



Request for a Proposal:

WHOLESALER TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS MTF 07/2024-2025

Closing Date: 31 JULY 2025

Closing Time: 12:00

Tender Price: N/A

Tender must be delivered in Tender box situated at:

138 Lillian Ngoyi Street, Newtown

Compulsory Briefing Session: 01 JULY 2025 @ 11:00

Address: 138 Lillian Ngoyi Street, Newtown, Johannesburg



REQUEST FOR PROPOSAL

WHOLESALER TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS MTF 07/2025-2026

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Annexures

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- H : SBD 9 – Certificate of Independent Bid Determination
- I : CSD Registration Vendor Number



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WHOLESALE TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS MTF 07/2025-2026

1 General Information

1.1 Purpose of this document

The Market Theatre Foundation (MTF) wishes to appoint a wholesaler to supply and deliver diesel for the Market Theatre Foundation generators.

1.2 The Market Theatre Foundation

The Market Theatre Foundation operates as a Cultural Institution for performance art and photography and includes the Market Theatre, Market Laboratory, 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 Foundation 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 2024/2025 the Market Theatre produced 18 shows and had an audience attendance of an estimated 18 889. This excludes the daily foot traffic and visitors that frequent the Market Theatre precinct and the Market Square Building.

The Market Lab is a multi-award-winning arts incubator, with a reputation for facilitating the development of exceptional young theatre-makers, facilitators, actors, writers and directors, and for creating innovative and relevant new plays. Our students have the opportunity to work and learn with some of the country's most iconic theatre practitioners, while creating a diverse range of work both individually and within an ensemble. With multiple local, African and global partners, the Lab strives to create enriching experiences that contribute to the personal and artistic growth of each person who participates in our programmes. Alumni have gone on to excel on stage and screen, or chosen to apply their skills in several other industries, including publishing, radio, event management and marketing. Many are playing leadership roles in arts institutions and other contexts, and remain committed to working in the communities that nurtured their growth as young artists.

The Market Photo Workshop is a school of photography, project space and galleries. The Market Photo Workshop runs a variety of photography courses and programmes for youth from communities in the margins, to equip them to pursue careers in photography, visual arts and media.

The Market Photo Workshop also runs Public Programmes: a series of interventions 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 ways of working and thinking in South African photography practice through exposure to a broad understanding of visual culture.

The Photo Workshop Gallery and Gallery 1989 are galleries that produce regular exhibitions and publications.

The Windybrow Arts Centre is the fourth division of the Market Theatre Foundation, framing itself as a space for thought leadership, literacy and Pan African expression. The Windybrow Arts Centre, as a Pan African centre of the arts, occupies a Heritage house in Doornfontein built by a mining engineer, Theodore Reneurt, during the height of the Johannesburg gold rush over a century ago. Embedded in the heart of Pan Africanism in Johannesburg, Doornfontein is an internal port for numerous migrators from the continent, creating an opportunity to tap into the cultural wealth contained in the avenues of the inner city. Together with the community of Doornfontein the WAC intends to create lasting programmes that reflect the heritage of the area and, through art, encourage opportunities that empower the youth with knowledge systems that will expand their horizons and expand their vision.

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 Doornfontein and inner-city neighbourhoods working with residents and communities around a range of art-based and participatory engagement projects.

Required Forms

Compulsory Returnable Documentation

1. Fully Completed and signed SBD 1; SBD4, SBD6.1; SBD 6.2 ; SBD 8 and SBD 9 forms – see attached.
2. Valid Tax Clearance Pin Certificate
3. Proof of the company registered on CSD with a recent compliance tax status report (Central Supplier Database).
4. Certified copy of BBBEE certificate or Affidavit
5. Wholesale / Distributor license from the Department of Mineral Resources and Energy (Certified copy of License)
6. Note for joint ventures
 - The items above are to be addressed and completed by **EACH** member of the joint venture.
 - An agreement between all parties of the joint venture is to accompany the Bid submission.
 - BEE 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 Bidders cost.



