

REQUEST FOR PROPOSAL FOR:
INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION



**REQUEST FOR PROPOSAL FOR:
INTERNAL AUDIT SERVICES FOR A PERIOD OF 3-YEARS FOR
THE MARKET THEATRE FOUNDATION**

MTF 04/2024-2025

Closing Date: 12 December 2024

Closing Time: 12:00

Submission Address: The Market Square, 138 Lillian Ngoyi Street, Newtown,
Johannesburg

REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE
FOUNDATION

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REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION

1. COPY OF ADVERT



The Market Theatre Foundation is an internationally renowned performing and visual arts institution situated in Newtown, Johannesburg

SUPPLIERS ARE HEREBY INVITED TO BID TO RENDER THE SERVICE OF INTERNAL AUDITING AT THE MARKET THEATRE FOUNDATION

BID NUMBER: MTF 04/2024-2025

DESCRIPTION: INTERNAL AUDIT SERVICE FOR THE MARKET THEATRE FOUNDATION

CLOSING DATE: 12 December 2024

COSING TIME: 12:00 when bids will be opened in public

Bid documents must be deposited in the tender box situated at:

The Market Theatre Foundation
Market Square
138 Lillian Ngoyi (previously Bree) Street, corner Miriam Makeba Street
Newtown, Johannesburg, 2001

Bidders should ensure that documents are delivered timeously to the correct address. Bid documents that are faxed, emailed or delivered late will not be accepted for consideration. The successful bidder will be required to fill in and sign a written Contract Form.

Bid documents are available from The Market Theatre Foundation website, www.markettheatre.co.za as well as the e-tender portal www.etenders.gov.za

For more information contact: Mr Vickey Pienaar, vickeyp@markettheatre.co.za, (t) +27 11 832 1641 ext 208.

This bid will be evaluated in terms of the Preferential Procurement Policy Framework Act (PPPFA) and bid submissions will be evaluated according to the sum of the points awarded in respect of the bid value and the status of the enterprise.

Target goals are as follows: - Points for Price 80; points for BEE Goals 20; total points 100.

Functionality goal is as follows – 85 points thresholds, any supplier who does not score 85 or above will be disqualified.

The Market Theatre Foundation does not bind itself to accept the lowest or any other bid in whole or in part.

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2. INTRODUCTION

THE MARKET THEATRE FOUNDATION BACKGROUND

The Market Theatre Foundation is a Cultural Institution for performance art and photography and includes the Market Theatre, Market Laboratory and the Market Photo Workshop and the Windybrow Arts Centre.

The MTF's core business is producing a variety of theatre works that reflect and represent the issues that affect the people of South Africa. The Market Theatre produces an estimated 20-25 productions annually which create employment for +/-250 artists per annum. Over the years the Market Theatre has provided work for +/-8,750 theatre practitioners – playwrights, directors, actors, set/costume/lighting and sound designers and engineers as well as stage managers and crews. In line with the MTF's mission and vision 85% of these artists are from the historically disadvantaged communities.

In 2022/23 the Market Theatre produced 52 shows and had an audience attendance of an estimated 56 103. This excludes the daily foot traffic and visitors that frequent the Market Theatre precinct and the Market Square Building.

The Market Laboratory operates skills training and outreach programmes that educate marginalised youth with practical, income-generating skills geared to the performing arts sector. The Laboratory is committed to encouraging young talent and developing innovative and indigenous theatre at community level. The Market Laboratory education programmes include a 2-year Drama Course for aspirant young actors and two annual community theatre festivals.

In 2020/21 the Laboratory offered skills training to estimated 44 young people from marginalised communities and ran 2 festivals with a participation of estimated 389 members and an audience attendance of estimated 3 857.

The Market Photo Workshop is a school of photography, project space and gallery. The Market Photo Workshop runs a variety of photography courses and programmes for especially marginalised youth that equip them to pursue careers in photography, visual arts and media. The Advanced Programme in Photography and the Photojournalism and Documentary Photography Programme are one-year full time photography programmes.

The Market Photo Workshop also runs Public Programmes: a series of events involving and directed at professional photographers, visual artists, educators, students and the broader public. Public Programmes all seek to inform the trends, practices, methods and contemporary

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ways of working and thinking in South African photography practice through exposure to a broad understanding of visual culture.

