

MANDELA BAY THEATRE COMPLEX



SUPPLY CHAIN MANAGEMENT

Cnr John Kani Rd and Winston Ntshona Street, Gqeberha, 6000
Telephone No. 041 – 586 2256

TENDER NO: MBTC-SCM/48/2025

APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

Tenderer's Name:																	
Postal Address:																	
Tel. No.											Cell. No.						
Contact Person																	
E-Mail Address																	
CSD MAAA NUMBER											B-BBEE STATUS LEVEL						

The deadline for submission of proposals is the Thursday, 10 July 2025 at 11h00. The proposal must be emailed to scm@mandelabaytheatre.co.za quoting "Tender No. MBTC-SCM/48/2025 in the subject line, or hand delivery Tenders must be placed in the Tender Box located at 68 Cape Road, Mill Park, Port Elizabeth, not later than 11h00 on Thursday, 10 July 2025, where they will be publicly opened.

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TENDERERS PLEASE NOTE:

Tenderers are advised to check the number of pages and should any be missing or duplicated, or the reproduction thereof indistinct, or any descriptions ambiguous, or if this document contains any obvious errors they shall inform the Supply Chain Management and have same rectified. No liability whatsoever will be incurred by the Council in respect of errors in any tender due to the Tenderer's failure to observe this requirement.

The Tender Notice appeared on e-tender portal on **Friday, 20 June 2025**. The tender closes at **11h00 on Thursday , 10 July 2025**, at the Mandela Bay Theatre Complex, 68 Cape Road, Mill Park, Gqeberha, 6000.

THE MANDELA BAY THEATRE COMPLEX

TENDER SUBMISSION CHECKLIST

The Checklist below is attached hereto to assist Tenderers with the completion of the tender document. Tenderers are required to **TICK** the relevant boxes for verification purposes. Where information is not applicable to the tender, the symbols **N/A** must be inserted in the space provided.

It must be noted that the Council shall not be held liable for any loss or damage incurred to the Tenderer should the Tenderer fail to fulfil the requirements of the Tender.

Item	Document Reference	Description	Action to be taken	Checked, Verified & Submitted
1.	SBD 1	Invitation to tender	To be completed in full	
2.	SBD 2	Tax clearance requirements	Submission of a valid original tax clearance certificate Provide SARS Status PIN in order for MBTC to Verify	
3.	SBD 4	Declaration of Interest	To be completed in full	
4.	SBD 6.1	Preference point claim form	To be completed in full - You may submit a Sworn affidavit.	
5.	TOR	Terms of reference	To be read and applied	
6.		Company Profile and CK documents	To be submitted	
7.		Registered on the National Treasury Central Suppliers Database (CSD)	Provide the CSD Supplier Number (MAAA)	

8.	GCC	General conditions of Contract	Initial each page	
9.		B-BBEE status level verification certificate	Submit a valid or a certified copy of a B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS	
10.		Proposal NB. Technical Threshold – 75%	To be compiled and submitted in line with requirements of the Terms of Reference	
11.		Bid Invitation	Soft copy or Originals Tender document	
12.		Are you the sole Supplier/distributor of goods and services?	Provide proof on Company Letterhead	

Additional Notes:

1. Broad Based Black Economic Empowerment (B-BBEE) rating 3 or better to be submitted.
 - a) A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid.
 - b) Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates together with their bids.
2. Check list to be completed and attached to the proposal.
3. Incomplete documents will be regarded as non-responsive.
4. All forms to be completed in black ink.
5. No correction fluid to be used in the document, changes should be made by drawing a line through the incorrect information, and initialling the change.
6. No late quotations / bids will be accepted.
7. MBTC reserves the right to award or withdraw the bid.

***** D: Failure to comply with these Sections will prejudice the tender.**

Name of Tenderer : _____

Signature : _____

Date : _____

MANDELA BAY THEATRE COMPLEX

APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

TENDER NOTICE

Tenders are hereby invited from suitably qualified and experienced service providers for the APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX.

Tender documents will be made available to tenderers on **Friday, 20 June 2025**.

Tender documents can be downloaded and printed at the tenderer's cost from the National Treasury eTender Publication Portal on **www.etenders.gov.za**.

For any technical related enquiries, please contact Mr M. Ndzimela (OCEO) e-mail address **monwabisi@mandelabaytheatre.co.za**.

For any procurement related enquiries, please contact Supply Chain Management Unit on e-mail address **scm@mandelabaytheatre.co.za**.

Tenders must be placed in the Tender Box located in the Ground Floor, Mandela Bay Theatre Complex Building at 68 Cape Road, Mill Park or email to **scm@mandelabaytheatre.co.za** and quote tender number on the subject line.

Tender Validity Period: Four (4) months commencing from the closing date of tender.

Tender Adjudication/Evaluation Criteria: Tenderers meeting the Mandatory Requirements of the tender shall be evaluated on a Two Stage Evaluation System – Stage One: Functionality and Stage Two: 80/20 Point System in accordance with the Mandela Bay Theatre Complex Supply Chain Management Policy (incorporating Preferential Procurement) as prescribed in terms of the Preferential Procurement Regulations 2022, pertaining to the Preferential Procurement Policy Framework Act, Act No. 5 of 2000. The Functionality for Stage One shall be evaluated on the following criteria.

#	Sub-Criteria	Weight	Value	Actual Score										
1.	Certified copy of LLB or BA Law or equivalent Legal Qualification. <table><tr><td>5 Points</td><td>10 Points</td><td>15 Points</td><td>20 Points</td></tr><tr><td>2</td><td>3</td><td>4</td><td>5</td></tr></table>	5 Points	10 Points	15 Points	20 Points	2	3	4	5	20	5 = Post Graduate degree /diploma 4 = Degree 3 = Diploma 2 = Other			
5 Points	10 Points	15 Points	20 Points											
2	3	4	5											
2.	Registration of Key Staff member/s with the Law Society of South Africa (LSSA). <table><tr><td>0 Points</td><td>5 Points</td></tr><tr><td>0</td><td>10</td></tr></table>	0 Points	5 Points	0	10	10	5 = Attach valid and certified copy of LSSA certificate. 0 = No copy /uncertified copy of LSSA certificate.							
0 Points	5 Points													
0	10													
3.	Experience as a Company Secretary in other Organs of State in South Africa. Applicant must submit a company profile and CV of Key personnel who will service the MBTC highlighting experience in secretarial services. Copies of Reference Letters to be attached. Each reference letter must include: • Name of the organisation. • Contact person details. • Contract amount (Include award letter if contract amount is not on the letter). • Work performed and dates when work was performed. References letters must be on the Company's letterhead with contact information. <table><tr><td>4 Points</td><td>8 Points</td><td>12 Points</td><td>16 Points</td><td>20 Points</td></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr></table>	4 Points	8 Points	12 Points	16 Points	20 Points	1	2	3	4	5	20	5 = 5 Clients or more as a company Secretary with reference letters. 4 = 4 Clients as a company Secretary with reference letters. 3 = 3 Clients as a company Secretary with reference letters. 2 = 2 Clients as a company Secretary with reference letters. 1 = 1 Client as a company Secretary with reference letters. NOTE: bidders must meet the full requirements in order to obtain full points.	
4 Points	8 Points	12 Points	16 Points	20 Points										
1	2	3	4	5										
4.	Registration with Chartered Secretaries of Southern Africa (CSSA) or Institute of Chattered Secretaries and Administration (ICSA) <table><tr><td>0 Points</td><td>10 Points</td></tr><tr><td>0</td><td>5</td></tr></table>	0 Points	10 Points	0	5	10	5 = Attach valid and certified copy of CSSA/ ICSA certificate. 0 = No copy /uncertified copy of CSSA/ICSA certificate.							
0 Points	10 Points													
0	5													
5.	A detailed Technical and Financial Proposal (not more than five pages). The proposal must demonstrate skills relevant to the Company Secretariat services and must cover, but not limited to the following: • Knowledge of legislation regulating the MBTC; • Expert knowledge in roles and responsibilities of the Council and Council Committees; • Strategic meeting management; • Understanding of meeting protocols;	40	5 = Excellent 4 = Very Good 3 = Good 1 = Poor 1 = Very Poor											

