



## REQUEST FOR PROPOSALS

BID NUMBER: RFQ 11/2025-2026

DESCRIPTION: REQUEST FOR PROPOSALS (RFP) FOR THE LEASING AND OPERATION OF THE KITCHEN SPACES LOCATED INSIDE THE MARKET THEATRE COMPLEX AND MARKET SQUARE BUILDING.

CLOSING DATE: 02 March 2026

CLOSING TIME: 12:00

BID VALIDITY PERIOD: 120 DAYS

BRIEFING SESSION: COMPULSORY BRIEFING SESSION

BRIEFING SESSION VENUE: 56 Margaret Mcingana Street, Newtown, Johannesburg, 2001  
Market Theatre building foyer

BRIEFING SESSION DATE: 10 February 2026

BRIEFING SESSION TIME: 12:00

BID SUBMISSION REQUIREMENTS 2 ENVELOPES:  
TECHNICAL (1 ORIGINAL HARD COPY)  
FINANCIAL (1 ORIGINAL HARD COPY)

**BID DOCUMENTS ARE TO BE DEPOSITED IN THE BID BOX SITUATED AT: 138 Lilian Ngoyi Street, Newtown, Johannesburg, 2001**



## TERMS OF REFERENCE

REQUEST FOR PROPOSALS (RFP) FOR THE LEASING AND OPERATION OF THE KITCHEN SPACES LOCATED INSIDE THE MARKET THEATRE COMPLEX AND MARKET SQUARE BUILDING.

### SECTION A

#### 1. Background

The Market Theatre Foundation (MTF), situated in Newtown, Johannesburg, comprises 3 theatres and the Gramadoelas space with a combined capacity of 820 seats;

John Kani Theatre = 450-seater

Mannie Manim Theatre = 150-seater

Barney Simon Theatre = 150

Gramadoelas = 70.

Kippies = 70

It stages a wide variety of projects ranging from drama, music, comedy, dance to drag and other non-mainstream artistic performances. These offerings are mainly done in the evenings except for seasonal daytime performances from time to time.

There are other forms of bookings that take place across other spaces in the building like conferences, book launches, private functions, etc.

The Market Theatre recently completed refurbishments to the space that previously housed the Gramadoelas restaurant – including the kitchen adjacent to it.

The new re-imagined Gramadoelas space has been converted into a multi-purpose flexible space containing a bar and seating area. It is envisaged that the space will be utilised not only as a bar for pre- and post-show drinks and meals; but for conferencing and the staging of small-scale productions also (e.g. music, comedy, etc.).

The Market Theatre Foundation owns and operates both bars in the building. As such, the successful operator will not be permitted to trade in any beverages including soft drinks, water and coffee as they are provided at the bar

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This bid is therefore to invite suitably qualified and interested companies to submit bids to rent and operate the kitchen to complement the drinks offerings and provide meal options for patrons at various venues.

**HIGHLEVEL TRAFFIC INFORMATION:**

	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
# of Shows	31	31	49
# of Audiences	18 809	36 038	53 740
Publicity Coverage Value	R37,6 million	R44,5 million	R86,3 million

**2. RFP OBJECTIVES**

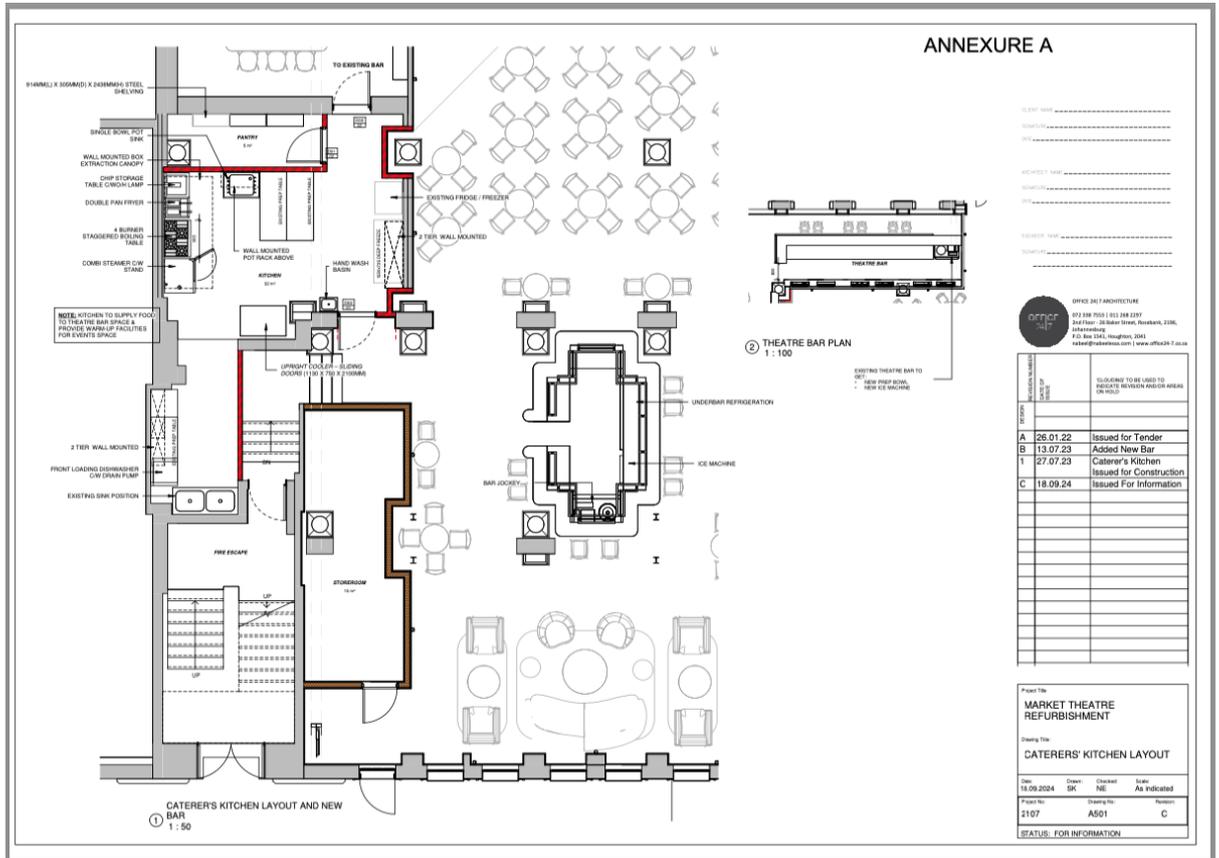
By issuing this RFP, the MTF wishes to:

- Secure the best possible commercial terms and overall value for the operation of the Food Facility.
- Ensure the provision of a high-quality, value-for-money food service to MT patrons (primary), and to artists, staff, students, and the general public (secondary/discretionary).
- Advance economic empowerment and transformation through the operation of the facility.

**3. THE PROPOSED FACILITY**

Below is some basic information pertaining to the kitchen in relation to the larger ground floor of the complex.

Operators are required to conduct their own financial assessment of the viability of the facility when submitting proposals.



#### 4. PLANNING CONSIDERATIONS

The operator will be required to comply with all relevant local authority by-laws as well as those set out by the MT from time to time. Given the investment made by the MTF the immediate area will need to be maintained to a high standard as determined by the Market Theatre Foundation or local authorities.

#### 5. CERTIFICATES, LICENSES AND PERMITS

The successful operator will be responsible for obtaining all necessary permits and licences including all Food Health certificates prior to operating the Kitchen Facility. Any lead times required for the application and approval of such licenses and permits must be factored into the programme by the operator. This is to ensure that the Kitchen Facility becomes fully functional and operational at dates that coincide with the lease agreement.



## 6. BULK SERVICES

Bulk services (water, electricity, sewerage) are provided to the site. This excludes the provision of gas supply. The consumption of water and electricity will be billed to the operator monthly in arrears.

## 7. B-BBEE, EMPOWERMENT AND TRANSFORMATION

The MTF has developed a B-BBEE strategy, which aims to promote economic transformation, grow small and medium enterprises, enhance skills and enterprise development and contribute to the socio-economic upliftment of communities within the city. The bidder is required per the Functionality Criteria to provide an Empowerment and Transformation Plan per the indicated priority categories.

## 8. LEASE TERMS

A lease agreement for a period of three (3) years will be concluded with the preferred operator in line with standard conditions including options to renew. The option to renew will be subject to specific performance conditions e.g. quality of service and offering, value for money and proper maintenance of equipment. These terms are subject to the final decision by the MTF after considering proposals received.

Should the Market Theatre Foundation find the service and quality of food to not be of good and satisfactory standards, the Market Theatre Foundation has the right to terminate the lease.

The commencement of the lease is subject to and shall take effect upon the successful completion of negotiations and the execution of a lease agreement between the MFT and the preferred operator.

### **The areas of the facility are as follows:**

- Kitchen: 37 m<sup>2</sup>
- Dry Store/Pantry: 5m<sup>2</sup>
- Office: TBC
- Refuse Area: 15m<sup>2</sup>
- Seating areas: Will not be charged for as they are used by all patrons.



### EQUIPMENT SCHEDULE

ITEM	QTY	MODEL	DESCRIPTION	LENGTH	WIDTH	HEIGHT
1	1	EA183672580	CAMBRO ELEMENTS VENTED ADD-ON UNIT 910 X 460	910 mm	460 mm	1830
2	2	EA18427580	CAMBRO ELEMENTS VENTED ADD-ON UNIT 1070 x 460	1070 mm	460 mm	1830
3	1	EPK1872580	CAMBRO ELEMENTS POST KIT		460 mm	1830
4	1	CST-H	CHIP STORAGE TABLE C/WO/H LAMP	600 mm	600 mm	915
5	1	DPF-2/10	DOUBLE PAN FRYER	510 mm	600 mm	915
6	1	4BSBT	4 BURNER STAGGERED BOILING TABLE	960 mm	660 mm	900
7	1		COMBI STEAMER C/W STAND	847 mm	771 mm	1042
8	1	SBPS-900	SINGLE BOWL POT SINK	900 mm	650 mm	910
9	1		WALL MOUNTED POT RACK	900 mm	400 mm	
10	2	SST-1700	TABLE C/W UNDER SHELF (EXSITING)	1700 mm	650 mm	910
11	1	WHB	WASH HAND BASIN	400 mm	310 mm	190
12	1	SWB-2250	TABLE W/O UNDER SHELF (EXISTING)	2250 mm	650 mm	910
13	1		DOUBLE CENTER BOWL POT SINK (EXISTING)	1500 mm	650 mm	915
14	1		EXTRACTION CANOPY	1130 mm	3107 mm	

