TO THE MTF GOVERNANCE STRUCTURES FOR A PERIOD OF UP TO THREE YEARS.			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)				
138 LILLIAN NGOYI STREET				
NEWTOWN				
JOHANNESBURG				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Vickey Pienaar		CONTACT PERSON	Vickey Pienaar
TELEPHONE NUMBER	011 832 1641		TELEPHONE NUMBER	011 832 1641
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	vickeyp@markettheatre.co.za		E-MAIL ADDRESS	vickeyp@markettheatre.co.za
SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]				



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

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		☐ YES ☐ NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?		☐ YES ☐ NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?		☐ YES ☐ NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?		☐ YES ☐ NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?		☐ YES ☐ NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.			

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILED THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH



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

DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

Total Bid Amount (3 Year Amount)

R

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:



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

ANNEXURE B



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

SBD 2

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with

South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

Jeyrel:\Mdk416-SBD2 tax clearance



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

ANNEXURE C



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

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

FULL NAME	IDENTITY NUMBER	NAME OF STATE INSTITUTION

2.2 Do you, or any person connected with the bidder, have a relationship

1 the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

with any person who is employed by the procuring institution?

YES/NO

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related



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

enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name) in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

2.1 I have read and I understand the contents of this disclosure;

2.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

**I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3
ABOVE IS CORRECT.**



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

**I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN
TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON
PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT
SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



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

ANNEXURE D



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

SBD 6.1

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. GENERAL CONDITIONS

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

- 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
Total points for Price and SPECIFIC GOALS	100

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

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

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 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

4.1. 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:

80/20	or	90/10	
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$	

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{min} = Price of lowest acceptable tender

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

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

4.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

5. POINTS AWARDED FOR SPECIFIC GOALS

5.1. 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:

5.2. 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.)

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

	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (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

5.3. Name of company/firm.....

5.4. Company registration number:

5.5. 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]

5.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify

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

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;
- 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.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	
DATE:	
ADDRESS:	
	
	
	



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

ANNEXURE E



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

SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the Institution) in accordance with the requirements and task directives / proposals specifications stipulated in Bid number at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

(i) Bidding documents, viz

- Invitation to bid;
- Tax clearance certificate;
- Pricing schedule(s);
- Filled in task directive/proposal;
- Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
- Declaration of interest;
- Declaration of bidder's past SCM practices;
- Certificate of Independent Bid Determination;
- Special Conditions of Contract;

(ii) General Conditions of Contract; and

(iii) Other (specify)

3 I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

3. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.



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

4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

5. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE



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

SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as
..... accept your bid under reference number dated
.....for the rendering of services indicated hereunder and/or further specified in
the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and
conditions of the contract, within 30 (thirty) days after receipt of an invoice.

ON OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP



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

ANNEXURE F



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

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		



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

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)..... CERTIFY THAT
 THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND
 CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE
 TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



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

ANNEXURE G



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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:



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

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor.
However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

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

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms the



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

Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other
applicable legislation.

Signature: Date:

Position: Name of Bidder.....



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

ANNEXURE H

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

Supplier Self-Registration Process

