



TERMS OF REFERENCE

Sector Education and Training Authority (SETA) accreditation for the Mandela Bay Theatre Complex (MBTC).

1. BACKGROUND

The Mandela Bay Theatre Complex (MBTC) is mandated to serve the performing arts sector of the Eastern Cape. This mandate positions the MBTC as a key enabler in advancing the production of historical play, cutting edge socio-political story – telling and innovative dance promise on and influenced by traditional Xhosa and Khoi heritage, repurposing and reversion the musical treasure that the Eastern Cape houses.

The MBTC is a schedule 3A public entity which is expected to be accredited with the Culture, Arts, Tourism, Hospitality and Sport Sector Education and Training Authority (**CATHSSETA**) and hence there is a need to contract a service provider that can assist the MBTC in pursuit of accreditation.

2. PURPOSE OF THE ASSIGNMENT

The purpose of the request is to source a qualified and experienced service provider that will assist the MBTC to obtain accreditation status with the CATHSSETA.

3. OBJECTIVE OF THE ASSIGNMENT (S):

To appoint a suitable service provider to assist MBTC to register with CATHSSETA and other Qualification Assurance Agencies the following: (a) Performing Arts, (b) Stage Technical Services and (c) Arts Administration courses that will in turn be used to develop and train the sector.

4. SCOPE OF WORK

The service provider must;

- 4.1 Initiate the formal accreditation process with CATHSSETA.
- 4.2 Compile and submit a formal letter of intent to CATHSSETA that express the MBTC's interest in obtaining accreditation.
- 4.3 Complete and submit the SETA application forms and avail the necessary supporting documentation (PoE).
- 4.4 Develop a Quality Management System (QMS) that is aligned with the requirements of the SETA.
- 4.5 Compile and submit a Portfolio of Evidence (PoE) that will demonstrate compliance with the accreditation standards.
- 4.6 Develop training programmes in consultation with the MBTC which must be aligned with the National Qualifications Framework (NQF) and the relevant unit standards.
- 4.7 Source assessors and moderators for MBTC that are properly registered and competent in their respective roles.
- 4.8 Monthly Reporting to MBTC on the implementation of the project.

NB: The successful bidder will be required to comply with the POPI Act.

5. DURATION OF WORK

It will be for a period of two calendar months.

FINANCIAL IMPLICATIONS

- 6.1 All bidders must provide a cost breakdown for all services.
- 6.2 No service will be provided to MBTC before an official order has been issued to the supplier or service provider.
- 6.3 The service provider should be aware that MBTC only pays after the services have been rendered.
- 6.4 Payments will be done within 30 days of receipt of an invoice with all required supporting documents as per the Service Level Agreement.
- 6.5 Payments will be made by MBTC after the service provider has submitted an invoice supported by all requisite documents.

6. ELIGIBILITY CRITERIA

7.1 Technical Requirements (Stage 1)

The functional / technical criterion that was utilized to test the capability of service providers was set as follows:

Value: 1=Poor; 2=Average; 3=Good; 4=Very good; 5=Excellent

| # | Sub-Criteria | Weight | Value | | | | | Actual Score |
|------------------|--|------------|----------|-----------|-----------|-----------|-----------|--------------|
| 1. | The service provider must submit a company profile highlighting experience in the scope of the assignment. 5 Copies of Reference Letters to be attached. Each reference letter must include: <ul style="list-style-type: none"> Name of the organisation. Contact person details. Contract amount (Include award letter if contract amount is not on the letter). Work performed and dates when work was performed. Reference letters must be on the Company's letterhead with contact information. | 40 | 5 Points | 10 Points | 20 Points | 30 Points | 40 Points | |
| | | | 1 | 2 | 3 | 4 | 5 | |
| 2. | The service provider must have been in existence in the past five (5) years and should possess knowledge and experience in the SETA accreditation processes. | 30 | 6 Points | 12 Points | 18 Points | 24 Points | 30 Points | |
| | | | 1 | 2 | 3 | 4 | 5 | |
| 3. | List of projects undertaken in the South African public sector <ul style="list-style-type: none"> Name of the organisation. Contact person details. Contract amount (Include award letter if contract amount is not on the letter). Work performed and dates when work was performed. Reference letters must be on the Company's letterhead with contact information. | 30 | 6 Points | 12 Points | 18 Points | 24 Points | 30 Points | |
| | | | 1 | 2 | 3 | 4 | 5 | |
| Threshold | | 60 | | | | | | |
| Total | | 100 | | | | | | |

NB:* Bidders who fail to meet a minimum score of 60 out of 100 points in Stage 1 will be eliminated and not proceed for evaluation in Stage 2 (Points awarded for specific goals and price) of the assessment. * By completing this RFQ you are consenting that MBTC can confirm your business relations with any of your former clients.