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If any of the above documents are not present in your bid document at the stipulated closing date your bid will be disqualified,

Overview of required services

The MTF is looking a service provider to supply and deliver diesel to The Market Theatre Foundation generators over a 3 year period.

The Service provider will be responsible for the following functions:

1. The Market Theatre Foundation Facilities department will request a delivery of diesel from the preferred service provider on a as and when required basis.
2. The service provider needs to deliver the diesel within 24 hrs of the order request.
3. The diesel supplier must deliver the diesel in a vehicle or trailer that complies with all the health and safety protocols that is required.
4. The Market Theatre Foundation may request a diesel testing sample certificate of the diesel being supplied to assure the quality is correct.
5. The Preferred diesel supplier must be in the possession of a wholesale license from the Department of Mineral Resources and Energy which allows to buy petroleum products in bulk (1 500 liter's or more, per transaction of petroleum products) from a licensed manufacturer, and to sell it to end users.
6. The Market Theatre will not pay for diesel upfront. Payments will be done once a invoice is submitted after delivery has been made within 30 days.
7. The Generators to be supplied with Diesel are situated and the following addresses.

Sites

1. **The Market Square Building:** 138 Lilian Ngoyi Street, Newtown, Johannesburg (26.2025° S, 28.0326° E)
2. **Market Theatre Building:** 56 Margaret Mcingana Street, Newtown, Johannesburg. (26.2017° S, 28.0323° E)
3. **Windybrow Arts Centre:** 161 Cnr Nugget and Pietersen Street, Hillbrow, Johannesburg.

Generator fuel tank capacity

<u>Area</u>	<u>Tank Capacity</u>
The Market Square Building	1000lt Tank
Market Theatre Building	700lt Tank
Windybrow Arts Centre	200lt Tank

2. Period



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The project will be rolled out on a as and when needed basis over a three (3) year period.

Service Providers must provide a detailed breakdown of the costs and fees. The proposal must be firm and valid for a period of 150 days. The total cost must reflect VAT inclusive amount.

Prices charged by the supplier for services performed under the contract shall not vary from the prices quoted by the supplier in the bid document / proposal.

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

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

It is a condition of this bid that all prices quoted by the Bidder are in Rand with no additional liability exchange rate between the Rand and any foreign currencies flowing to the MTF.

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

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

Any proposal that does not include the information required in this paragraph will be disqualified.

3. Service Level Agreement

The successful Service Provider will sign a Service Level Agreement (SLA) that details the terms of the contract including, the scope of work to be delivered, pricing, timeframes and other relevant contractual obligations of both parties.

No variation in or modification of the terms of the contract shall be made except by written amendment signed by the parties concerned.

4. Functionality

Submitted bids will be evaluated for functionality as per the table below.

Please note that if any of the below documentation is not submitted your bid will be scored accordingly.

- Rates statement or a rental agreement
- Company profile stating years of experience
- Please supply a detailed list of available fleet in order to make deliveries.

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- Please provide a detailed Health and Safety Plan when diesel is being delivered in accordance with Health and Safety regulations.
- Please provide a company profile clearly stating on diesel delivery times upon receiving the order.
- Wholesale license from the Department of Mineral Resources and Energy
- Reference letters

Criteria	Weighting
<p>1. Locality (Location of the Operating Offices)</p> <p>(Please send us a rates statement or a lease agreement)</p> <ul style="list-style-type: none"> - Within Gauteng - 10 - Outside Gauteng – 5 - No rates statement or a lease agreement - 0 	10
<p>2. Company years of experience supplying diesel on a wholesale basis</p> <p>(Company profile stating years of experience & CIPC Documents)</p> <ul style="list-style-type: none"> - 5 years and above – 20 - 4 years – 15 - 3 years – 10 - 2 years – 5 - 1 year – 0 	20
<p>3. Fleet availability</p> <p>(Please supply a detailed list of available fleet in order to make deliveries)</p> <ul style="list-style-type: none"> - 3 Vehicles/Trailers and higher available – 15 - 2 Vehicle / Trailer available – 10 - 1 Vehicle / Trailer available – 5 - 0 Vehicle / Trailer available – 0 	15
<p>4. Health and Safety</p>	20