### THE MARKET SQUARE BAR ITEM LIST

TEM	QTY	MODEL	DESCRIPTION	LENGTH	WIDTH	HEIGHT
1	1		<b>Beverage Cooler.</b>	<b>25mm</b>	<b>24 mm</b>	<b>1830</b>
			<b>Mounted Fridge</b>			
			<b>Fridge</b>			

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**Note: Final asset list will be confirmed on commencement of the lease agreement**

The MTF has fitted out the facility with certain equipment, fixtures, and fittings, which shall be maintained by the Operator in accordance with the relevant suppliers' recommendations.

The Operator shall be liable for the cost of repair or replacement of any equipment, fixtures, or fittings that are damaged through negligence, misuse, or failure to maintain. The facility shall be used solely for the preparation, production, and sale of food.

The sale of beverages from the facility is expressly prohibited.

The Operator shall submit a detailed operational plan covering the following:

- Day-to-day running of the facility;
- Cleaning and upkeep of the facility interior, external eating areas, and toilets;
- Refuse removal and waste management;
- Ongoing maintenance of the facility interior and provided equipment.

All maintenance contracts and servicing plans entered into by the Operator in respect of the facility or its equipment shall be subject to the prior written approval of the MTF.

The kitchen facility is not branded, the tenant may brand the facility, only internal branding will be permitted with the necessary approvals sought from the MTF to name and change signs. The successful operator may use their own name upon written approval by the MTF.

## **SECTION B**

### **9. RENTAL PROPOSAL**

The area on which the rental will be determined measures approximately 90m<sup>2</sup>. This excludes the various sitting areas and comprises of the areas as indicated on the Lease Diagram – Diagram 1 above.

The eating areas measuring approximately:

1. Gramadoelas = 450m<sup>2</sup>
2. Bar = 180m<sup>2</sup>
3. Pebbles = 150m<sup>2</sup>
4. Outside seating area = 950m<sup>2</sup>



Male and female ablutions are not included in the Gross Lettable Area (GLA) and will not be charged for.

Should the Operator require dedicated parking bays for staff this can be arranged at an additional monthly rate of R500 per bay per month.

The MTF is responsible for the common area landscaping around the facility.

The rental proposal contained in Annexure 3 [Rental Proposal] should contain the proposed:

- Lease and Option Period;
- Monthly fixed rental and Annual Escalation Rate;
- Commencement date;
- Turnover Rental (i.e. if a percentage of turnover will be paid in addition to the monthly rental).

The prospective operator must take into account the additional monthly costs payable as indicated in Annexure 3. These costs are based on existing service contracts that MTF has with suppliers.

Should any prospective tenant, after viewing the site, believe or feels that they wish to do some capital modification/ installation, this must be stated upfront and all the cost to be incurred by the prospective tenant together with the duration of such modification/Installation must be clearly stated in the proposal.

## **10. SPECIFIC COMMERCIAL TERMS**

### **a. The Prospective Operator shall:**

- Bear all risks relating to the leasing of the Premises;
- Pay a Rental Deposit in advance, equivalent to three (3) months rental;
- Pay a Utilities Deposit equivalent to 10% of the upfront three (3) month Rental Deposit paid;
- Be required to sign Surety;
- Produce proof of sufficient and appropriate insurance cover;
- Be responsible for all Utilities (electricity and water) consumption costs including municipal service charges;



- A service point for ICT services has been provided for wherein operators can source for their own preferred service provider;
- Adhere to all regulations determined from time to time by the City of Joburg Municipality pertaining to the environment, landscaping, waste management, health and safety, maintenance of equipment and upkeep of the facility.

**b. Waiver**

This term is included to ensure that the process results in the rapid appointment of a suitable Operator to lease the kitchen facility within narrow time constraints for the benefit of the public and of the Market Theatre Foundation.

By participating in this process prospective Operators waive their rights to challenge proposals received from competitors or the conclusion of binding agreements with competitors thereby ensuring lengthy delays are avoided.

**c. Rules and Guidelines**

This document sets out the rules and guidelines for participation in this proposal call process and guides prospective Operators on the preparation of proposals to enable the MTF to select operators that:-

- offer the best mix of quality, food and price;
- offers the best commercial and financial terms;
- ability to sustain a viable business over the rental term;
- comply with the MTF's specific requirements as contained in this document.

**d. Disclaimer**

While all reasonable care has been taken in preparing all documents comprising the Proposal Call, neither the MTF, or any of their officers, employees, agents or advisors accepts any liability or responsibility for the adequacy, accuracy or completeness of any of the information or opinions set out in the document.

Prospective Operators are required to independently verify all information distributed by the MTF during this process and must inspect the facility and ensure that they have independently verified all property, geo-technical, zoning and environmental related information.