The Photo Workshop Gallery is a photography dedicated gallery that produces regular exhibitions and publications.

In 2021/22 the Market Photo Workshop offered skills training to estimated 133 students of which estimated 73 graduated. In addition, estimated 10 688 attended their regular photographic exhibitions and public programmes in the Market Photo Workshop Gallery.

The Heritage House at the Windybrow Arts Centre in Doornfontein has been revived. The restored 121-year old building is the home to new and exciting programmes in the Hillbrow and inner-city neighbourhoods working with residents and communities around a range of art-based and participatory engagement projects.

3. SCOPE OF CONTRACT

The MTF wishes to appoint an independent internal audit service provider for a period not exceeding three years which can perform the internal audit work and other related tasks and responsibilities on behalf of the Organisation and as per the assignments specified in the rolling three-year strategic internal audit plans.

The internal audit services shall consist of the performance of at least the following assignments:

- a) Proposed scope of each audit in the annual internal audit plan of the organisation (Refer to the pricing schedule for the audits planned for this period);
- b) Quarterly reports to the Audit and Risk Committee detailing the performance against the annual internal audit plans, to allow effective monitoring;
- c) Advice on internal controls structure to ensure compliance with the relevant laws and legislation to achieve organisational objectives.
- d) Perform internal audit assignments (eg. compliance, performance, human resources and financial audit), as may be required by the Audit and Risk Committee;
- e) Review organisational policies, procedures, prescripts, business processes and where required make recommendations to improve on policies, procedures and business processes;
- f) Ensure performance in accordance with the Internal Audit Charter;
- g) Monitor the implementation of the external audit recommendations (Audit action plan);
- h) Probity audit for all tender procurement projects;
- i) The performance of such other assignments as the Audit and Risk Committee may authorise, which will constitute an addition to the scope of services mentioned.

ADDITIONAL INFORMATION REQUIRED:

- Risk assessment methodology
- Internal Audit Framework methodology
- Experience of the bidder's organisation in co-sourced or outsourced Internal Audit functions for similar Institutions (size and nature).
- CV's of the team – certified qualifications and individual experience must be included.
- A bidder has to comply with the Institute of Internal Auditors' standards for the Professional Practice of Internal Auditing.
- Signed Pricing Schedule – in so far as is possible, a comprehensive budget for the proposed assignments (as per the pricing schedule), with charge-out rates and budgeted hours per activity, detailing all assumptions made in arriving at a proposed budget, including all costs factors such as travelling, etc.
- The pricing schedule must be supported by a comprehensive budget that shows different levels of resources and rates.

4. QUALITY ASSURANCE REVIEWS OF AUDIT WORK

The successful bidder should ensure that all audit work conforms to the standards set by the Institute of Internal Auditors. Such work may further be subject to external quality assurance as may be considered appropriate by the Audit and Risk Committee.

5. INDEPENDENCE AND OBJECTIVITY OF AUDIT STAFF

In carrying out the work, the successful bidder must ensure that their staff maintains their objectivity by remaining independent of the activities that is or will be audited.

All information obtained as a result of undertaking this assignment needs to be treated in strict confidence, and a confidentiality letter in this regard should be signed by the successful bidder.

6. REPORTING OF AUDIT RESULTS

Audit findings should be reported to management in writing for review and comment where after those reports should be submitted to the Audit and Risk Committee. The structure of these reports should include, amongst others:

- a) Background or Introduction
- b) Audit objective and scope
- c) Executive summary
- d) Findings, recommendations, and management response (including implementation dates)
- e) Conclusion

7. PRICING

7.1 It is understood that internal audits are based on hourly rates and that budgets are compiled once the appointed internal auditor. Financial proposals will be compared

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over the three-year period. Pricing must be inclusive of all relevant overheads including travel costs and VAT.

7.2 Based on the MTF’s experience, the following indicative hours below must be used to quote. During the course of the SLA with the successful bidder, the hours may be adjusted subject to applicable National Treasury’s prescripts governing supply chain management in public entities.

