



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

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol. 23

BISHO/KING WILLIAM'S TOWN
5 SEPTEMBER 2016
5 SEPTEMBER 2016

No. 3729

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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IMPORTANT ANNOUNCEMENT**Closing times for the ORDINARY WEEKLY
EASTERN CAPE PROVINCIAL GAZETTE 2016**

The closing time is 15:00 sharp on the following days:

- 22 April 2016, Friday for the issue of Monday 02 May 2016
- 29 April 2016, Friday for the issue of Monday 09 May 2016
- 09 May 2016, Monday for the issue of Monday 16 May 2016
- 16 May 2016, Monday for the issue of Monday 23 May 2016
- 23 May 2016, Monday for the issue of Monday 30 May 2016
- 30 May 2016, Monday for the issue of Monday 06 June 2016
- 06 June 2016, Monday for the issue of Monday 13 June 2016
- 10 June 2016, Friday for the issue of Monday 20 June 2016
- 20 June 2016, Monday for the issue of Monday 27 June 2016
- 27 June 2016, Monday for the issue of Monday 04 July 2016
- 04 July 2016, Monday for the issue of Monday 11 July 2016
- 11 July 2016, Monday for the issue of Monday 18 July 2016
- 18 July 2016, Monday for the issue of Monday 25 July 2016
- 25 July 2016, Monday for the issue of Monday 01 August 2016
- 01 August 2016, Monday for the issue of Monday 08 August 2016
- 05 August 2016, Friday for the issue of Monday 15 August 2016
- 15 August 2016, Monday for the issue of Monday 22 August 2016
- 22 August 2016, Monday for the issue of Monday 29 August 2016
- 29 August 2016, Monday for the issue of Monday 05 September 2016
- 05 September 2016, Monday for the issue of Monday 12 September 2016
- 12 September 2016, Monday for the issue of Monday 19 September 2016
- 19 September 2016, Monday for the issue of Monday 26 September 2016
- 26 September 2016, Monday for the issue of Monday 03 October 2016
- 03 October 2016, Monday for the issue of Monday 10 October 2016
- 10 October 2016, Monday for the issue of Monday 17 October 2016
- 17 October 2016, Monday for the issue of Monday 24 October 2016
- 24 October 2016, Monday for the issue of Monday 31 October 2016
- 31 October 2016, Monday for the issue of Monday 07 November 2016
- 07 November 2016, Monday for the issue of Monday 14 November 2016
- 14 November 2016, Monday for the issue of Monday 21 November 2016
- 21 November 2016, Monday for the issue of Monday 28 November 2016
- 28 November 2016, Monday for the issue of Monday 05 December 2016
- 05 December 2016, Monday for the issue of Monday 12 December 2016
- 09 December 2016, Friday for the issue of Monday 19 December 2016
- 19 December 2016, Monday for the issue of Monday 26 December 2016
- 23 December 2016, Friday for the issue of Monday 02 January 2017

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES**NOTICE SUBMISSION PROCESS**

3. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
4. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
5. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
6. Each notice submission should be sent as a single email. The email should contain **all documentation relating to a particular notice submission**, each as a separate attachment:
 - 6.1. Electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 6.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 6.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 6.2. Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 6.3. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should also be attached as a separate attachment. (See specifications below, point 11).
 - 6.4. Any additional notice information if applicable.
7. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
8. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
9. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
10. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

11. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
 - 11.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
 - 11.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

12. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
13. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

14. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

15. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
 - 15.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
 - 15.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
 - 15.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
 - 15.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

16. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
17. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

18. The Government Printer will assume no liability in respect of—
 - 18.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 18.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 18.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

19. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

20. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.
21. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

22. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
23. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
24. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
25. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
26. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
27. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

28. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
29. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*.

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 29 OF 2016**NELSON MANDELA BAY MUNICIPALITY****REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)
ERF 1981, GELVANDALE (9 ST LILIA STREET, GELVANDALE) (CF08/01981) (NJ) (Ref. 119)**

Notice is given in terms of Section 3(6) of the above Act that the undermentioned application has been received and is open to inspection at room 4178, fourth floor, Office for Housing and Local Government : Eastern Cape, Tyamzashe Building, Civic Square, Bhisho, and at the offices of the Nelson Mandela Bay Municipality, second floor, Lillian Diedericks building, Govan Mbeki Avenue, Port Elizabeth. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, P O Box 116, Port Elizabeth 6000 on or before 20 July 2015, quoting the above act and the objector's erf number.

Applicant: Gerhard Loots Architecture o.b.o. K Lindoor

Nature of application: Removal of title conditions applicable to Erf 1981, Gelvandale
Vote 02130135

**MPILO SAKILE MBAMBISA
CITY MANAGER**

THE HERALD – 19 June 2015 AND 26 June 2015

KENNISGEWING 29 VAN 2016**NELSON MANDELABAAI MUNISIPALITEIT****WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)
ERF 1981, GELVANDALE (ST LILIASTRAAT 9) (CF08/01981) (NJ) (Verw. 119)**

Kennis word kragtens Artikel 3(6) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) gegee dat onderstaande aansoek ontvang is en ter insae lê by kamer 4178, vierde verdieping, Kantoor vir Behuising en Plaaslike Regering : Oos-Kaap, Tyamzashe-gebou, Civic Square, Bhisho en in die kantore van die Nelson Mandelabaai Munisipaliteit, tweede verdieping, Lillian Diedericks-gebou, Govan Mbekilaan, Port Elizabeth. Enige besware, volledig gemotiveer, moet nie later nie as 20 Julie 2015 skriftelik by die Stadsbestuurder, Posbus 116, Port Elizabeth 6000 ingedien word, met vermelding van bogenoemde wet en die beswaarmaker se ernommer.