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<p>(Please provide a detailed Health and Safety Plan when diesel is being delivered in accordance with Health and Safety regulations).</p> <ul style="list-style-type: none"> - Detailed Health and Safety Plan – 20 - No detailed Health and Safety Plan – 0 	
<p>5. Delivery of Diesel.</p> <p>(Please provide a company profile clearly stating on diesel delivery times upon receiving the order)</p> <ul style="list-style-type: none"> - Same Day Delivery – 15 - Within 24 Hrs Delivery – 10 - After 24 Hrs Delivery 0 	15
<p>6. Reference letters</p> <p>(Please provide reference letters signed, dated with a contactable reference and on a company letterhead of experience in delivering diesel to suppliers.)</p> <ul style="list-style-type: none"> - 3 or more reference letters - 20 - 2 reference letters – 15 - 1 reference letter – 10 - No reference letters – 0 	20

Kindly note that the threshold for the Functionality is 75 Any bidder whom fails to score less than 75 points will be disqualified and will not be considered for further evaluation

5. Selection and Evaluation Criteria

The MTF needs to be satisfied, in all respects, that the Service Provider selected has the necessary resources, skills, knowledge and experience for this project, and that all submissions are regarded in a fair manner in terms of the evaluation criteria.

Knowledge of government regulations is an advantage. The bidder should have the necessary expertise, capacity and previous experience in transportation services. The tender will be evaluated on the basis of 80/20 split; with 80 points being allocated for price and 20 points for BBBEE requirements. This is reflected in the table below.

Price and BEE Status

The procedure for the evaluation of responsive tenders is Method 2 (Price and Preferences) having completed a technical evaluation.

The Preference Point System assigns a score to each tenderer based on the tender price and on the tenderer's B-BBEE status. These scores are combined to determine an overall score for the tender. The tender with the highest score will be considered for acceptance.

The Preference Point System will be applied as follows:

For tenders under a Rand value of R 50 000 000.00

- 80 points are assigned to price and functionality
- Up to 20 points are assigned to B-BBEE Goal status

For tenders above R 50 000 000.00

- 90 points are assigned to price and functionality
- Up to 10 points are assigned to B-BBEE Goal status

Points scored will be rounded off to the nearest 2 decimal places.

FORMULA FOR SCORING TENDER PRICE

The following formula will be used to calculate the points for price:

$$P_s = X \left[1 - \frac{(P_t - P_{\min})}{P_{\min}} \right]$$

Where

P_s = Points scored for comparative price of tender under consideration

P_t = Comparative price of tender under consideration

P_{\min} = Comparative price of lowest acceptable tender

X = Points assigned to price

POINTS AWARDED FOR B-BBEE STATUS LEVEL (20 points)

The points allocated to a tenderer will be in accordance with the **Preferential Procurement Regulations, 2022** published in Government Gazette No. 47452 dated 4 November 2012.

The following table is applicable.

	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	

Notes:

1. "B-BBEE status level of contributor" means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act (Act No.53 of 2003).
2. Tenderers must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating.

Certificates issued by either verification agencies accredited by the South African Accreditation System (SANAS).

1. Bidders with annual total revenue of R5 million or less qualify as Exempted and must submit a certificate; issued by a registered auditor, accounting officer or an accredited verification agency.
2. The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
3. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
4. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

A person will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for.