7.3 The hours quoted below are an estimate of the hours that will be required and will be used for evaluation purposes.

7.4 Pricing Instructions:

- All prices shall be tendered including VAT.
- All prices shall be tendered in accordance with the units specified in this schedule above.
- All prices tendered must include all expenses, disbursements and costs (e.g., transport, overheads, accommodation, inflation, etc.) that may be required in and for the execution of the work described in the Specification, and shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contract as well as overhead charges and profit (in the event that the tender is successful).
- All prices tendered will be final and binding.
- All prices in the pricing schedule will be considered when awarding the tender.

8 PROGRAMME

The expectation is that this will be an extremely detailed and comprehensive piece of work. The project is to proceed in accordance with the following timeframes:

- | | |
|------------------|-----------------------|
| a) Tender closes | 12 December @ 12:00 |
| b) Tender award | Estimated: March 2025 |

9 PRESENTATION OF PROPOSALS

Submissions are to consist of a short and comprehensive report that must provide the Market Theatre Foundation with sufficient information to make a sound and fair evaluation of the proposal as well as the experience, capability and financial standing of the applicant. The report should address the requirements in the proposal call document and **use the same**

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item numbers as below for the required sections of the report. The following information must be clearly spelt out:

9.1 Firm background lists of **similar** (not all) co-sourced or outsourced Internal Audit clients (completed and/or current) including client name, contact person and their contact details.

9.2 Details of directors and shareholders (and members in the case of close corporations). In the case of wholly owned subsidiaries details of the holding company must also be provided.

9.3 Provide an organogram of the team of professionals to be involved on this project and note their designations. Attach detailed CVs of the team of professionals. A company profile showing all members CV's is **not acceptable** in this regard but may be submitted in addition to the specific requirement above.

9.4 A detailed statement of the applicant's approach and methodology.

9.5 Applicants are required to submit detailed project management and implementation plan

9.6 The bidder must provide evidence in the form of a reference letter of completed audits in the Public Sector.

9.7 Applicants are required to submit detailed financial proposals based on the estimated hours on the pricing schedule.

9.8 Tenderers must ensure that the final offer value is correctly carried over to the "OFFER" page (SBD 1). The value depicted on the offer page will be regarded as the tendered amount. **The "OFFER" page must be completed in full and signed.**

9.9 The annexures to this RFP (Request for proposal) must be completed in full. If additional relevant information is to be included, attach **directly** behind the page of the annexure to which the information applies (references in the RFP to other documentation attached in any other positions to that stipulated will **NOT** be considered).

9.10 Note for joint ventures

- The items above are to be addressed and completed by **EACH** member of the joint venture.

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- An agreement between all parties of the joint venture is to accompany the tender submission.
- A lead consultant is to be appointed and noted in the submission.
- BBBEE status is to be based on a profit-sharing ratio and is to be verified by independent auditors if the tender is successful. This will be for the tenderers cost.

Failure to comply with the requirements above will result in tenderers being negatively scored for responsiveness or disqualified for non-compliance.

10 ASSESSMENT CRITERIA

Submissions will be evaluated on the following:

1. Functionality (any supplier who does not score 85 or above will be disqualified and not evaluated further)
2. Preference points
 - Price - 80 points
 - Specific goals - 20 points

Functionality

<u>Criteria</u>	<u>Weighting</u>
<p><u>Previous Experience</u> The bidder must provide evidence in the form of a reference letter of internal audit work in the Public Sector, related to all the deliverables reflected below:</p> <ul style="list-style-type: none"> • Financial audits. • Compliance audits. • Operational audits. • Performance Review audits. • Probity audits <p>Evidence must be reference letters (with contactable references – letters not older than 5 years)</p> <ul style="list-style-type: none"> • 5 and above reference letters of completed contracts = 25 points • 4 reference letters of completed contracts = 20 points • 3 reference letters of completed contracts = 15 points • 2 reference letters of completed contracts = 10 points • 1 reference letters of completed contracts = 5 points • Non-compliance with the minimum criteria = 0 points 	<u>25</u>
<p><u>Capability:</u> Bidder to provide abridged CVs of the proposed project team members that will service MTF. The bidder to clearly stipulates position of each team member according to the below mentioned</p>	<u>35</u>

