



REQUEST FOR QUOTATION (RFQ)

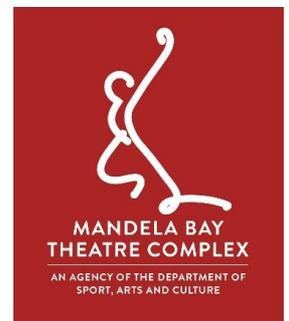
OPENING DATE	13/03/2026
CLOSING DATE AND TIME	30/03/2026 @11h00
QUOTATION NUMBER	MBTC-SCM/49/2026
TELEPHONE	069 831 8200
E-MAIL	scm@mandelabaytheatre.co.za lutho@mandelabaytheatre.co.za
ENQUIRIES	Lutho Daweti Thembela Liwani
SUPPLIER DETAILS	
NAME OF SUPPLIER	
CONTACT PERSON	
TELEPHONE	
EMAIL ADDRESS	
ADDRESS	
THE UNDERNEATH SPECIAL CONDITIONS ARE TO BE ADHERED TO, FAILURE TO COMPLY WILL RESULT IN IMMEDIATE DISQUALIFICATION.	
SPECIAL CONDITIONS:	<ul style="list-style-type: none">a) It is COMPULSORY for the suppliers to complete the MBTC RFQ forms and to attach valid quotations of the company with a letterhead.b) The price must be V.A.T. inclusive.c) Price must include delivery.d) Supplier to adhere to the closing date and time of the quotation request.e) Quotation must be valid for a period of 90 days.f) Supplier must break down the prices when quoting.g) Complete the attached SBD 4, SBD 6.1h) Evaluation criteria: 80/20i) No prepayment/upfront payment will be paid by Mandela Bay Theatre Complex.j) CSD registration is COMPULSORY <p>Quotations can be e-mailed back to: scm@mandelabaytheatre.co.za</p>



REQUEST FOR QUOTATION (RFQ)

	l) For hand delivery: 68 Cape Road, Gqeberha Att. Ms. Lutho Daweti			
	Please provide the CSD Supplier number: <u>MAAA</u>			
SPECIFICATION :				
No.		Quantity	Unit Price	Total Price
	REFER TO ATTACHED TERMS OF REFERENCE			
<u>Total</u>				
<u>VAT (only if VAT registered)</u>				
<u>Total Price incl/excl Vat</u>				

QUOTATION REQUEST



REQUEST FOR QUOTATION (RFQ)

1. Is the Price Firm.....Yes/No
2. Is the Delivery Firm.....Yes/No
3. Is the offer strictly to specification if No state deviation?

Signature.....

Company Stamp and Date



TERMS OF REFERENCE

Provision of legal opinion for the Mandela Bay Theatre Complex on compliance with the Sectoral Numerical Targets of the Department of Employment and Labour.

1. BACKGROUND

The Mandela Bay Theatre Complex (MBTC) is mandated to serve the performing arts sector of the Eastern Cape. This mandate positions MBTC as a key enabler in advancing the production of historical plays, socio-political storytelling, innovative dance inspired by traditional Xhosa and Khoi heritage, and the preservation and reinterpretation of the province's musical legacy.

MBTC is in the process of filling several vacant positions and is required to comply with the 2025–2030 Sectoral Numerical Targets applicable to the Arts, Entertainment and Recreation sector. In line with section 15A (2) of the Employment Equity Act, MBTC must ensure equitable representation of suitably qualified individuals from designated groups across all occupational levels.

Due to the possibility that full compliance may not be achievable during recruitment processes, MBTC seeks a legal opinion on the implications of non-compliance and guidance on managing appointments where recommended candidates fall outside designated groups.

2. PURPOSE OF THE ASSIGNMENT

The purpose of this assignment is to appoint a suitably qualified and experienced legal service provider to provide MBTC with a legal opinion on the implications of non-compliance with the 2025–2030 Sectoral Numerical Targets issued by the Department of Employment and Labour.