5. A person awarded a contract will not be permitted to sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned.

TOTAL PREFERENCE POINTS

The total preference points for a tender are calculated with the formula

PP = P_s + P_{bee} where

PP is the total number of preference points scored by the tenderer

P_s is the points scored for the comparative price of the tenderer, and

P_{bee} is the number of points awarded to the tenderer based on his certified B-BBEE status level

Price	80 / 90
BBBEE	20 / 10
Total points	100
Functionality	100

6. Disclaimer

Neither the MTF nor any of its consultants accepts any responsibility to any Bidder or other third parties under the law of contract, tort or otherwise, for any loss or damage which may arise from this RFQ, any matter deemed to form part of this RFQ, the supporting information or documents referred to in this RFQ or any information supplied by, or on behalf of, the MTF.

No unsuccessful Bidder will be entitled to any redress against the MTF in the event that the MTF enters into any agreement in relation to the RFQ with any other Bidder.

No warranty or representation is made about the accuracy or completeness of the information contained in this RFQ.

Any costs incurred by the Bidders during the development of the Bidder response will be at the Bidder's expense and will not be covered by the MTF.

In respect of this RFQ and in addition to other contractual conditions and principles contained herein:

- MTF may elect not to proceed with awarding the RFQ;
- Bidders will be liable for payment of their own legal costs, whether or not a contract is entered into; and
- No claims for compensation will lie against the MTF if, following the evaluation of responses, the MTF elects not to conclude a contract with any Bidder.



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7. Taxes and duties

No contract shall be concluded with any bidder whose tax matters are not in order. Prior to the award of a bid the Entity must be in possession of a valid tax clearance pin certificate, submitted by the bidder. The Bidder must also be tax compliant on the Treasury Central Supplier Database on the award of the tender.

8. Proposal Requirements

9.1 Compliance with conditions

Bidders are required to comply with all terms and conditions set out in this RFQ.

9.2 Lodgement process

Responses to this RFQ must be made in printed form. Responses must be delivered in a sealed envelope accompanied by a covering letter on the letterhead of the Bidder’s organisation, duly signed by an authorised representative of the Bidder’s organisation.

9.6 Confidentiality of responses and security of intellectual property

Responses shall be received and held in confidence. Security procedures apply for all materials received in response to this RFQ.

9.7 RFP submission

The following information is pertinent to the RFP Submission

Closing Date	31 July 2025
Closing Time	12:00

RFQ submissions are to be labelled as follows:

Bid Number	MTF 07/2025-2026
Description	REQUEST FOR PROPOSAL WHOLESALER TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS MTF

Responses must be received at the following addresses.



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WHOLESALER TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE
FOUNDATION GENERATORS MTF 07/2025-2026

Physical Address	The Market Theatre Foundation 138 Lillian Ngoyi Street NEWTOWN Place bid documents in the tender box by the Security at reception between 8:00 and 16:00 on weekdays
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Compulsory Briefing Session

Briefing Date	01 JULY 2025
Briefing Time	11:00

Physical Address	The Market Theatre Foundation Market Square Building 138 Lillian Ngoyi Street NEWTOWN
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- No responses will be accepted after the closing date and time.
- Responses may not be delivered by facsimile or email.
- Only 1 Copy of the proposal is required.

9.8 Ownership of documents

All documents forming the response to this RFP shall become the property of the MTF. Intellectual property contained in the response shall remain vested with the Bidder.

9.9 Discrepancies

Bidders are advised that should a discrepancy exist between information contained in this RFP and any subsequent contract documents then the contract documents will prevail.

9.10 Collusive practices

Except to form a consortium to respond to this RFP, a Bidder shall not enter into any agreement with any other Bidder or industry association concerning the preparation of a response to this RFP. In particular, but without limiting the foregoing, a Bidder shall agree not to pay any amount to any unsuccessful Bidder.

Evidence of collusion may lead to the rejection of all offers pursuant to this RFP and Bidders involved in such practices may be barred from tendering for further contracts with MTF. In addition, Bidders found guilty of collusive practices will be reported to the National Treasury and maybe listed on the Database of Restricted Suppliers.

Bidders may be required to provide a declaration confirming that they have not engaged in collusive practices in relation to this RFP.