	- Strong good governance background; and Strong administrative skills; and - Understanding of the King report on corporate governance.							
	8 Points	16 Points	24 Points	32 Points	40 Points			
	1	2	3	4	5			
Threshold						75		
Total						100		

The allocation of Preference Points will be according to the following Specific Goals:

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth (100% ownership)	4	
Youth (61 - 99% ownership)	3	
Youth (31 - 60% ownership)	2	
Youth (1 - 30% ownership)	1	
Youth ownership 0%	0	
Women (100% ownership)	4	
Women (61 - 99% ownership)	3	
Women (31 - 60% ownership)	2	
Women (1 - 30% ownership)	1	
Women ownership 0%	0	
Black 100% ownership)	4	
Black (61 - 99% ownership)	3	
Black (31 - 60% ownership)	2	
Black (1 - 30% ownership)	1	
Black ownership 0%	0	
People living with disabilities	4	
Locality		
Based in Nelson Mandela Bay	4	
Metro	3	
Based in Eastern Cape	2	
Based in neighbouring provinces	1	
Based in other provinces	0	
Outside RSA		

POINTS AWARDED FOR PRICE

THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

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

The Mandela Bay Theatre Complex does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any part of a tender.

STANDARD CONDITIONS OF TENDER

1. DOCUMENTS

This document comprises of the Standard Conditions of Tender, Standard Conditions of Contract, Special Conditions of Contract (if any), Legislation, Definitions, Specifications, Pricing Schedule, Tender Form, and Annexures thereto.

2. COMPULSORY SITE INSPECTION/TENDER BRIEFING MEETING

Where in the tender document reference is made to a compulsory Site Inspection/Tender Briefing Meeting, the Service Provider shall be required to attend the meeting prompt on the date and time mentioned in the tender document. Service Providers arriving at the meeting after the stipulated time will be disqualified and the Council shall not be held liable for any loss or damage due to the above. Service Providers are to ensure that they sign the Attendance Register circulated at the meeting and to also ensure that the Site Inspection/Tender Briefing Certificate attached hereto is duly signed by the authorised official.

An official will Chair the meeting and answer queries raised by prospective Service Providers. Any amendment to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register.

Tenders will not be considered from Service Providers who do not attend the meeting and whose Site Inspection/Tender Briefing Certificate has not been commissioned by the authorised official.

Service Providers arriving at the Site Inspection/Tender Briefing Meeting after the stipulated starting time will be disqualified. Further, all Service Providers will be required to present their tender document at the Site Inspection/Tender Briefing Meeting for endorsement and failure to comply with this will result in disqualification.

3. SUBMISSION OF TENDERS

Tenders must be made out on the Tender Form annexed hereto. Tenderers are advised that this document must be completed in ink and submitted in its entirety. Failure to comply with this condition shall result in the tender being disqualified.

Only original hand written priced tender and emailed documents will be considered. Tenders submitted by, telex or facsimile shall not be considered. ***The use of correction fluid is strictly prohibited. All corrections are to be countersigned.***

Tenderers using Courier Companies or any other mode of transport to deliver their tender documents must ensure that the tender documents are delivered to the Mandela Bay Theatre Complex building, 68 Cape Road, Mill Park, Port Elizabeth 6000, and placed in the Tender Box situated in the Ground Floor by the close of tenders. The Council shall not be held liable for any tender document which is not timeously delivered, mislaid or incorrectly delivered due to the negligence of the Courier Company or any other party involved in the delivery of the tender documents, including any employee of the Council.

Sealed tenders endorsed with the appropriate tender number, must reach the MBTC building, Gqeberha not later than the closing date and time stated in the public advertisement inviting tenders, when they will be opened in public. Under no circumstances will any extension of time be allowed for the submission of tenders. Tenders shall remain valid for four (4) calendar months from the date of opening.

4. COMMUNICATION WITH MEMBERS OF THE COUNCIL OR COUNCIL EMPLOYEES

Without detracting from any prevailing law, no Tenderer shall offer, promise or give any person or persons connected with the adjudication, or awarding of the tender, any gratuity, bonus, discount or consideration of any kind in connection with the obtaining of a contract. Nor shall any Tenderer communicate with any member of the Council or a Council employee on a question affecting the awarding of a contract which is the subject of a tender, during the period between the closing date of tenders and the date of notification of the successful Tenderer; provided always that the Supply Chain Management Unit may, in exceptional circumstances, obtain additional information from a Tenderer to enable her to formulate her recommendation to Council.

Any attempt to contravene this condition, which is brought to the notice of the Supply Chain Management Unit shall result in the disqualification of the Tenderer.

5. REGISTRATION WITH THE CENTRAL SUPPLIER DATABASE (CSD)

The National Treasury's Central Supplier Database (CSD) has been open for registration from 01 September 2015. The CSD serves as one single source of supplier information to all spheres of government.

Within this system, suppliers are required to register once when they do business with the state. This will significantly reduce the administrative burden for businesses, especially small and medium sized enterprises. The database interfaces with the South African Revenue Service (SARS), the Companies and Intellectual Property Commission (CIPC) and the payroll system. It will electronically verify a supplier's tax and B-BBEE status and enable public sector officials doing business with the state to be identified.

All prospective suppliers can register any time on the CSD website www.csd.gov.za

Negotiations for the tender award will only be concluded with the qualify tenderer(s) who is/are registered on the CSD on or after 01 April 2016.

In order for MBTC to verify your Company's registration with CSD, please provide the following information for verification purposes:

CSD Supplier Number	
Unique Registration Reference Number	

Failure to provide the above information shall render the tender to be disqualified.

6. TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of tender that the taxes of the successful tenderer must be in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the tenderer's tax obligations.

Tenderers shall be required to submit, together with the tender document, a valid original Tax Clearance Certificate or a Tax Compliance Status Verification Pin issued by SARS. Failure to submit a **valid original** Tax Clearance Certificate or a Tax Compliance Status Verification Pin will result in the invalidation and disqualification of the tender. **Certified copies of the Tax Clearance Certificate will not be acceptable.**

Further to the above, Tenderers are to note that the Tax Clearance Certificate must be valid for the full duration of the tender validity period i.e. three (3) months commencing from the closing date of the tender.

Should the validity of the Tax Clearance Certificate expire prior to the final award of the contract being made, the Council reserves the right to request the Tenderer to submit a further valid Tax Clearance Certificate. In this instance, the Tenderer shall be given seven (7) working days written notice in which to comply. Should the Tenderer fail to comply with this request, the Council further reserves the right to make no award to the Tenderer and the Council shall not be held liable for any loss or damages sustained by the Tenderer.

If a tenderer has already submitted an original Tax Clearance Certificate when registering on the Central Supplier Database (CSD), then there is no need to submit a hardcopy of another Tax Clearance Certificate provided that the Tax Clearance Certificate is still valid for the full duration of the validity period for this tender. In this instance, the Tenderer will be required to indicate below the CSD Supplier Number and Unique Registration Reference Number for verification purposes:-

CSD Supplier Number	
Unique Registration Reference Number	

7. RATES

The prices, rates or percentages quoted in the proposal shall be deemed to include all costs, including but not limited to equipment, labour, insurance, delivery, etc, unless the Service Provider states otherwise in the proposal.