The MTF reserves the right to amend, modify or withdraw the document, or terminate any of the procedures or requirements in the process for which this document has been issued, any time, and without prior notice.

The MTF reserves the right to reject any proposal or submission made during the course of this process.

**e. No Claim**

Prospective Operator shall not have any claim against the MTF, its officers, employees, servants, agents or advisors arising out of any matter relating to the call for proposal call and proposed development of any nature whatsoever, where such claim is based on any act or omission by the MTF of any nature whatsoever, under any circumstances whatsoever, or if such claim is based on the content of, or any omission of this document.

**f. No Warranty**

Except where expressly stipulated, no representation or warranty is or will be given by the MTF or any of its officers, employees, servants, agents or advisors in respect of the information or opinions contained herein, or in relation to any briefing not issued in relation to the call for proposal process.

**g. Confidential Information**

During the course of this process prospective Operators will receive confidential information. By participating in this process prospective Operators and their advisors undertake to treat such information as confidential and not to disclose such information to third parties. Prospective Operators will be requested to sign non-disclosure forms at the time that call for proposal documents are collected. It is recognized that prospective Operators will be required to set out information which is confidential as to their operations, undertakings, commercial activities or financial strength. In order to permit prospective Operators to make a full disclosure to the MTF, it is a specific term of this document that no prospective Operators may have access to or sight of the contents of any competing prospective Operators' proposal. In this regard all prospective Operators, by participating in this process, undertake not to launch any applications or require or request (through any means) sight of any competing developer's proposal.



**h. Improper Lobbying / Interference**

Any prospective Operator who is found to have lobbied an official, employee, agent or representative of the MTF in respect of a proposal submission will face immediate disqualification and/or blacklisting in respect of any future development.

**i. No Damages**

Prospective Operators take part in this process on the express term that they may not seek damages, or institute any action against the MTF, its advisors, agents or employees for any reason whatsoever arising from this process.

**11. CONTRACT PROCESS**

The MTF may enter into negotiations with prospective operators to conclude binding leases and associated agreements. Only upon signature of these agreements by the MTF will there be a binding agreement between the parties.

**12. INFORMATIONAL FORMS**

The MTF requests the following information from all interested parties. Please fill out the following forms (annexures) or provide the below requested information on a separate attachment.

**13. PROSPECTIVE OPERATOR'S LEGAL PERSONALITY**

Any entity which is used to submit proposals will need to be “bankable” in terms of it being able to fulfil its contractual obligations and acknowledges that its financial standing will be a specific term of the evaluation process.

**14. COSTS OF SUBMITTING PROPOSALS**

Prospective operators will be responsible for all costs associated with the costs of submitting the development submissions.

**15. STATUTORY APPROVALS**

The design and review process put in place by the MTF is an internal process and does not discharge or release the prospective Operators from complying with all legislative or local authority requirements and obtaining all relevant approvals, including, but not limited to the obligations to provide and have approved building plans, environmental authorizations and the like.

**16. NO CONTRACT**

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This document does not constitute an offer to enter into a contractual relationship with any company or prospective operator but is merely a solicitation of proposals.

**Note: Bidders who appear on National Treasury's List of Restricted Suppliers and/or the Register for Tender Defaulters are prohibited from doing business with the public sector and will be disqualified.**

### **ANNEXURE 1: PROSPECTIVE OPERATORS DETAILS**

<b>Name/Company:</b>	
<b>Company Registration No:</b>	
<b>Trading Name:</b>	
<b>Authorized Representative of Company :</b>	
<b>Identity Number of Company Representative</b>	
<b>Postal Address :</b>	
<b>Telephone Number :</b>	
<b>Cell-phone Number :</b>	
<b>Email Address :</b>	



<b>Name and Address of Bankers :</b> {Letter from bankers to be provided (not dated later than 3 months)}	
<b>Details of other operations:</b>	

**NB: Additional information may be submitted in a separate document.**

As part of the proposal evaluation, the MTF will conduct a credit and conflict check on the prospective operator and as such consent must be provided.

**Consent for MTF to conduct a credit and conflict check**

The Applicant hereby consents that, and authorizes the Market Theatre Foundation (“MTF”) or its delegated agent, at all times to:-

- a) contact, request and obtain information from any credit provider (or potential credit provider) or registered credit bureau relevant to an assessment of the behaviour, profile, payment patterns, indebtedness, whereabouts, and creditworthiness of the Applicant;
- b) furnish information concerning the behaviour, profile, payment patterns, indebtedness, whereabouts, and creditworthiness of the operator to any registered credit bureau or to any credit provider (or potential credit provider) seeking a trade reference regarding the Applicant’s dealings with MTF.

<b>SIGNATURE:</b>		<b>DATE:</b>	
<b>FULL NAME:</b>		<b>DESIGNATION:</b>	



## ANNEXURE 2: INDEMNITY CLAUSE

We \_\_\_\_\_ (insert prospective Operator's name) (hereinafter known as the Operator) do hereby indemnify and hold harmless the MARKET THEATRE FOUNDATION in respect of all costs that may be incurred by the Operator by reason of the submission or performance of this proposal.

The Operator indemnifies the MARKET THEATRE FOUNDATION in respect of all legal and other expenses as they may be incurred by the MARKET THEATRE FOUNDATION in examining, resisting or settling any damages, injuries or loss that may be occasioned by work necessary in terms of this proposal.

The Operator acknowledges that it takes part in this Process on the express term that it or its members have no claim and may not seek damages, or institute any action against the MARKET THEATRE FOUNDATION, its advisors, agents or employees for any reason what so ever arising from this process, and expressly undertakes no to do so.

<b>Witness :</b> _____ _____	<b>Signature of authorized person to sign the proposal.</b>
<b>Witness :</b> _____ _____	<b>Name :</b> _____ <b>Signature:</b> _____



## ANNEXURE 3: RENTAL PROPOSAL

[To be completed as part of proposal submission.]

<b>State Proposed Lease Period (Number of years)</b>				
<b>Option to Renew (Number of years)</b>				
<b>Proposed Lease Commencement Date</b>				
<b>* Proposed Escalation percentage (%) per annum</b>		_____ %		
<b>Year</b>	<b>Basic Rental Amounts</b>		<b>Additional Rental</b>	<b>Total Annual</b>
	<b>Monthly Rental (R)</b>	<b>Annual Rental (R)</b>	<b>Total Projected Turnover Rental per annum</b>	<b>Proposed % of Turnover payable (if applicable)</b>
<b>Year 1</b>				
<b>Year 2</b>				
<b>Year 3</b>				
<b>Notes:</b> <ul style="list-style-type: none"> <li>• All Rental amounts must include vat</li> <li>• Only basic rental will be considered for evaluation purposes when selecting the winning bidder.</li> </ul>				



<b>Where Applicable: Option to renew</b>				
Year 4				
Year 5				

**\* The base acceptable escalation rate is CPI.**



## ANNEXURE 4: SCHEDULE OF ADDITIONAL ESTIMATED COSTS

(MTF will procure all services and pass the cost on to the operator)

ITEM NUMBER	DESCRIPTION OF ADDITIONAL MONTHLY FIXED COSTS	MONTHLY ESTIMATED AMOUNT EXCLUDING VAT
1.	HYGIENE SERVICES	For operator's
2.	PEST CONTROL	R 269.00
3.	REFUSE REMOVAL, WASTE MANAGEMENT AND ENVIRONMENTAL PERFORMANCE	R 124.43
4.	FIRE EQUIPMENT AND/OR APPLIANCES	R 164.29
5.	KITCHEN EXTRACTION EQUIPMENT	R 1,444.75
<b>TOTAL PRICE PER MONTH EXCL. VAT</b>		<b>R 2,002.47</b>
VAT (at 15%)		R n/a
<b>TOTAL PRICE PER MONTH INCL. VAT</b>		<b>R 2,002.47</b>
<ul style="list-style-type: none"> <li>The costs of the abovementioned services are estimates and will increase annually in line with the service provider's escalation rates</li> <li>*excludes XXX if any</li> </ul>		



ITEM NUMBER	DESCRIPTION OF ESTIMATED MONTHLY UTILITIES VARIABLE COSTS	MONTHLY ESTIMATED AMOUNT EXCLUDING VAT
1.	AVERAGE ELECTRICITY PER MONTH	R 3916.67
2.	AVERAGE WATER USAGE PER MONTH	R 124.43
<b>TOTAL PRICE PER MONTH EXCL. VAT</b>		R 4041.105
VAT (at 15%)		R N/A
<b>TOTAL PRICE PER MONTH INCL. VAT</b>		<b>R 4041.10</b>



## **ANNEXURE 6: MENU & PRICING**

- Bidder to submit their proposed full menu and pricing. Also include basic items to include:
  - Sandwiches, wraps, pastries, etc. (to complement the coffee offering)
  - Quick meals before shows
  - Student meals
  - Pop up Service At the Market Square Building



**ANNEXURE 7: CONTACTABLE BUSINESS REFERENCES**

**\*Please provide details of three RELEVANT business references as follows:**

**Reference 1:**

**Name of reference:**

.....

**Contact person:**

.....

**Telephone numbers:**

.....

**Length of contract/trading period:**

.....

**Reference 2:**

**Name of reference:**

.....

**Contact person:**

.....



**Telephone numbers:**

.....

**Length of contract/trading period:**

.....

**Reference 3:**

**Name of reference:**

.....

**Contact person:**

.....

**Telephone numbers:**

.....

**Length of contract/trading period:**

.....



## **ANNEXURE 8: WASTE MANAGEMENT PLAN**

**Bidder to submit a detailed waste management plan; including but not limited to refuse storage and removal, grease disposal, etc.**



## SECTION D

### 19. *Evaluation Criteria*

The evaluation process will comprise the following Stages:

#### **Stage 1: Administrative Compliance**

##### *Stage 1A: Mandatory Criteria / Returnable Documents*

Failure to submit the required compulsory documents as detailed in the bid document will render the bidders tender disqualified:, bidder to also adhere to the following compulsory requirements: -

1. Bidders must attend the compulsory briefing session on site as per address as indicated above. Attendance will be recorded as proof of service provider attendance.
2. Duly complete, sign and submit all SBD documents which form part of the tender document
3. Submission of documentation must either be original or certified. Certification of all required documents to be certified must not be older than 6 months, as at the closing date of the tender)

Request clarification or missing documents from the bidder, is permitted ensuring all requested information is in writing and recorded.