This declaration can be found in Appendix C. The Bidder is required to complete the appendix and include it with the Bid that is submitted to MTF.

MTF reserves the right to revise any aspect of these timeframes at any stage, and to amend the process at any stage.

9.11 Contacts for further information

Bidders wishing to clarify items within this RFQ should contact the MTF representative mentioned below either by email. Where the information is not of a confidential nature, MTF reserves the right to distribute copies of all communications to all recipients of the RFQ. Queries should be directed to MTF's SCM indicated below:

Mr. Vickey Pienaar +27 11 832 1641 ext. 208 vickeyp@markettheatre.co.za

9.12 Addenda to response

Information not specifically required for the RFQ but deemed by the Bidder to be of value to the evaluation shall be included as an addendum to the Response. Addenda should not include advertising brochures or similar material.

Where there is reference to published manuals, the relevant extracts from the manuals and those alone, shall be placed in the addenda.

9.13 Lingua franca

All information supplied in the Bid Response and all communication in this regard shall be in English.

9.14 Discounts

The Bidder shall set out any discounts and allowances where appropriate, including discounts for prompt payment.

9.15 Disclosure of information

No Bidder shall furnish information, make any statement or issue any document or other written or printed material concerning the acceptance of the response to this RFQ for publication in any form of media without prior written approval of the MTF.

9.16 Rights reserved

At its own discretion, the MTF reserves the right:

- to extend the time for lodgement of responses;
- to accept a response in part or in total;
- not to accept any Bid resulting from responses to this RFQ, in part or in total;
- to, at its own discretion, vary any of the requirements of the services to be delivered during the course of negotiations with the preferred Bidder;
- terminate the evaluation of responses;
- to invite new responses;
- to determine whether or not a response will be considered in the event of a material change in a Bidder;
- to negotiate with the closest conforming Bidder in the event that no one Response satisfies all critical requirements.

9.17 Inquiries to be prior to closing date

No inquiries, whether in writing or otherwise, shall be made by Bidders following the closing date for responses to the RFQ. Breach of this condition may prejudice consideration of the Bidder's response.

A Bidder shall not solicit support from, or in any form canvass any:

- employee or agent of the MTF;
- committee of the MTF;
- any consultant or contractor currently engaged by the MTF, with respect to any matter pertaining to this RFQ (unless specifically authorised by the MTF to do so). Breach of this condition may prejudice consideration of the Bidder's Response.

9. Format of the Bid Response

Bidders must provide a complete and detailed response to each of the issues raised in this RFQ document, and these must be submitted in the prescribed format.

Bidders must submit a signed response in the under-mentioned format.

For ease of evaluation, Bidders are required to present their Bid documentation under the following headings:

1. Sealed envelope with the following heading
WHOLESALE TO SUPPLY AND DELIVER DIESEL FOR THE MARKET
THEATRE FOUNDATION GENERATORS MTF 05/2024-2025.
2. Completed Bid Document
3. Functionality evaluation documents
4. Pricing.

10. Glossary

The following definitions are used within this *RFQ*:

- **'Bid'** means a formal submission by a Bidder in response to the RFQ document
- **'Bidder/s'** means an entity or entities submitting a Bid as above in response to the RFQ and include a Bidder Consortium.
- **'PM'** means Project Management
- **'MTF'** means The Market Theatre Foundation;
- **'Photo Workshop'** means the Market Photo Workshop;
- **'LAB'** means the Market Laboratory;
- **'Preferred Bidder'** means the Bidder selected by the Evaluation Panel to enter into negotiations with MTF for the provisions of services;
- **'Service Level Agreement'** means the agreement entered into between MTF and the Preferred Bidder setting out the terms and conditions for the services to be provided by the Preferred Bidder;
- **'CSD'** means Central Supplier Database, a supplier database that is being utilized by all public sector entities.
- Words importing the singular include the plural and vice versa and words importing one gender shall include all other genders. Headings are for ease of reference only and shall not affect the interpretation of this agreement.
- Once a Bidder has been selected using the MTF's defined selection criteria they will be required to enter into a formal contract with MTF. The details of this contract will be finalised once the Bidder has been selected and all service negotiations are complete.