8. INCOMPLETE TENDERING

Tenders may be rejected if they show any additional, conditional or incomplete offers or irregularities of any kind in either the Tender Form or the Pricing Schedule, or if the prices tendered in the Schedule are not market related i.e. the tendered rates does not conform to current day prices.

Partial awards **may** be made where this is perceived by Supply Chain Management Unit to be in the best interests of the Council. Council reserves the right to take into account the principle of the distribution of works in order to empower SMME's and BEE's.

Should there be any difference or discrepancy between the prices and particulars contained in the Tender Form and those contained in any covering letter submitted by the Tenderer, the prices and particulars contained in the Tender Form shall prevail.

9. ACCEPTANCE OF ANY TENDER

The Council does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any part of a tender.

Where less than three (3) tenders are received, the Supply Chain Management Unit reserves the right to purchase such services on the open market notwithstanding the acceptance of an offer.

The procedure which will be followed with the acceptance of a tender is as follows:

No formal agreement will be signed.

A letter of acceptance stipulating which rate/s has been accepted will be sent by the Supply Chain Management Unit to the Tenderer. The tender documents, together with the letter of acceptance, shall constitute a binding agreement between the Tenderer and the Council.

Unless otherwise stipulated in the covering letter submitted with the tender, the Tenderer shall have waived, renounced and abandoned any conditions printed or written upon any stationery used for the purpose of, or in connection with, the submission of the tender which are in conflict with the Council's Conditions of Tender and the Standard Conditions of Contract. The Tenderer is warned that any material divergence from the official conditions or specification may render the tender liable to disqualification.

10. DOMICILIUM CITANDI ET EXECUTANDI

For the purpose of the service of all documents and the giving of notice as may be required in terms of this contract, or as a result of any action arising in conjunction with it, the Council chooses MBTC building, Corner John Kani Road and Winston Ntshona Street, Gqeberha as its *domicilium citandi et executandi*.

The Tenderer's *domicilium citandi et executandi* shall be whatever street address is given in the Tender Form attached hereto.

Either party may, at any time, give one (1) month notice, in writing, of a change of *its domicilium citandi et executandi* provided that such address shall be within the Republic of South Africa.

11. DATA SHEETS

Tenderers shall be required to complete all Data Sheets and the Tender Form attached hereto in their entirety for adjudication purposes. Where Data Sheets and/or any other documentation as contained herein are required to be commissioned, such Data Sheets and/or documentation must be stamped and signed by a Commissioner of Oaths (where applicable). Failure to comply with these provisions will render the offer unresponsive (invalid).

12. PROHIBITION ON AWARDS TO PERSONS IN THE SERVICE OF THE STATE

The Supply Chain Management Regulations states that the Council may not make any award to a person:

- (a) Who is in the service of the state;
- (b) If that person is not a natural person, of which and director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) Who is an advisor or consultant contracted with the municipality or municipal entity.

13. APPEALS AND/OR OBJECTIONS

Any Tenderer aggrieved by decisions or actions taken by the Entity may lodge within fourteen (14) calendar days of the date of the decision or action, a written objection or complaint to the Accounting Officer / Supply Chain Management Unit.

14. PREFERENCE POINTS CLAIMED IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

Tenderers claiming preference points shall be required complete Annexure “C” hereto in its entirety and to fully comply with the General Conditions, Definitions and Directives stated therein. Failure to do so shall result in no preference points being awarded to the tenderer and the Council shall not be held liable for any loss or damages in this regard.

In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, 2022, Preference points must be awarded for specific goals stated in the tender.

Tenderers are required to submit, together with the tender document, proof or documentation required in terms of this tender to claim points for specific goals with the bid, will be interpreted to mean that preference points for specific goals are not claimed.

15. JOINT VENTURE AGREEMENTS AND CONSORTIUMS

Tenderers intending to tender in the form of Joint Ventures/Consortiums must submit the following documentation together with the tender:

1. Original valid Tax Clearance Certificates or a Tax Compliance Status Verification Pins issued by SARS of all parties of the Joint Venture/Consortium;
2. All parties of the Joint Venture/Consortium must submit signed copies of:
 - (a) The Declaration of Interest Form and
 - (b) The Preferential Procurement Claim form.
3. An undertaking duly signed by all parties of the Joint Venture/Consortium indicating their intention to enter into an agreement for the purposes of this contract, and
4. Further to the above, the name of the Joint Venture/Consortium must appear on the relevant pages of the document. Failure to comply with these requirements shall lead to disqualification.

16. ADJUDICATION CRITERIA

The tender shall be evaluated on a Two Stage Evaluation System – Stage One: Functionality and Stage Two: 80/20 Preference Point System in accordance with the Preferential Procurement Regulations 2022, issued in terms of section 5 of the Preferential Procurement Policy Framework Act, Act No. 5 of 2000.

17. COMBATIVE TENDERING

The Supply Chain Management Regulations states that Combative tendering practices are unethical and illegal. These include but are not limited to:

- (a) Suggestions to fictitious lower quotations;
- (b) Reference to non-existent competition;
- (c) Exploiting errors in tenders;
- (d) Soliciting tenders from Tenderers whose names appear on the list of restricted tenderers/suppliers/persons, and,
- (e) Submission of two tenders by a Tenderer.

Any attempt by a Tenderer to contravene this condition which is brought to the notice of the Accounting Officer or the Supply Chain Management Unit shall result in the disqualification of the tender. The Council further reserves the right to take any other action as it may deem necessary.

18. CESSION AGREEMENTS

No Cession Agreements will be entered into between the successful Tenderer, the Supplier and the Council in respect of ceding payment to any third parties for goods or services rendered by the third party/ies to the Tenderer.

By signing the Tender Form herein, it shall be deemed that the Tenderer has the necessary personnel, skills, resources, capital, and equipment, etc. to undertake the whole of the said works in conformity with the Specifications, Conditions of Contract, Tender and Legislation for the duration of the contract period.

Should it be deemed during the contract period that the successful Tenderer does not have the necessary personnel, skills, resources, capital, and equipment, etc. to undertake the works, the Council reserves the right to cancel the contract by issuing the Tenderer with thirty (30) days written notification of its intent to cancel the contract and the Council shall not be held liable for any loss or damages sustained by the Tenderer in this regard.

The Council further reserves the right to purchase the goods and services elsewhere and any difference in costs shall be deducted from any monies due or which shall become due to the Supplier.

THE MANDELA BAY THEATRE COMPLEX

LEGISLATION

1.0 GENERAL

- 1.1 Tenderers will be deemed by virtue of submitting a tender to have undertaken to be aware of and comply fully for all purposes under this contract with all current legislation and related regulations. The following Acts, as amended from time to time, are listed for the attention of the tenderer, without prejudice and without in any way relieving the tenderer of the obligation to continuously comply with all the laws of South Africa for the entire duration of this contract, the cost of so doing being expressly included in the contract sum. It is the sole duty of the tenderer to ensure that it acquaints itself and complies with all applicable legislation. The Council shall not be liable in any way whatsoever for any errors or omissions in the legislation listed herein.

2.0 THE COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT (ACT 130 of 1993) (COID ACT)

- 2.1 Tenderers are required to register as employers in terms of the COID Act.
2.2 Tenderers must pay the assessments due in terms of the COID Act relative to their employee records including all sub-Tenderers and community based labour.
2.3 In this specific contract the Tenderer further acknowledges that the Employer shall have the right, without prejudice, to deduct any shortfall in compensation due to any employee of the Tenderer (or sub-Tenderer) from monies due or which may become due to the Tenderer, and so effect settlement of the matter.

3.0 THE LABOUR RELATIONS ACT (ACT 66 of 1995) (LR ACT)

- 3.1 Tenderers are required to register as employers in terms of the LR Act.
3.2 Tenderers are required to pay all employee and employer contributions to the Unemployment Benefits Fund, other than in respect of casual employees defined as persons who work for less than eight hours in any one week, or in respect of persons who by virtue of lawful reasons are exempt therefrom.

4.0 THE BASIC CONDITIONS OF EMPLOYMENT ACT (ACT 3 of 1983) (BCE ACT)

- 4.1 Tenderers in their capacity as employers are required to comply with the provisions of the BCE Act with special reference to their employees' terms and conditions of employment.

5.0 THE INCOME TAX ACT (ACT 58 of 1962)

- 5.1 Tenderers in their capacity both as business enterprises and employers are obliged to register and comply with the requirements of the Receiver of Revenue.

6.0 THE VALUE ADDED TAX ACT (ACT 89 of 1991)

- 6.1 Tenderers in their capacity as business enterprises are required, if their annual turnover exceeds or is expected to exceed R150 000 by the end of February each year, to register as VAT vendors with the Receiver of Revenue for the purpose of paying, recovering, charging and returning VAT to the State via the Receiver of Revenue.

6.2 It is recorded that the Employer in this contract is registered as a VAT vendor.

7.0 NON-COMPLIANCE

7.1 The Employer in this contract will not under any circumstances be, or become party to, any act or omission by the Tenderer and/or the Tenderer's Sub-Tenderers and/or employees, which contravenes South African law.

7.2 Notwithstanding anything to the contrary in this tender document, and in addition to any other remedies the Council may have, if at any time during this contract, the Council discovers any contravention of the laws expressly mentioned herein or any other applicable law, then the Council shall have the right to cancel this contract forthwith. In such event, the Council shall not be liable for any loss or damages caused by such cancellation.

THE MANDELA BAY THEATRE COMPLEX

DEFINITIONS

The following definitions apply: -

"Council" means The Mandela Bay Theatre Complex.

"Supply Chain Management Unit" means the unit dealing with Supply Chain Management activities of the day of the Mandela Bay Theatre Complex.

"Manager" means the Manager: Facility Use of the day of the Mandela Bay Theatre Complex.

"Service Provider/Tenderer" means the person, firm, Service Provider or company whose tender has been accepted by the Mandela Bay Theatre Complex and includes the Service Provider's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Council, any assignee of the Service Provider.

"Special Conditions" means any addition to or departure from or amendment of these Standard Conditions as set out in Annexure "A" hereof.

"Contract Document" means the Conditions of Tender, Scope of Contract, Terms of Reference, these Definitions, Special Conditions (if any), Equipment Specifications, Rates, Percentages and Prices, Tender Form and Annexures thereto. Any amendments to the contract document agreed to by the Council and the Service Provider, Provisional Letter of Acceptance and the final Letter of Final Acceptance.

"Goods" means the equipment, vehicles, service, labour or materials to be supplied in accordance with the Contract.

"The Tender" means the written offer made by the Service Provider to the Council.

"Preferential Procurement Policy" means the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000).

"SARS" means the South African Revenue Services.

THE MANDELA BAY THEATRE COMPLEX

APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

SPECIFICATION

1.0 SCOPE OF WORKS

- 1.1 The primary purpose of this contract calls for the **PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX FOR A PERIOD OF 36 MONTHS.**

2.0 DETAILED SPECIFICATION

- 2.1 The detailed specification as follows:

The scope of work to be undertaken by the Service Provider will include the following:

- 2.2 To be accountable to MBTC for the fulfilment of its functions.
- 2.3 To compile an archival record of all Council and Council Committee proceedings and submit a comprehensive record to Council on a quarterly basis in line with the reporting of MBTC. This should include the record of round robin correspondence, audio and/visual material and any other documents.
- 2.4 To appraise the Council Members and EMT in terms of any laws relevant to or affecting public entities that MBTC must comply with.
- 2.5 Ensure that the Council and Council Committee charters are developed and kept up to date.
- 2.6 Compilation of Council packs in preparation for all meetings.
- 2.7 Ensure that the proceedings of the Council and Council Committee meetings are properly recorded and that minutes of the meetings are prepared and circulated to Council members in line with the Charters.
- 2.8 The minutes must be completed within seven (7) business days following the committee meeting and circulated to the Executive Management.
- 2.9 Draft matters arising are to be sent to Management within three (3) business days.
- 2.10 Prepare agenda before meeting proceedings.
- 2.11 Ensure that Council resolutions are accurately recorded.
- 2.12 Develop a resolution register and keep track of the implementation of resolutions through direct liaison with the CEO and EMT.
- 2.13 Coordinates the fulfilling of the Council and Governance related needs, requirements and obligations, e.g. Shareholder's Compact and providing input into the Annual Report.
- 2.14 Ensure compliance with statutory requirements by submitting all quarterly and annual submissions and notification of changes in Council Members with the Executive Authority.
- 2.15 Inducts new Council Members, identifies training needs and facilitates such training.
- 2.16 Manages, coordinates and liaises with Council Members in relation to declarations of interests and specialist advice where required.

- 2.17 Prepares and submits the Council and Council Committees meeting fee claims in line with the MBTC Council, Council Committees and ARC Remuneration Policy.
- 2.18 Provide input on amendments to organisational policies and procedures.
- 2.19 Coordinate and monitor the implementation of Council and Council Committee resolutions.
- 2.20 Prepares the budget for the Council and Council Committees related expenditure and monitoring thereof.
- 2.21 Prepares and submit procurement memorandum for Council and Council Committee logistics for meetings and any matters requiring procurement.
- 2.22 Monitors the budget of the Council and Committees continuously in consultation with the Council Chairperson.
- 2.23 Allocates the necessary resources appropriately.
- 2.24 Advise Council members about new industry developments and their legal implications for the council and the entity.
- 2.25 Develop and review of Council and Council Committees and secretariat policies, procedures and all other governance frameworks regulating the functions and powers of the Council and Council Committees and Management Committees.
- 2.26 Render any other statutory services as may be requested by Council and Council Committees members and the CEO.

3.0 RELEVANT EXPERIENCE OF THE SERVICE PROVIDER

- 3.1 Experience in offering Company Secretary services to an Organ of State.
- 3.2 Evidence that the service provider has conducted a similar exercise previously.
- 3.3 LLB or BA Law or equivalent legal qualification
- 3.4 Must have knowledge of corporate governance and the public sector.
- 3.5 Must have Knowledge of the PFMA and National Treasury Regulations and Government
- 3.6 Prescripts and King III
- 3.7 Must have in-depth knowledge of corporate law
- 3.8 Must have knowledge of Company Secretarial practice and administration

4.0 PRICE REQUIREMENTS

- 4.1 The pricing quote submitted must correspond to the scope of service prescribed in paragraph 4 of this communication and the quoted amount is Value Added Tax (VAT) inclusive where applicable. The price proposal should be in the following format:

Options	Rate	Turnaround Time
Daily Rate		
Rush/Express Rate		
Hourly Rate		
Monthly retainer		

5.0 APPLICATION PROCEDURE

5.1 The deadline for submission of proposals is the Thursday 10 July 2025 at 11h00. Interested parties are expected to submit the following:

- (a) A short but detailed proposal (not more than 5 pages) on the proposed approach/ methodology to the assignment, highlighting specific outputs and related costs for each phase.
- (b) Timetable/Program for the duration of the project.
- (c) A company profile detailing similar experience, with CVs of lead resource who will be assigned to MBTC as well as two examples of recently completed evaluation reports with contactable references.
- (d) The proposal must correspond and adequately respond to the scope of service prescribed in paragraph 4 of this communication and be VAT inclusive.
- (e) The proposal must be emailed to scm@mandelabaytheatre.co.za
- (f) All enquiries regarding the technical specification should be directed to the Office of the Chief Executive Officer via email ONLY to monwabisi@mandelabaytheatre.co.za and Supply Chain Management (SCM) related queries to be directed at scm@mandelabaytheatre.co.za

6.0 SITE / BRIEFING MEETINGS

6.1 Not Applicable

7.0 PLACE OF DELIVERY AND DELIVERY PERIOD

7.1 The Tenderer to provide COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX.

7.2 The contract period shall be 3 years (36) months from the commencement date.

8.0 ESCALATION

8.1 Not Applicable.

9.0 INSURANCES REQUIRED

9.1 Not Applicable.

10.0 COMPLIANCE WITH RESPECTIVE LEGISLATION, BYLAWS, ETC.

- 10.1 The Labour Relations Act (Act 66 of 1995)
- 10.2 Basic Conditions of Employment Act (75 of 1997)
- 10.3 The Income Tax Act (Act 58 of 1962)
- 10.4 MBTC Supply Chain Management Policy
- 10.5 South African National Standards (SANS 10400)

- 10.6 The Compensation of Occupational Injuries and Diseases Act (Act 130 of 1993)
 10.7 Public Finance Management Act (1 of 1999)
 10.8 General conditions of contract of 2015 (GCC 2015)

NB: that the entity reserve the right to verify supporting documents submitted by the bidder

11.0 SERVICE LEVEL AGREEMENT

- 11.1 The successful Service Provider will be required to enter into a Service Level Agreement with the Mandela Bay Theatre Complex before the commencement of any works or services.

12.0 MANDATORY REQUIREMENTS

- Experience in offering Company Secretary services to an Organ of State.
- Evidence that the service provider has conducted a similar exercise previously.
- LLB or BA Law or equivalent legal qualification
- Must have knowledge of corporate governance and the public sector.
- Must have Knowledge of the PFMA and National Treasury Regulations and Government Prescripts and King III
- Must have in-depth knowledge of corporate law.
- Must have knowledge of Company Secretarial practice and administration.

13.0 EVALUATION CRITERIA

- 13.1 The qualification criteria to be used will be functionality, broad based black economic empowerment and qualifying tenders will be further evaluated using the 80/20-point system. An 80/20 procurement point system will be applied on procurement of goods and services equal to or below R50 million where a maximum of 80 points are awarded for price and a maximum of 20 points are awarded for specific goals.

14.0 STAGE ONE - FUNCTIONALITY

#	Sub-Criteria	Weight	Value	Actual Score			
1.	Certified copy of LLB or BA Law or equivalent Legal Qualification.	20	5 = Post Graduate degree /diploma 4 = Degree 3 = Diploma 2 = Other				
	5 Points				10 Points	15 Points	20 Points
	2				3	4	5
2.	Registration of Key Staff member/s with the Law Society of South Africa (LSSA).	10	5 = Attach valid and certified copy of LSSA certificate. 0 = No copy /uncertified copy of LSSA certificate.				
	0 Points				5 Points		
	0				10		

3.	Experience as a Company Secretary in other Organs of State in South Africa. Applicant must submit a company profile and CV of Key personnel who will service the MBTC highlighting experience in secretarial services. Copies of Reference Letters to be attached. Each reference letter must include: • Name of the organisation. • Contact person details. • Contract amount (Include award letter if contract amount is not on the letter). • Work performed and dates when work was performed. References letters must be on the Company's letterhead with contact information.	20	5 = 5 Clients or more as a company Secretary with reference letters. 4 = 4 Clients as a company Secretary with reference letters. 3 = 3 Clients as a company Secretary with reference letters. 2 = 2 Clients as a company Secretary with reference letters. 1 = 1 Client as a company Secretary with reference letters. NOTE: bidders must meet the full requirements in order to obtain full points.												
	<table><tr><td>4 Points</td><td>8 Points</td><td>12 Points</td><td>16 Points</td><td>20 Points</td></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr></table>				4 Points	8 Points	12 Points	16 Points	20 Points	1	2	3	4	5	
	4 Points				8 Points	12 Points	16 Points	20 Points							
	1				2	3	4	5							
4.	Registration with Chartered Secretaries of Southern Africa (CSSA) or Institute of Chattered Secretaries and Administration (ICSA) <table><tr><td>0 Points</td><td>10 Points</td></tr><tr><td>0</td><td>5</td></tr></table>	0 Points	10 Points	0	5	10	5 = Attach valid and certified copy of CSSA/ ICSA certificate. 0 = No copy /uncertified copy of CSSA/ICSA certificate.								
0 Points	10 Points														
0	5														
5.	A detailed Technical and Financial Proposal (not more than five pages). The proposal must demonstrate skills relevant to the Company Secretariat services and must cover, but not limited to the following: • Knowledge of legislation regulating the MBTC; • Expert knowledge in roles and responsibilities of the Council and Council Committees; • Strategic meeting management; • Understanding of meeting protocols; • Strong good governance background; and Strong administrative skills; and • Understanding of the King report on corporate governance.	40	5 = Excellent 4 = Very Good 3 = Good 1 = Poor 1 = Very Poor												
					<table><tr><td>8 Points</td><td>16 Points</td><td>24 Points</td><td>32 Points</td><td>40 Points</td></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr></table>	8 Points	16 Points	24 Points	32 Points	40 Points	1	2	3	4	5
					8 Points	16 Points	24 Points	32 Points	40 Points						
					1	2	3	4	5						
Threshold		75													
Total		100													

Total Points = 100 Points

Minimum Threshold = 75 points to progress to stage two evaluation

NB: Only tenderers who score a minimum of 75 points and above will be considered for further evaluation in Stage 2: 80/20 Preference Point System.

15.0 STAGE TWO: SPECIFIC GOALS

PRICE : 80 POINTS

SPECIFIC GOALS : 20 POINTS

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth (100% ownership)	4	
Youth (61 - 99% ownership)	3	
Youth (31 - 60% ownership)	2	
Youth (1 - 30% ownership)	1	
Youth ownership 0%	0	
Women (100% ownership)	4	
Women (61 - 99% ownership)	3	
Women (31 - 60% ownership)	2	
Women (1 - 30% ownership)	1	
Women ownership 0%	0	
Black 100% ownership)	4	
Black (61 - 99% ownership)	3	
Black (31 - 60% ownership)	2	
Black (1 - 30% ownership)	1	
Black ownership 0%	0	
People living with disabilities	4	
Locality		
Based in Nelson Mandela Bay	4	
Metro	3	
Based in Eastern Cape	2	
Based in neighbouring provinces	1	
Based in other provinces	0	
Outside RSA		

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

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

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

NB: that the entity reserve the right to verify supporting documents submitted by the bidder

16.0 SECRECY OF INFORMATION

- 16.1 Subject to the provisions of the Promotion of Access to Information Act, the information revealed in this tender document is to be classified as confidential. Accordingly, the SCM unit reserves the right to request references and generally examine bona fides and available facilities of any Company of Firm wanting to participate in this contract.

17.0 COUNCIL'S LIABILITY AND INDEMNITY

- 17.1 The Service Providers hereby indemnifies the Council and its employees and agents against all losses and claims for injuries or damages to any person or property whatsoever which may arise out of the execution of this contract.
- 17.2 The Council shall not be held liable to the Service Providers for any direct or indirect damages or losses and the Council shall be indemnified and held free against claims arising out of:
- 17.3 any negligent or innocent misrepresentations made by the Council, its employees or agents in respect of any data, information and statistics supplied to the Service Providers prior to or during the contract; provided that this condition shall not deprive the Tenderer of any payments lawfully due to the Service Providers in terms of the contract, and a change in a legislative provision applicable to the contract

18.0 ASSIGNMENT AND SUBLETTING

- 18.1 Neither the Service Providers nor the Council shall assign or cede the contract or any part thereof or any benefit or interest therein or thereunder without the written consent of the other. The Service Providers shall not sub-let the whole or any part of this contract without the written consent of the Accounting Officer

and such consent, if given, shall not relieve the Service Providers from any liability or obligation under the contract.

19.0 LAW TO APPLY

19.1 The contract shall in all respects be construed in accordance with the law of the Republic of South Africa, and any difference that may arise between the Council and the Service Providers in regard to the contract shall be settled in the Republic of South Africa.

20.0 PATENT RIGHTS

20.1 The Service Providers shall pay all royalties and expenses and be liable for all claims in respect of the use of patent rights, trade marks or other protected rights, and shall hold the Council indemnified and harmless against any claims for loss or damage to (including legal expenses) arising therefrom.

21.0 SEQUESTRATION OR SURRENDER OF BIDDER'S ESTATE

21.1 In the event of an order being made for sequestration of the Service Provider's estate, whether provisional or final, or in the event of an application being made for such order, or in the event of the Service Providers making application for the surrender of the Service Provider's estate, or if the Service Providers shall enter into, make or execute any deed of assignment or other composition or arrangement with, or assignment for the benefit of the Service Provider's creditors, or purport to do so, or if the Service Providers, being a Company, shall pass a resolution, or if the Court shall make an order for the liquidation of such company, the Council shall have the right, summarily and without recourse to law, to terminate the contract without payment of any compensation to the Service Providers, and without prejudice to the right of the Council to sue the Service Providers for any damages sustained by it in consequence of one or the other of the afore-mentioned events.

22.0 CONTRACT TO BE IN CONFORMITY WITH BY-LAWS AND ANY OTHER APPLICABLE LAWS

22.1 The contract shall be carried out subject to and in conformity with any law, regulation or By-law which is of application thereto and shall be conditional upon any necessary consent required by law being obtained.

THE MANDELA BAY THEATRE COMPLEX

**PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL
COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX**

PRICING SCHEDULE

The pricing quote submitted must correspond to the scope of service prescribed in this document and the quoted amount is Value Added Tax (VAT) inclusive where applicable. The price proposal should be in the following format:

Options	Rate	Turnaround Time
Daily Rate		
Rush/Express Rate		
Hourly Rate		
Monthly retainer		

NB: Bidders can also attach their own detailed quotation, based on the above items

SIGNED ON BEHALF OF THE TENDERER:

Name of Tenderer:

Name of Signatory:

Capacity of Signatory.....

SIGNATURE DATE.....

THE MANDELA BAY THEATRE COMPLEX

**PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL
COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX**

DATA SHEET 1: INVITATION TO BID DOCUMENT

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MANDELA BAY THEATRE COMPLEX							
BID NUMBER:	MBTC-SCM 48/2025	CLOSING DATE:		CLOSING TIME:	11:00		
DESCRIPTION	PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX						
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
Mandela Bay Theatre Complex – Ground Floor (in the Tender box)							
68 Cape Road, Mill Park							
Gqeberha							
6000							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Ms. T. Liwani			CONTACT PERSON	Mr. M. Nzimela		
TELEPHONE NUMBER	069 831 8200			TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	scm@mandelabaytheatre.co.za			E-MAIL ADDRESS	monwabisi@mandelabaytheatre.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] ☐ Yes ☐ No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]							
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]			ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ 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

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 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, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. 1.4. THE SUCCESSFUL BIDDER WILL BE ENGAGED WITH NEGOTIATIONS BY THE MBTC THAT MIGHT RESULT IN THE ISSUING OF A PURCHASE ORDER.
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 MBTC TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED

DATE:

PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

.....

.....

Date:

* **Delete whichever is inapplicable or complete as indicated if none are applicable.**

MANDELA BAY THEATRE COMPLEX

PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

DATA SHEET 3: STATEMENT OF PREVIOUS EXPERIENCE

The nomination of works, preferably of a similar nature to the works in this contract and which the Tenderer has successfully completed, is invited for adjudication purposes.

Tenderers are hereby required to complete the schedule below in its entirety.

Alternatively, Tenderers without experience may submit reference letters as to their abilities and standing in support of their tender, for adjudication purposes.

Failure to comply with either of these requirements shall lead to disqualification.

Name of Company	Contact Person	Contact No.	Nature of Works	Value of Works and Duration

SIGNATURE.....

DATE.....

MANDELA BAY THEATRE COMPLEX

PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

DATA SHEET 4: SCHEDULE OF RESOURCES

Experience as a Company Secretary in other Organs of State in South Africa. Applicant must submit a company profile and CV of Key personnel who will service the MBTC highlighting experience in secretarial services

SIGNATURE.....

DATE.....

MANDELA BAY THEATRE COMPLEX

PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

DATA SHEET 5: DECLARATION OF INTEREST

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where

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.

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

THE MANDELA BAY THEATRE COMPLEX

PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

DATA SHEET 6: PREFERENCE POINT CLAIM FORM

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

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

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

1. GENERAL CONDITIONS

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

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

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

(delete whichever is not applicable for this tender).

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

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

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

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

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	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:

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

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:

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth (100% ownership)	4	
Youth (61 - 99% ownership)	3	
Youth (31 - 60% ownership)	2	
Youth (1 - 30% ownership)	1	
Youth ownership 0%	0	
Women (100% ownership)	4	
Women (61 - 99% ownership)	3	
Women (31 - 60% ownership)	2	
Women (1 - 30% ownership)	1	
Women ownership 0%	0	
Black 100% ownership)	4	
Black (61 - 99% ownership)	3	
Black (31 - 60% ownership)	2	
Black (1 - 30% ownership)	1	
Black ownership 0%	0	
People living with disabilities	4	
Locality		
Based in Nelson Mandela Bay	4	
Metro	3	
Based in Eastern Cape	2	
Based in neighbouring provinces	1	
Based in other provinces	0	
Outside RSA		

The CSD report shall be used to verify claim of such points.

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company

- ☐ (Pty) Limited
☐ Non-Profit Company
☐ State Owned Company
 [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

THE MANDELA BAY THEATRE COMPLEX

**PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND
COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX**

**DATA SHEET 7: DECLARATION FOR PROCUREMENT ABOVE R1 MILLION (ALL
APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R1 million (all applicable taxes included), bidders must complete the following questionnaire:

* Delete if not applicable

1. Are you by law required to prepare annual financial statements for auditing?

***YES / NO**

- 1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

.....

.....

2. Do you have any outstanding undisputed commitments for services towards any organ of state for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

***YES / NO**

- 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

- 2.2 If yes, provide particulars.

.....

.....

3. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

***YES / NO**

- 3.1 If yes, furnish particulars

.....

.....

CERTIFICATION

I, THE UNDERSIGNED, (NAME)

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS
CORRECT.**

**I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

DATA SHEET 8 – TENDER BRIEFING/SITE INSPECTION CERTIFICATE

As required in terms of this document, I/we attended the compulsory Site Inspection/Tender Briefing Meeting on the date specified below.

I/We carefully examined the contract document, and have made myself/ourselves fully conversant with all the circumstances likely to influence this contract.

I/We further certify that I am/we are satisfied with the description of the Works and the explanation given by or on behalf of the MBTC at the Site Inspection/Tender Briefing Meeting, and that I/we understand perfectly the work to be done, as specified and implied, in the execution of the contract.

NAME OF SERVICE PROVIDER : _____

SIGNATURE : _____

ADDRESS : _____

SITE INSPECTION CERTIFICATE

This will certify that _____ (Name)

Representing _____ (Firm)

Attended the Site Inspection/Tender Briefing Meeting for this contract on

_____ (Date)

SIGNED: _____

TENDER FORM

The Accounting Officer
Corner John Kani Road &
Winston Ntshona Street
Gqeberha
6000

Dear Madam,

Having examined the Specifications, Conditions of Contract, Tender and Legislation of the above contract, I/we offer to supply and deliver the whole of the said Works in conformity with the Specifications, Conditions of Contract, Tender and Legislation, save as amended by the modifications set out in Annexure 'A' attached hereto, for the rates as set out in the price schedule for the period commencing from date of award.

R _____

In
Words _____

I/We are registered VAT vendors and the prices indicated therein **EXCLUDES VAT**.

In the event of there being any errors of extension or addition in the Pricing Schedule, I/we agree to the totals being corrected, the rates being taken as correct.

I/We undertake to deliver the goods comprised in the contract within the time frames stated in this contract document.

I/We certify that I/we have satisfied myself/ourselves that the particulars inserted on all required Affidavits are complete and correct.

I/We confirm that I am/we are fully acquainted with the current South African laws and regulations applicable to this contract including inter alia those laws to which my/our attention has been drawn in the Legislation section of this document.

I/We are registered VAT vendors and my/our VAT vendor registration number is:

I/We are formally associated by written agreement with the following firms, corporations or companies:

(Enter Nil if no affiliations)

I/We are fully paid up members in good standing of the following organisation(s):

(Enter Nil if no affiliations)

I/We bank at the _____

Branch of _____

Where I/we have a _____ account.

It is agreed and understood that should there be any changes on the banking details provided for the entity, a duly signed resolution by all its directors and minutes whereby a resolution for changing the banking details was passed will be submitted to MBTC including the original letter from the bank confirming the details.

It is agreed and understood that this tender is valid for four (4) months from the date hereof and that it, together with your final letter of acceptance, shall constitute a binding Contract between us.

I/We the undersigned, warrants that I am/we are duly authorised to do so on behalf of the enterprise, certifies that the enterprise complies with all statutory and entity requirements and that the information supplied in terms of this documents with additional information is correct and accurate and acknowledges that if the information supplied is found to be incorrect then the Mandela Bay Theatre Complex in addition to any remedies, it may have: may

- i Recover from the Enterprise all costs, losses or damages incurred or sustained by the entity as result of the award of the contract, and /or
- ii Cancel the contract and claim any damages which the Municipality may suffer by having to make less favourable arrangements after such cancellations, and/or
- iii Impose a penalty on the Enterprise as provided in the Tender Document, and/or
- iv Take any other action as may be deemed necessary.

I/we further undertake to submit documentary proof regarding any tendering issue to the Council when so required.

Full Name of Signatory.....

Capacity of Signatory.....

Identity Number.....

Duly authorised to sign on behalf of.....

Physical Address.....

.....

SIGNATURE.....

DATE.....

TAX CLEARANCE CERTIFICATE

Please attach hereto an Original Valid Tax Clearance Certificate and Tax Compliance Status Verification Pin issued by SARS as required in terms of Regulation 16 of the Preferential Procurement Regulations, 2001

CIPC REGISTRATION CERTIFICATE

Please attach hereto proof of registration with the
Companies and Intellectual Property Commission
(CIPC)

CENTRAL SUPPLIER DATABASE (CSD) REGISTRATION REPORT

Please attach hereto proof of registration with the
Central Supplier Database (CSD)

USB-FLASH DRIVE

Please attach hereto a scanned copy of the
tender document on USB Flash Drive

GENERAL CONDITIONS OF CONTRACT

Please attach hereto signed and initialled General
Conditions of Contract



TERMS OF REFERENCE

APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER FOR THE PROVISION OF COMPANY SECRETARIAL SERVICES TO THE COUNCIL AND COUNCIL COMMITTEES OF THE MANDELA BAY THEATRE COMPLEX

20 June 2025

ABBREVIATIONS, ACRONYMS AND DEFINITIONS

ARC	AUDIT AND RISK COMMITTEE
CEO	CHIEF EXECUTIVE OFFICER
DSAC	DEPARTMENT OF SPORT, ARTS AND CULTURE
EC	EASTERN CAPE
EMT	EXECUTIVE MANAGEMENT TEAM
MBTC	MANDELA BAY THEATRE COMPLEX
PFMA	PUBLIC FINANCE MANAGEMENT ACT, 1999
TOR	TERMS OF REFERENCE
TR	TREASURY REGULATIONS

1. BACKGROUND OF MBTC

The Mandela Bay Theatre Complex (MBTC) is a schedule 3A public entity accountable to the Executive Authority, the Minister of DSAC with a vision of becoming the leading producer of excellence and job creation for performing arts in the Eastern Cape. The MBTC is mandated to serve the performing arts sector of the Eastern Cape. This mandate positions the MBTC as a key enabler in advancing the production of historical play, cutting edge socio-political story – telling and innovative dance promised on and influenced by traditional Xhosa and Khoi heritage, repurposing and reversion the musical treasure that the Eastern Cape houses.

Since its declaration as a cultural institution on 4 June 2021, MBTC is required to introduce new and innovative strategies, and a way of envisioning the future of the sector, internal business systems and fostered new partnerships and alliances with key provincial and national and international institutions alike. This paradigm shift has channeled a new way of thinking and repositioning of MBTC into a properly re-engineered, well governed, and financially viable schedule 3A public entity that is resilient and capable of executing its mandate.

2. OBJECTIVES OF THE ASSIGNMENT

The primary objective of this request is to invite suitably qualified and experienced service providers to submit proposals to provide secretariat services to the Council and Executive Management Team (EMT).

3. TERM OF CONTRACT

The prospective service provider will be appointed for a contract period extending over three

financial year commencing on 01 September 2025 and expire on 31 August 2028.

4. THE SCOPE OF SERVICE

The scope of work to be undertaken by the Service Provider will include the following:

- 4.1 To be accountable to MBTC for the fulfilment of its functions.
- 4.2 To compile an archival record of all Council and Council Committee proceedings and submit a comprehensive record to Council on a quarterly basis in line with the reporting of MBTC. This should include the record of round robin correspondence, audio and/visual material and any other documents.
- 4.3 To appraise the Council Members and EMT in terms of any laws relevant to or affecting public entities that MBTC must comply with.
- 4.4 Ensure that the Council and Council Committee charters are developed and kept up to date.
- 4.5 Compilation of Council packs in preparation for all meetings.
- 4.6 Ensure that the proceedings of the Council and Council Committee meetings are properly recorded and that minutes of the meetings are prepared and circulated to Council members in line with the Charters.
- 4.7 The minutes must be completed within seven (7) business days following the committee meeting and circulated to the Executive Management.
- 4.8 Draft matters arising are to be sent to Management within three (3) business days.
- 4.9 Prepare agenda before meeting proceedings.
- 4.10 Ensure that Council resolutions are accurately recorded.
- 4.11 Develop a resolution register and keep track of the implementation of resolutions through direct liaison with the CEO and EMT.
- 4.12 Coordinates the fulfilling of the Council and Governance related needs, requirements and obligations, e.g. Shareholder's Compact and providing input into the Annual Report.
- 4.13 Ensure compliance with statutory requirements by submitting all quarterly and annual submissions and notification of changes in Council Members with the Executive Authority.
- 4.14 Inducts new Council Members, identifies training needs and facilitates such training.
- 4.15 Manages, coordinates and liaises with Council Members in relation to declarations of interests and specialist advice where required.
- 4.16 Prepares and submits the Council and Council Committees meeting fee claims in line with the MBTC Council, Council Committees and ARC Remuneration Policy.
- 4.17 Provide input on amendments to organisational policies and procedures.
- 4.18 Coordinate and monitor the implementation of Council and Council Committee resolutions.
- 4.19 Prepares the budget for the Council and Council Committees related expenditure and monitoring thereof.
- 4.20 Prepares and submit procurement memorandum for Council and Council Committee logistics for meetings and any matters requiring procurement.
- 4.21 Monitors the budget of the Council and Committees continuously in consultation with the Council Chairperson.
- 4.22 Allocates the necessary resources appropriately.
- 4.23 Advise Council members about new industry developments and their legal implications for the council and the entity.
- 4.24 Develop and review of Council and Council Committees and secretariat policies, procedures and all other governance frameworks regulating the functions and

- powers of the Council and Council Committees and Management Committees.
- 4.25 Render any other statutory services as may be requested by Council and Council Committees members and the CEO.

5. ELIGIBILITY CRITERIA

5.1 Technical Requirements (Stage 1)

The functional / technical criterion that will be utilized to test the capability of service providers is as follows: **Value: 1=Poor; 2=Average; 3=Good; 4=Very good; 5=Excellent**

#	Sub-Criteria	Weight	Value	Actual Score				
1.	Certified copy of LLB or BA Law or equivalent Legal Qualification.	20	5 = Post Graduate degree /diploma 4 = Degree 3 = Diploma 2 = Other					
	5 Points				10 Points	15 Points	20 Points	
	2				3	4	5	
2.	Registration of Key Staff member/s with the Law Society of South Africa (LSSA).	10	5 = Attach valid and certified copy of LSSA certificate. 0 = No copy /uncertified copy of LSSA certificate.					
	0 Points				5 Points			
	0				10			
3.	Experience as a Company Secretary in other Organs of State in South Africa. Applicant must submit a company profile and CV of Key personnel who will service the MBTC highlighting experience in secretarial services. Copies of Reference Letters to be attached. Each reference letter must include: • Name of the organisation. • Contact person details. • Contract amount (Include award letter if contract amount is not on the letter). • Work performed and dates when work was performed. References letters must be on the Company's letterhead with contact information.	20	5 = 5 Clients or more as a company Secretary with reference letters. 4 = 4 Clients as a company Secretary with reference letters. 3 = 3 Clients as a company Secretary with reference letters. 2 = 2 Clients as a company Secretary with reference letters. 1 = 1 Client as a company Secretary with reference letters. NOTE: bidders must meet the full requirements in order to obtain full points.					
	4 Points				8 Points	12 Points	16 Points	20 Points
	1				2	3	4	5

4.	Registration with Chartered Secretaries of Southern Africa (CSSA) or Institute of Chattered Secretaries and Administration (ICSA)	<table><tr><td>0 Points</td><td>10 Points</td></tr><tr><td>0</td><td>5</td></tr></table>	0 Points	10 Points	0	5	10	5 = Attach valid and certified copy of CSSA/ ICSA certificate. 0 = No copy /uncertified copy of CSSA/ICSA certificate.							
0 Points	10 Points														
0	5														
5.	A detailed Technical and Financial Proposal (not more than five pages). The proposal must demonstrate skills relevant to the Company Secretariat services and must cover, but not limited to the following: • Knowledge of legislation regulating the MBTC; • Expert knowledge in roles and responsibilities of the Council and Council Committees; • Strategic meeting management; • Understanding of meeting protocols; • Strong good governance background; and Strong administrative skills; and • Understanding of the King report on corporate governance.	<table><tr><td>8 Points</td><td>16 Points</td><td>24 Points</td><td>32 Points</td><td>40 Points</td></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr></table>	8 Points	16 Points	24 Points	32 Points	40 Points	1	2	3	4	5	40	5 = Excellent 4 = Very Good 3 = Good 1 = Poor 1 = Very Poor	
8 Points	16 Points	24 Points	32 Points	40 Points											
1	2	3	4	5											
Threshold			75												
Total			100												

NB: Bidders who fail to meet a minimum score of 75 out of 100 points in Stage 1 will be eliminated and not proceed for evaluation in Stage 2 (Points awarded for specific goals and PRICE) of the assessment.

5.2 POINTS AWARDED FOR SPECIFIC GOALS and PRICE

Preferential Points System (Stage 2)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth (100% ownership)	4	
Youth (61 - 99% ownership)	3	
Youth (31 - 60% ownership)	2	
Youth (1 - 30% ownership)	1	
Youth ownership 0%	0	
Women (100% ownership)	4	
Women (61 - 99% ownership)	3	
Women (31 - 60% ownership)	2	
Women (1 - 30% ownership)	1	
Women ownership 0%	0	

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

PRICE

THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

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

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

6. RELEVANT EXPERIENCE OF THE SERVICE PROVIDER

- Experience in offering Company Secretary services to an Organ of State.
- Evidence that the service provider has conducted a similar exercise previously.
- LLB or BA Law or equivalent legal qualification
- Must have knowledge of corporate governance and the public sector.
- Must have Knowledge of the PFMA and National Treasury Regulations and Government Prescripts and King III
- Must have in-depth knowledge of corporate law.
- Must have knowledge of Company Secretarial practice and administration.

7. PRICE REQUIREMENTS

The pricing quote submitted must correspond to the scope of service prescribed in paragraph 4 of this communication and the quoted amount is Value Added Tax (VAT) inclusive where applicable. The price proposal should be in the following format:

TERMS OF REFERENCE: COMPANY SECRETARIAL SERVICES REF NO. MBTC-SCM 48/2025

Options	Rate	Turnaround Time
Daily Rate		
Rush/Express Rate		
Hourly Rate		
Monthly retainer		

8. APPLICATION PROCEDURE

The deadline for submission of proposals is the **Thursday, 10 July 2025 at 11h00**. Interested parties are expected to submit the following:

- A short but detailed proposal (not more than 5 pages) on the proposed approach/methodology to the assignment, highlighting specific outputs and related costs for each phase.
- Timetable/Program for the duration of the project.
- A company profile detailing similar experience, with CVs of lead resource who will be assigned to MBTC as well as two examples of recently completed evaluation reports with contactable references.
- The proposal must correspond and adequately respond to the scope of service prescribed in paragraph 4 of this communication and be VAT inclusive.
- The proposal must be emailed to scm@mandelabaytheatre.co.za
- All enquiries regarding the technical specification should be directed to the Office of the Chief Executive Officer via email **ONLY** to monwabisi@mandelabaytheatre.co.za and Supply Chain Management (SCM) related queries to be directed at scm@mandelabaytheatre.co.za.

9. BIDDERS SHALL TAKE NOTE OF THE FOLLOWING BID CONDITIONS

- Bidders must be registered with the National Treasury Central Supplier Database (CSD).
- MBTC does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid.
- The award of this bid may be subjected to price negotiation with the preferred bidder(s).
- Bids which are late, incomplete or unsigned will not be accepted.
- MBTC reserves the right to terminate the contract if not satisfied with the work produced by the service provider.
- Only bidders that have met a minimum score of 75 out of 100 points in Stage 1 will be eligible to proceed for evaluation in Stage 2 (Point awarded for Specific Goals) of the assessment.
- Service providers who are not registered with the **National Treasury Central Suppliers Database (CSD)** must visit www.csd@treasury.gov.za to register their organisation.
- The following bid document must accompany the submission:
 - Company Profile.
 - A copy of the CSD Report.
 - A complete attached standard bidding document, SBD 4, SBD 8 and SBD 9.
 - Copy of SARS Tax Clearance Certificate.
 - Certified Copy or an original B-BBEE Certificate OR a Sworn Affidavit.
 - Companies who bid as a joint venture must submit a consolidated B-BBEE Verification Certificate only for this bid. Additionally, such companies must submit an official signed business agreement by both parties. If the service provider does not meet this

TERMS OF REFERENCE: COMPANY SECRETARIAL SERVICES REF NO. MBTC-SCM 48/2025

requirement, it will be disqualified.

- i) In order to meet the requirements of the Eastern Cape Framework for Local Economic Development through Procurement Initiatives, preference will be given to contractors who reside within the Eastern Cape.
- j) Bids submitted are to hold good for a period of 120 days from the bid closing date.

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

SBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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