If the bidder fails to provide the omitted documents within the prescribed timeframe, consider evaluation ineligibility for non-compliance.

**Please Note:** Certification as a “true copy of the original”, must comply with the requirements outlined in the Justices of the Peace and Commissioners of Oaths Act, No. 16 of 1963 and its Regulations promulgated in Government Notice GNR 1258 of 21 July 1972 Justices of the Peace and Commissioners of Oaths Act, No. 16 of 1963



*Stage 1B: Other Returnable Documents*

1. Bidders to submit a Tax Compliance Status Pin issued by SARS, that will grant a third-party access to the bidder's Tax Compliance Status (a trust, consortium or joint venture must submit a valid Tax Compliance Status Pin for each partner in the trust, consortium or joint venture).
2. Central Supplier Database (CSD) Registration Summary Report for each main bidder, party in the trust, consortium or joint venture. Only suppliers who are registered on CSD will be considered for appointment
3. VAT Registration Certificate
4. Company Profile
5. SANAS accredited B-BBEE Status Level Verification Certificates or valid Sworn Affidavits, (whichever is applicable)

*Stage 2: Functionality Evaluation Criteria*

Proposals will be specifically assessed against the MTF's development objectives and evaluation criteria, with reference to, *inter alia*, the evaluation criteria and associated scoring for functionality as reflected in the table below:

FUNCTIONALITY EVALUATION	POINTS ALLOCATION		
Functionality Criteria	Supporting Evidence	Maximum Points	Points Scored





<p><b>2. Commercial terms of proposal:</b></p> <ul style="list-style-type: none"> <li>• Company’s proposal, vision and strategic intent for the MTF Canteen/Restaurant Facility = <b>(5 points)</b></li> <li>• Business plan for the intended proposed leased premises In this regard, the proposal must provide MTF with a value for money proposition in terms of the following: <ul style="list-style-type: none"> <li>○ Operator’s capital investment in the Premises (Minimum investment required is R500,0000. <ul style="list-style-type: none"> <li>- <i>Capital Investment Demonstrated = 5 points</i></li> <li>- <i>No Capital Investment = 0 points</i></li> </ul> </li> <li>○ Financial Feasibility of the proposal <ul style="list-style-type: none"> <li>- <i>1 to 2 year financial break even = 10 Points</i></li> <li>- <i>to 3 years’ financial break even = 5 points</i></li> <li>- <i>to 5 or more years’ financial break even = 0 points</i></li> </ul> </li> <li>○ 5+ year Financial Projection of Operation <ul style="list-style-type: none"> <li>- <i>5 or more years’ positive projections = 10 Points</i></li> <li>- <i>2 to 4 years’ positive projections = 5 points</i></li> <li>- <i>1 year positive projection = 2 points</i></li> </ul> </li> </ul> </li> </ul>	<p>Attach business strategy</p> <p>Attach Business plan, with investment details and financial projections</p> <p>Proof of source of funds e.g letter from the bank, bank statements etc.</p>	<p><b>30</b></p>	
<b>FUNCTIONALITY EVALUATION</b>		<b>POINTS ALLOCATION</b>	
<b>Functionality Criteria</b>	<b>Supporting Evidence</b>	<b>Maximum Points</b>	<b>Points Scored</b>



<p><b>3. Experience in similar operation:</b></p> <ul style="list-style-type: none"> <li>• Proof and demonstration of existing or similar operation/s including, existing lease, location of similar business operations = <b>(5 points)</b></li> <li>• Food and Beverage Menu = <b>(5 points)</b></li> <li>• (N.B. Kosher and Halaal provision to be provided) - Please clearly articulate the range of products, with due consideration to the value for money element that must be met = <b>(5 points)</b></li> <li>• <i>Food tasting to be part of a site visit after functionality evaluation for operators who have passed functionality = <b>(5 points)</b></i></li> <li>• Company profile = <b>(5 points)</b></li> </ul>	<p>Existing licenses and permits; e.g Halaal Lease agreement or business ownership</p>	<p><b>25</b></p>	
<p><b>4. Strength of restaurant team and staffing requirements:</b></p> <p>Indication of the Operator’s readiness to commence operation including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Operational Plan <b>(5 points)</b></li> <li>• Staffing requirements supported by an experienced Manager (CV of Manager to be provided with at least 5 years’ experience in the food and beverage industry) = <b>5 points</b></li> <li>• Daily operations – key activities = (1 point)</li> <li>• Administrative plan = (1 point)</li> <li>• Maintenance plan = (1 point)</li> <li>• Utility Requirements = (1 point)</li> <li>• Other appropriate operational issues = (1 point)</li> </ul> <p>Points will be allocated per evidence provided per category listed</p>	<p>A plan detailing how stock will be sourced, how routine maintenance would be carried out, how much electrical supply is required by the bidder’s operation, provide sample menu or a marketing strategy as part of an administrative plan.</p>	<p><b>15</b></p>	
<p><b>5. B-BBEE, Empowerment and transformation</b></p> <p>Alignment with MTF’s services:</p> <ul style="list-style-type: none"> <li>• Skills Development = <b>7.5 points</b></li> <li>• Job creation and incentive plan = <b>7.5 points</b></li> </ul>	<p>A plan detailing skills development,</p> <p>A plan detailing job creation &amp; incentive plan.</p>	<p><b>15</b></p>	
<p><b>TOTAL SCORE</b></p>	<p><b>100</b></p>		



<b>MINIMUM POINTS REQUIRED</b>	<b>70</b>	
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**PLEASE NOTE:** The minimum threshold points required for functionality is 70 points out of 100 points and any bidder scoring less than 70 points will not be considered for further evaluation.