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.

1. Pricing Schedule

Please note when doing your pricing schedule it must include the total for the entire management of the project over the 3 year period.

Pricing Schedule

Description	Unit	QTY	Units per month	Rate Per liter	Markup Percentage	Amount (Year 1)
Diesel Refueling						
Market Square	1000	8	8 000lt	R	%	R
Main Theatre	400	8	5 400lt	R	%	R
Windybrow	100	8	1600lt	R	%	R
Delivery Fee		8		R		R
Total for 12 months (Including Vat @ 15%)			182 400Lt			R

Kindly note that suppliers need to declare their markup percentage based on the market price plus mark-up.

The estimated demand for the 12 months is 182 400 liter's of diesel. The estimated liter's are not binding as diesel will be filled as and when required by the MTF.

The prices will increase and decrease with the fuel price fluctuation with your markup percentage to the Market Theatre Foundation.

Escalation

Total Year 2 (Including Vat @ 15%)	
Total Year 3 (Including Vat @ 15%)	

Total

Year 1 + 2+ 3 (Including Vat @ 15%)	
--------------------------------------------	--



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Advert



REQUEST FOR PROPOSAL

WHOLESALE TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS MTF 07/2025-2026

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

SUPPLIERS ARE HEREBY INVITED TO BID FOR A WHOLESALE TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS

BID NUMBER: MTF 06/2024-2025

DESCRIPTION: REQUEST FOR PROPOSAL FOR WHOLESALE TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS

CLOSING DATE: 31 JULY 2025

CLOSING TIME: 12:00 WHEN BIDS WILL BE OPENED IN PUBLIC.

COMPULSORY BRIEFING: 01 JULY 2025 @ 11:00

BRIEFING ADDRESS: 138 Lillian Ngoyi (previously Bree) Street, corner Miriam Makeba Street Newtown, Johannesburg, 2001

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

Market Square Building
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 to download from The Market Theatre Foundation Website from 26 JUNE 2025

For more information contact: 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 – 75 points thresholds, any supplier who does not score 75 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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ANNEXURE A



REQUEST FOR PROPOSAL

WHOLESALE TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS MTF 07/2025-2026

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	MTF 06/2025-2026	CLOSING DATE:	31 July 2025	CLOSING TIME:	12:00
DESCRIPTION	REQUEST FOR PROPOSAL FOR WHOLESALE TO SUPPLY AND DELIVER DIESEL FOR THE MARKET THEATRE FOUNDATION GENERATORS				
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]					



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2 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]	3 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)? YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
 YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
 YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?
 YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-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.



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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
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SIGNATURE OF BIDDER:

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

DATE:



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ANNEXURE B

SBD 2

TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

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

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

Jeyrel:\Mdk416-SBD2 tax clearance



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ANNEXURE C



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SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder. Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1. Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? YES/NO

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

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES/NO:

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.

2.2.1 If so, furnish particulars:

.....

Full Name	Identity Number	Name of State Institution



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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



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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:



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ANNEXURE D

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 **To be completed by the organ of state**
(delete whichever is not applicable for this tender).

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

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

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

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

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in

terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that 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:

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

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	
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



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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.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>
<p>SURNAME AND NAME:</p>
<p>DATE:</p>
<p>ADDRESS:</p> <p>.....</p> <p>.....</p>



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ANNEXURE E



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SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

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

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

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

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

(i) Bidding documents, viz

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

(ii) General Conditions of Contract; and

(iii) Other (specify)

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

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



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

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

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE



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SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as
 accept your bid under reference number
 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



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ANNEXURE F

SBD 8

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? (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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		



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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:		

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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ANNEXURE G

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION



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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.

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



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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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ANNEXURE H

Supplier Self-Registration Process