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<p>Engagement Director or Chief Audit Executive (10 points)</p> <ul style="list-style-type: none"> • Minimum 15 years' audit experience with a minimum 5 years at a senior management level = 10 points • Engagement director must provide proof valid registration as Certified Internal Auditor (CIA) with IIA or Chartered Accountant (SA) with SAICA <p>Non-compliance with the minimum criteria = 0 points</p>	<p>Engagement Partner /Director</p>		
<p>Project Team Leader or Manager minimum requirement (10 points)</p> <ul style="list-style-type: none"> • Minimum 8 years' audit experience with a minimum 5 years as a team leader or manager points <ul style="list-style-type: none"> - Degree in Accounting or Internal Audit - Certified Internal Auditor (CIA) with IIA or Chartered Accountant (SA) with SAICA <p>Must provide a CV and certified certificates as valid proof of registration as Certified Internal Auditor (CIA) with IIA or Chartered Accountant (SA) with SAICA</p> <p>Non-compliance with the minimum criteria = 0 points</p>	<p>Project Leader</p>		
<p>IT Audits project lead or Manager minimum requirement (10 points)</p> <p>Certified Information Systems Auditor (Certified by ISACA).</p> <p>Minimum 8 years' audit experience with a minimum 5 years as a team leader or manager</p> <ul style="list-style-type: none"> - Degree in Accounting or Internal Audit or Information Technology - Certified Information Systems Auditor (CISA) with ISACA or Chartered Accountant (SA) with SAICA <p>Must provide a CV and certified certificates as valid proof of registration as Certified Information Systems Auditor (CISA) with ISACA</p> <p>Non-compliance with the minimum criteria = 0 points</p>	<p>IT Project Lead</p>		
<ul style="list-style-type: none"> • A minimum of three team members and must each have a minimum of 3 years' experience in internal auditing and NQF 7 qualification in Accounting or Internal Audit = 5 points <p>Must provide CVs and certified certificates as valid proof</p> <p>Non-compliance with the minimum criteria = 0 points</p>	<p>Team Members</p>		

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<p><u>Methodology:</u> The proposal must contain the details of the proposed approach and methodology in line with the scope of work. Minimum required for the methodology:</p> <ol style="list-style-type: none"> 1. Framework for approach and process 2. Roles and responsibilities of the team members 3. Risk assessment for the risks to be considered during audit 4. Planning and execution – Guidelines for planning and execution including scheduling, resource allocation and communication 5. Data collection and analysis 6. Reporting 7. Quality Assurance processes 8. Continuous improvement 9. Compliance – Ensure compliance to new internal audit standards <ul style="list-style-type: none"> • Meet the requirements: All 9 minimum requirements are included - 20 • Partially meets the requirements: 7 or more minimum requirements included on the methodology 10 • Does not meet the requirements – 6 and less minimum requirements - 0 		<p><u>20</u></p>
<p><u>Project management and implementation plan:</u> A proposed three-year plan of action to achieve the objectives of the internal audit. This plan should cover short, medium and long-term objectives indicating timelines and tasks, including the ability to meet deadlines</p> <ol style="list-style-type: none"> 1. Bidder must allocate a project managers; 2. The proposal should contain a work plan showing tasks, timelines including project monitoring and reporting; 3. The project plan should cater for risk management, mitigation strategy and compliance requirements; 4. The project management plan should contain clear turnaround times. <ul style="list-style-type: none"> • Meet all the requirements - 20 • Meet three of the four requirements – 10 • Meets two (2) and below - 0 		<p><u>20</u></p>

Functionality (100 points with a threshold of 85 points, any supplier who does not score 85 or above will be disqualified)

The functionality assessment is based on:

10.1 Previous Experience

The bidder must provide evidence in the form of a reference letter of internal audit work in the Public Sector, related to all the deliverables reflected below:

- Financial audits.
- Compliance audits.
- Operational audits.
- Performance Review audits.

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- Probity audits

Evidence must be reference letters on the letterhead of the organisation where the service was provided. (with contactable references – letters not older than 5 years)

10.2 Capability:

Bidder to provide abridged CVs of the proposed project team members that will service MTF, including the following, certified certificates as valid proof of registration as Certified Internal Auditor (CIA) with IIA or Chartered Accountant (SA) with SAICA or

10.3 Methodology:

The proposal must contain the details of the proposed approach and methodology in line with the scope of work.

10.4 Project management and implementation plan:

Project management and implementation plan for the three years indicating timelines and tasks, including the ability to meet deadlines

Price and BEE Status

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 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

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- 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:

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

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:

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

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

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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)
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;
- ii) The preference points claimed are in accordance with the General Conditions

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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.

11 CLOSING DATE, TIME AND VENUE FOR SUBMISSIONS

The completed tender document shall be placed in a sealed envelope.

The words: **REQUEST FOR PROPOSAL FOR: INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION - MTF 05/08/2022**, must be written / typed clearly on the envelope.

The envelope must be deposited in the tender box at:

The Market Square Building
No 138 Lillian Ngoyi Street
Newtown
Johannesburg
2001

The Tender closes at 12h00 on (12 December 2024)

A public read out will be done on the above closing date and time

NO LATE TENDERS WILL BE ACCEPTED OR CONSIDERED.

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The Market Theatre Foundation's selection of qualifying tenders shall be in the Market Theatre Foundation's sole discretion and shall be final. The Market Theatre Foundation does not bind itself to accept any particular tender and no correspondence will be entered into.

The Market Theatre Foundation reserves the right to not appoint the lowest or any service provider.

Queries can be addressed in writing to: Vickey Pienaar at vickeyp@markettheatre.co.za.

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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 price components not included in the Pricing Table should be clearly itemized below.

1. Pricing Schedule

#	INTERNAL AUDIT AREA	Total Costs in Year 1	
		Indicative Hours	Rand Amount, Excl. VAT
Other Mandatory Requirements			
1	Annual internal audit plan and three year rolling internal plan	10	
2	Attendance and reporting at Audit, Risk and Finance Committee meetings (5 per annum)	40	
3	Strategic Risk Assessment Facilitation	16	
Risk-based Audits			
4	Finance Management Review	100	
5	Supply Chain Management Review	100	
6	Human Resources and Payroll Review	100	
7	Information Technology Review	100	
8	High Level review of Annual Financial Statements Review & Review of Annual Report	70	
9	Quarterly Audits of Performance Information	200	
10	Quarterly Audits of Financial Report	200	
11	Review of Programme Performance Process: <ul style="list-style-type: none"> • Development, Preservation and Promotion of Arts, Culture and Heritage within South Africa • Artistic skills development • Stakeholder awareness 	300	
12	Ad Hoc Audits	450	
TOTAL (Excluding VAT)		1,686	
Disbursements			
Gross Total			
VAT			

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#	INTERNAL AUDIT AREA	Total Costs in Year 1	
		Indicative Hours	Rand Amount, Excl. VAT
Total Including VAT and disbursements			

Total Project Cost (Based on the Estimated 1686 Annual Hours Above)

No.	Category	Rands (Including VAT)
1	Year 1 (1686 hours)	R
2	Year 2 (1686 hours)	R
3	Year 3 (1686 hours)	R
	Total bid price for three years	R

ANNEXURE A

REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)			
BID NUMBER:	MTF 04/2024-2025	CLOSING DATE:	12 December 2024
DESCRIPTION	REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION		
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] <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> 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]			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		

REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION

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.

REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION

**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-FILING 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 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	R
-------------------------	----------

SIGNATURE OF BIDDER:

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

DATE:

ANNEXURE B

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

ANNEXURE C

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 relationship¹ 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:

.....

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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.

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

ANNEXURE D

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 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

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

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:

80/20	or	90/10
--------------	-----------	--------------

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$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \quad \text{or} \quad P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = 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.)

	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	

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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 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;

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- (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:

ANNEXURE E

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.

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)

REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

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
 datedfor 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.

DESCRIPTION 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

ANNEXURE F

DECLARATION OF BIDDER'S PAST SUPPLU 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	<p>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?</p> <p>(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).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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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:		

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

ANNEXURE G

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)

REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION

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

REQUEST FOR PROPOSAL FOR INTERNAL AUDITING FOR THE MARKET THEATRE FOUNDATION

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

Signature:

Date:

Position:

Name of Bidder.....

Js914w 2

ANNEXURE H

Supplier Self-Registration Process