**Bidder to address and respond to all areas of the evaluation criteria.**

*Stage 2: Preference Point System*

**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**

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**1. GENERAL CONDITIONS**

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **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
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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:

**80/20**

**or**

**90/10**



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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

### 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:

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{max}$  = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point



system,  
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

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

**Please note:** Bidders who fail to submit a valid SANAS accredited B-BBEE Certificate or valid Sworn Affidavit will score 0 points out of 20 for B-BBEE Status Level of Contributor. The Department reserves the right to verify the validity of a SANAS accredited B-BBEE certificate.

The following formula will be used to calculate the points for the price in respect of an invitation to tender for this income generation contract, with a Rand value equal to or below R50 million, inclusive of all applicable taxes:



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

Where-

$P_s$  = Points scored for price of tender under consideration;

$P_t$  = Price of tender under consideration; and

$P_{max}$  = Price of highest acceptable tender.

(2) A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.

(3) The points scored for the specific goal must be added to the points scored for the price and the total must be rounded off to the nearest two decimal places.

(4) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.



FINANCIAL PROPOSAL/COSTING (TO BE PRESENTED ON SEPARATE ENVELOPE - 2nd Envelope)

SBD 3.3

**PRICING SCHEDULE**  
**(Professional Services)**

Name of bidder.....Bid number: <b>XXX</b>	
Closing Time: <b>XXX</b>	Closing date: <b>XXX</b>

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

TOTAL BID PRICE:

---

All Bidders are to provide their own detailed pricing proposal. A fixed/firm price shall be adopted for the services to be rendered without escalation over the duration stipulated. It should be detailed as to the services and required disciplines to perform the required tasks. The pricing must be for the duration of the services to be rendered.

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NOTE: All cost must be included on the **Total Bid Price, including travel, subsistence and all taxes where applicable**, etc.

Important: If there are any Exclusions or added services, those must be clearly indicated in a separate detailed costing schedule

Bidders need to price their proposal in detail as per scope of work and deliverables expected

MARKET THEATRE ANONYMOUS FRAUD TIP-OFF HOTLINE: 0800 000 905 (Toll-free)



## ANNEXURE A



SBD1

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>			
BID NUMBER:	<b>RFQ 11/2025-2026</b>	CLOSING DATE:	<b>02 March 2026</b>
		CLOSING TIME:	<b>12:00</b>
DESCRIPTION	REQUEST FOR PROPOSALS (RFP) FOR THE LEASING AND OPERATION OF THE KITCHEN SPACES LOCATED INSIDE THE MARKET THEATRE COMPLEX AND MARKET SQUARE BUILDING.		
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>			
<b>138 LILLIAN NGOYI STREET</b>			
<b>NEWTOWN</b>			
<b>JOHANNESBURG</b>			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>		<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>	
CONTACT PERSON	<b>Vickey Pienaar</b>	CONTACT PERSON	<b>Vickey Pienaar</b>
TELEPHONE NUMBER	<b>011 832 1641</b>	TELEPHONE NUMBER	<b>011 832 1641</b>
FACSIMILE NUMBER	<b>N/A</b>	FACSIMILE NUMBER	<b>N/A</b>
E-MAIL ADDRESS	<b>vickeyp@markettheatre.co.za</b>	E-MAIL ADDRESS	<b>vickeyp@markettheatre.co.za</b>
<b>SUPPLIER INFORMATION</b>			
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
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			

MARKET THEATRE ANONYMOUS FRAUD TIP-OFF HOTLINE: 0800 000 905 (Toll-free)



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 ]
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<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
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
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p><b>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.</b></p>	

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.  1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>  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. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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.



- |   |
|---|
| <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>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."</p> |
|---|

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

<b>Total Bid Amount</b>	<b>R</b>
-------------------------	----------

SIGNATURE OF BIDDER: .....

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

DATE: .....



## 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](http://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](http://www.sars.gov.za).

Jeyrel:\Mdk416-SBD2 tax clearance



## ANNEXURE C



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 interest<sup>1</sup> in the enterprise, employed by the state?

YES/NO

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

FULL NAME	IDENTITY NUMBER	NAME OF STATE INSTITUTION

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

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



with any person who is employed by the procuring institution? YES/NO

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....  
.....

### **3 DECLARATION**

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

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 consortium<sup>2</sup> 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



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**

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### 4. GENERAL CONDITIONS

- 4.1 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
- 4.2 **To be completed by the organ of state**  
*(delete whichever is not applicable for this tender).*
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- 4.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (c) Price; and
  - (d) Specific Goals.
- 4.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>



- 4.5 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.
- 4.6 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.

## 5. DEFINITIONS

- (f) **“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;
- (g) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (h) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (i) **“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
- (j) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 4.3. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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



**80/20**

**or**

**90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

##### 4.4.1. POINTS AWARDED FOR PRICE

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

**80/20**

**or**

**90/10**

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

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—

- (c) 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
- (d) 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	
2.	100% Black women owned or	6	
	51% to 99% Black women owned	4	
3.	5% Youth Ownership	2	



4.	<b>2% Owned by persons with disabilities</b>	<b>1</b>	
5.	<b>Exempt Micro Enterprise ( EME)</b> <b>or</b>	<b>5</b>	
	<b>Qualifying Small Enterprise ( QSE)</b>	<b>3</b>	

**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;
  - (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.

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



## ANNEXURE E



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.

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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) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....



SBD 7.2

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

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

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



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><b>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?</b>            (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(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) 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	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)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	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**



## ANNEXURE G



## SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.



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

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

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- (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 consortium<sup>3</sup> 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.

<sup>3</sup> 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.....

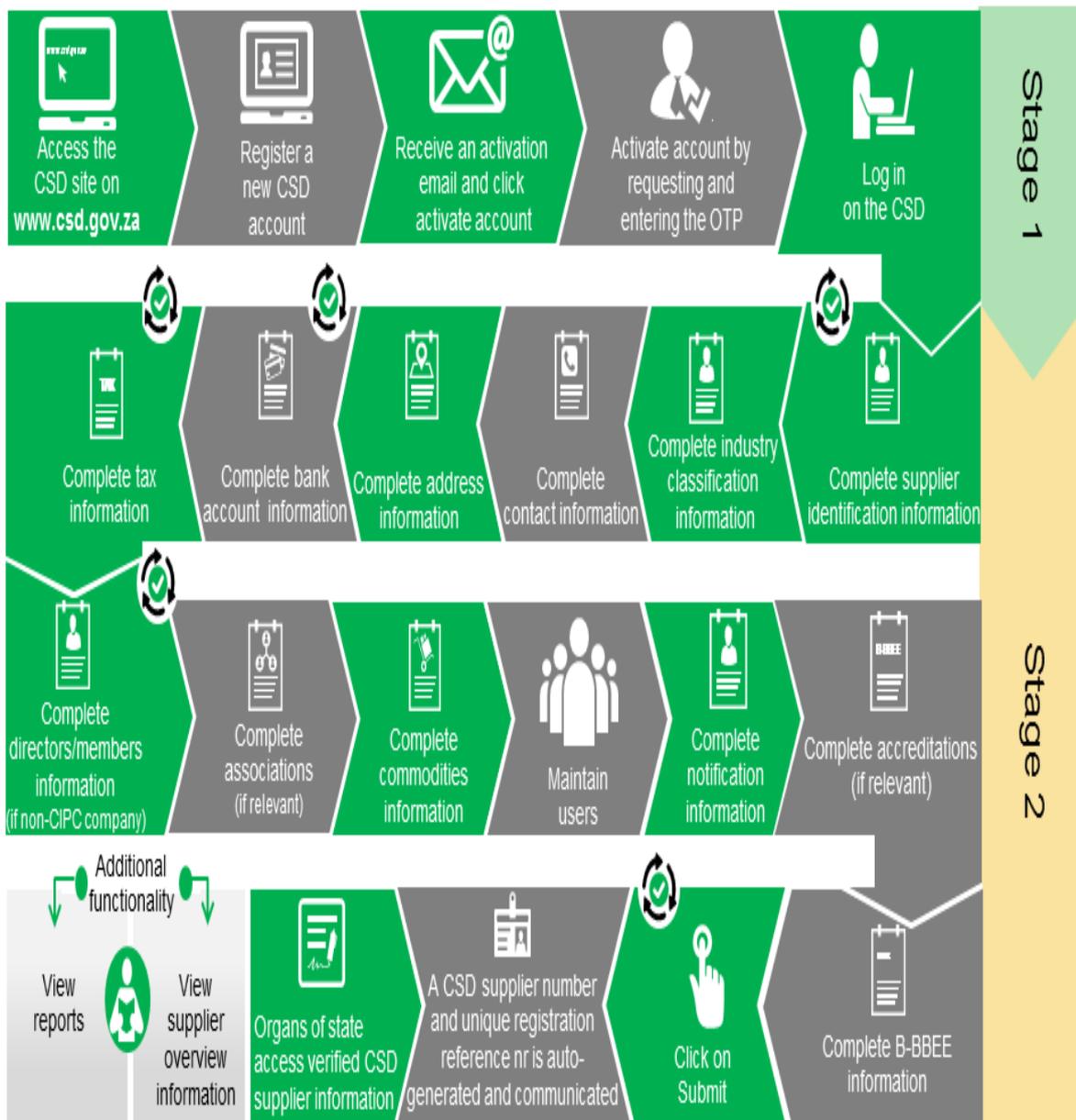
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## ANNEXURE H



# Supplier Self-Registration Process



Auto verification of supplier information with SARS, CIPC etc.