7.2.1 POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

7.2.2 POINTS AWARDED FOR SPECIFIC GOALS

| 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) |
|--|--|--|
| Youth (100% ownership) | 4 | |
| Youth (61 - 99% ownership) | 3 | |
| Youth (31 - 60% ownership) | 2 | |
| Youth (1 - 30% ownership) | 1 | |
| Youth ownership 0% | 0 | |
| Women (100% ownership) | 4 | |
| Women (61 - 99% ownership) | 3 | |
| Women (31 - 60% ownership) | 2 | |
| Women (1 - 30% ownership) | 1 | |
| Women ownership 0% | 0 | |
| Black (100% ownership) | 4 | |
| Black (61 - 99% ownership) | 3 | |
| Black (31 - 60% ownership) | 2 | |
| Black (1 - 30% ownership) | 1 | |
| Black ownership 0% | 0 | |
| People living with disabilities | 4 | |
| Locality | 4 | |
| Based in Nelson Mandela Bay Metro | 3 | |
| Based in Eastern Cape | 2 | |
| Based in neighbouring provinces | 1 | |
| Based in other provinces | 0 | |
| Outside RSA | | |

7. SUBMISSION PROCEDURES

The deadline for submission of proposals is the **16 May 2025 at 11h00**. Interested parties are expected to submit the following:

- A short but detailed proposal (not more than 5 pages) on the proposed approach/ methodology to the assignment, highlighting specific outputs and related costs for each phase.

- b) Timetable/Program for the duration of the project.
- c) A company profile detailing similar experience with contactable references.
- d) The proposal must correspond and adequately respond to the scope of service as outlined above in this communication and be VAT inclusive.
- e) The proposal may be emailed to scm@mandelabaytheatre.co.za
- f) All enquiries should be directed to the Office of the Chief Executive Officer via email **ONLY** to hr@mandelabaytheatre.co.za and Supply Chain Management (SCM) related queries to be directed at scm@mandelabaytheatre.co.za.

8. **GENERAL:**

BIDDERS SHALL TAKE NOTE OF THE FOLLOWING BID CONDITIONS:

- a) Bidders must be registered with the National Treasury Central Supplier Database (CSD).
- b) MBTC does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid.
- c) The award of this bid may be subjected to price negotiation with the preferred bidder(s).
- d) Bids which are late, incomplete or unsigned will not be accepted.
- e) MBTC reserves the right to terminate the contract if not satisfied with the work produced by the service provider.
- f) Only bidders that have met a minimum score of 60 out of 100 points in Stage 1 will be eligible to proceed for evaluation in Stage 2 (Point awarded for Specific Goals and price) of the assessment.
- g) Service providers who are not registered with the **National Treasury Central Suppliers Database (CSD)** must visit www.csd@treasury.gov.za to register their organisation.
- h) The following bid document must accompany the submission:
 - i. Company Profile.
 - ii. A copy of the CSD Report.
 - iii. A complete attached standard bidding document, SBD 4, SBD 8 and SBD 9.
 - iv. Copy of SARS Tax Clearance Certificate.
 - v. Certified Copy or an original B-BBEE Certificate OR a Sworn Affidavit.
 - vi. Companies who bid as a joint venture must submit a consolidated B-BBEE Verification Certificate only for this bid. Additionally, such companies must submit an official signed business agreement by both parties. If the service provider does not meet this requirement, it will be disqualified.
- i) In order to meet the requirements of the Eastern Cape Framework for Local Economic Development through Procurement Initiatives, preference will be given to contractors who reside within the Eastern Cape.
- j) Bids submitted are to hold good for a period of 90 days from the bid closing date.

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 |
|-----------|-----------------|---------------------------|
| | | |
| | | |
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| | | |

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 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:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 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.

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 |

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 <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 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 <input type="checkbox"/> | No <input type="checkbox"/> |
| 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 <input type="checkbox"/> | No <input type="checkbox"/> |
| 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 <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars: | | |

SBD 8

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

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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:

(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.
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.

SBD 9

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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