3. OBJECTIVE OF THE ASSIGNMENT (S):

The objective of the assignment is to obtain a comprehensive legal opinion that will inform MBTC's decision-making in relation to the filling of positions where recommended candidates fall outside designated groups.

4. SCOPE OF WORK

The service provider is required to:

- 4.1 Consult with the Senior Manager: HRM and/or Executive Management Team on the subject matter.
- 4.2 Provide a detailed report on the legal implications of non-compliance with the Sectoral Numerical Targets.
- 4.3 Provide legally sound recommendations on the management of recruitment and appointment processes where candidate profiles do not align with designated groups.

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

5. DURATION OF WORK

The assignment must be completed within **30 working days** from the signing of the Service Level Agreement.

6. 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 MBTC will only process payment after the service has been satisfactorily 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

7. PRICING

No	Rate	Amount
1.	Hourly	
2.	Estimated Hours	
3.	Total Amount	

8. ELIGIBILITY CRITERIA

8.1 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	<ul style="list-style-type: none"> The service provider must submit a company profile and experience in the scope of the assignment. 	30	6 Poin ts	12 Poin ts	18 Poin ts	24 Poin ts	30 Poin ts	
			1	2	3	4	5	
2.	The service provider must have been in existence in the past five (5 years and should be accredited by Professional Association's (SASLAW, LPC, etc).	20	4 Poin ts	8 Poin ts	12 Poin ts	16 Poin ts	20 Poin ts	
			1	2	3	4	5	
3.	Demonstrated specialist expertise in Labour Law, Employment Equity compliance, and Sectoral Numerical Targets, supported by at least five (5) reference letters for similar legal opinions.	30	6 Poin ts	12 Poin ts	18 Poin ts	24 Poin ts	30 Poin ts	
			1	2	3	4	5	
4.	Provide a minimum of 5 reference letters for similar projects undertaken in the South African public and private 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. <p>NB! Reference letters must be on company letter head where services were provided, dated and signed by the company that received the services and must describe the work undertaken. The letters must have contact person/s for verification should it be needed. No points will be allocated for submissions that do not meet the requirement.</p>	20	4 Poin ts	8 Poin ts	12 Poin ts	16 Poin ts	20 Poin ts	
			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 price and specific goals) of the assessment.* By completing this RFQ you are consenting that MBTC can confirm your business relations with any of your former clients.

8.2 POINTS AWARDED FOR PRICE AND SPECIFIC GOALS (Stage 2)

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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \mathbf{Ps=80 \left(1 - \frac{Pt-Pmin}{Pmin} \right)} & \mathbf{or} & \mathbf{Ps=90 \left(1 - \frac{Pt-Pmin}{Pmin} \right)}
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

Points awarded for specific goals

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) (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		

9. SUBMISSION PROCEDURES

The deadline for submission of proposals is **Monday 30 March 2026 at 11h00**. Interested parties are expected to submit the following:

- a) 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 must be emailed to scm@mandelabaytheatre.co.za
- f) All enquiries should be directed to the Office of the Chief Executive Officer via email to hr@mandelabaytheatre.co.za and Supply Chain Management (SCM) related queries to be directed at scm@mandelabaytheatre.co.za.

10. **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 price and Specific Goals) 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, and SBD 6.1.
 - 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

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

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
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

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 **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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	
SPECIFIC GOALS	
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 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:

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

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:

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

Where

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

4. 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) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth (100% ownership) Youth (61 - 99% ownership) Youth (31 - 60% ownership) Youth (1 - 30% ownership) Youth ownership 0%	4 3 2 1 0	
Women (100% ownership) Women (61 - 99% ownership) Women (31 - 60% ownership) Women (1 - 30% ownership) Women ownership 0%	4 3 2 1 0	
Black 100% ownership) Black (61 - 99% ownership) Black (31 - 60% ownership) Black (1 - 30% ownership) Black ownership 0%	4 3 2 1 0	
People living with disabilities	4	
Locality Based in Nelson Mandela Bay Metro Based in Eastern Cape	4	

Based in neighbouring provinces	3	
	2	
Based in other provinces	1	
Outside RSA	0	

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;
- 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:

