



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

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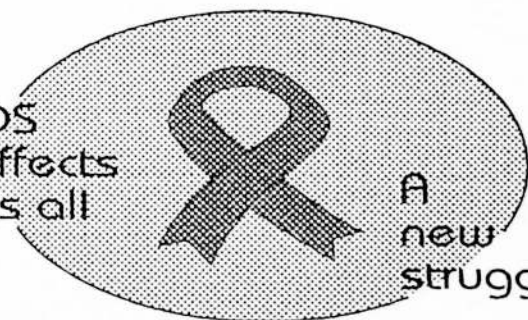
Vol. 11

BISHO/  
KING WILLIAM'S TOWN, 15 NOVEMBER 2004

**No. 1245**  
(Extraordinary)

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
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## PROVINCIAL NOTICE

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No. 52

15 November 2004

### PROVINCE OF THE EASTERN CAPE

### EASTERN CAPE PROVINCIAL TREASURY

### PROVINCIAL TENDER BOARD REPEAL BILL, 2004

The above-mentioned Act is hereby published for 14 days for public comment in terms of rule 147 of the Standing Rules of Procedure of the Eastern Cape Provincial Legislature.

Members of the public are invited to submit their comments to –

**The Head Official  
Eastern Cape Provincial Treasury  
Private Bag x0029  
Bisho  
5605**

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**PROVINCE OF THE EASTERN CAPE**

**EASTERN CAPE PROVINCIAL TREASURY**

**PROVINCIAL TENDER BOARD REPEAL BILL, 2004(EASTERN CAPE)**

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*(As introduced)*

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**(BY THE MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR  
FINANCE)**

**BILL**

**To provide for the repeal of the Provincial Tender Board Act, 1994(Eastern Cape); to provide for a transition; to provide for matters incidental thereto.**

**BE IT ENACTED** by the Legislature of the Province of the Eastern Cape, as follows:-

**REPEAL OF ACT 2 OF 1994**

1. The Provincial Tender Board Act, 1994(Act No. 2 of 1994), together with the Tender Board Regulations published in Provincial Notice No. 13 of 1995, is hereby repealed as a whole.

**TRANSITION**

2. (1) All acts done in terms of the laws repealed in section 1 must be dealt with and completed in terms of the relevant provisions of such laws as if such laws have not been repealed.

(2) The procurement of goods and services for all Provincial departments and Provincial public entities must, from the date of commencement of this Act, be done in accordance with the Eastern Cape Provincial Treasury Supply Chain Management Instructions issued by the Member of the Executive Council responsible for finance in the Province in terms of section 18(2) of the Public Finance Management Act, 1999(Act No. 1 of 1999).

(3) The Technical Review Committee established in terms of the Provincial Treasury Supply Chain Management Instructions is a successor in title in respect of acts or matters which have not been completed as contemplated in subsection (1).

(4) In dealing with acts or matters which have not been completed as contemplated in subsection (1), the Technical Review Committee must exercise such powers and perform such functions as exercised and performed by the Provincial Tender Board in terms of the laws repealed in terms of section 1.

**SHORT TITLE**

3. This Act is called the Provincial Tender Board Repeal Act, 2004(Eastern Cape).



## **EXPLANATORY MEMORANDUM ON THE PROVINCIAL TENDER BOARD REPEAL BILL, 2004(EASTERN CAPE)**

### **PART A**

#### **(General principles)**

##### **Background**

Section 18 (2)(a) of the Public Finance Management Act, 1999(Act No. 1 of 1999), imposes a duty on the Provincial Treasury to issue Provincial treasury instructions consistent with the Act.

Acting in terms of the said provision, the Eastern Cape Provincial Treasury has developed the Eastern Cape Treasury Instructions for the procurement of all goods and services for all the Provincial departments and all Provincial public entities.

This development, however, comes against a background where there is a Provincial Act on procurement, the Provincial Tender Board Act, 1994 (Act No. 2 of 1994).

##### **Policy considerations**

The Provincial Treasury has taken a decision to repeal the Provincial Tender Board Act of 1994 in order to change the procurement system in line with the Public Finance Management Act, and to allow decentralization of the procurement function from the Provincial Treasury to all the Provincial departments and Provincial entities.

##### **Constitutional implications**

The Bill falls within Schedule 4 of the Constitution of the Republic of South Africa, 1996(Act No. 108 of 1996), an area of concurrent legislative competence between provinces and the national government.

##### **Consultations**

All the stakeholders, including National Treasury, Provincial departments, Provincial entities as well as suppliers (private sector) have been consulted on the Provincial Treasury Instructions and the changes brought thereby.

### **PART B**

#### **(Clause-by-clause analysis)**

- |                 |   |                              |
|-----------------|---|------------------------------|
| <b>Clause 1</b> | - | Provides for repeals         |
| <b>Clause 2</b> | - | Provides for transition      |
| <b>Clause 3</b> | - | Provides for the short title |

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