Aansoeker: Gerhard Loots Architecture names K Lindoor

Aard van aansoek: Die opheffing van die titelvoorwaardes van toepassing op Erf 1981, Gelvandale

Pos 02130135

**MPILO SAKILE MBAMBISA
STADSBESTUURDER**

DIE BURGER (Oos-Kaap) – 19 EN 26 Junie 2015

NOTICE 30 OF 2016

**PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000:
DRAFT PREFERENTIAL PROCUREMENT REGULATIONS, 2016 PUBLISHED FOR PUBLIC COMMENT**

In terms of section 5(2) of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), the draft regulations set out in the Schedule, is hereby published for public comment. These draft regulations are the same as the draft published in Government Notice No. 719 of 14 June 2016 in the national Government Gazette (No. 40067).

Any comment received by 23 September 2016 will be considered and should be emailed to pppfainputs@treasury.gov.za. Enquires may be directed to Leanda Pletersen at phone no. 012 315 5715.

The draft regulations are also available at www.treasury.gov.za.

**SCHEDULE
Draft Preferential Procurement Regulations, 2016
Contents**

1. Definitions
2. Application
3. Identification of preference point system
4. Evaluation of tenders on functionality
5. 80/20 preference point system for acquisition of goods or services for Rand value of up to R100 million
6. 90/10 preference point system for acquisition of goods or services with Rand value above R100 million
7. Award of contracts to tenderers not scoring highest points
8. Criteria for breaking deadlock in scoring
9. Local production and content
10. Pre-qualification criteria for preferential procurement
11. Disposal, sale and letting of property or assets
12. Cancellation of tender
13. Sub-contracting
14. Remedies
15. Circulars and guidelines
16. Repeal of regulations
17. Short title and commencement

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned, and unless the context otherwise indicates-

“**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

“**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

“**black people**” means black people as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

“**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

“**comparative price**” means a price which is determined to be fair and reasonable after conducting market analysis utilising applicable price analysis techniques and taking into account the factors of a non-firm price and all unconditional discounts that may be utilised;

“**consortium or joint venture**” 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;

“**co-operative**” means a co-operative registered in terms of the Co-operatives Act, 2005 (Act No. 14 of 2005);

“**designated group**” means-

- (a) black people
- (b) women;
- (c) people with disabilities; or
- (d) small enterprises, as defined in the National Small Enterprise Act, 1996 (Act No. 102 of 1996);

“**designated sector**” means a sector, sub-sector or industry designated by the National Treasury, after consultation with the Department of Trade and Industry, taking into account-

- (a) national development and industrial policies for local production and content; and

- (b) competition and other economic factors, and to which a stipulated minimum threshold applies;
- "EME"** means an exempted micro enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- "functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;
- "goods"** includes infrastructure;
- "infrastructure"** means-
- (a) immovable assets which are acquired or constructed or which results from construction operations; or
- (b) moveable assets which cannot function independently from purpose built immovable assets;
- "local production and content"** means that portion of the tender excluding-
- (a) the cost of components, parts or materials which have been or will be imported (whether by the supplier or a subcontractor);
- (b) costs abroad; and
- (c) freight and other direct importation costs, including landing costs, dock dues and any applicable taxes payable at the South African port of entry;
- "National Treasury"** has the meaning assigned to it in the Public Finance Management Act 1999 (Act No. 1 of 1999);
- "non-firm price"** means a price other than a price that is only subject to adjustments in accordance with the increase or decrease resulting from the amendment, imposition or abolition of any applicable tax which affects the price of the required goods or services;
- "QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- "Rand value"** means the total estimated value of a contract in Rand, calculated at the time of the tender invitation and includes all applicable taxes;
- "rural area"** means-
- (a) a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area; or
- (b) an area including a large settlement which depends on migratory labour and remittances and government social grants for survival, and may have a traditional land tenure system;
- "services"** includes any services to build or maintain infrastructure;
- "stipulated minimum threshold"** means that portion of local production and content as determined by the National Treasury after consultation with the Department of Trade and Industry;
- "the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);
- "township"** means an urban living area that any time from the late 19th century until 27 April 1994, were reserved for black people, as defined in the Broad-Based Black Economic Empowerment Act;
- "treasury"** means treasury as defined in section 1 of the Public Finance Management Act 1999 (Act No. 1 of 1999).

Application

2. These Regulations applies to organs of state as envisaged in the definition of "organ of state" in section 1 of the Act.

Identification of preference point system

3. An organ of state must-
- (a) determine, and stipulate in the tender documents, the applicable preference point system applicable to the tender; and
- (b) determine whether the goods or services for which a tender is to be invited, are in a designated sector for local production and content as envisaged in regulation 9.

Evaluation of tenders on functionality

- 4.(1) An organ of state must indicate in the tender documents if the tender will be evaluated on functionality.
- (2) The evaluation criteria for measuring functionality must be objective.
- (3) When evaluating a tender on functionality, the tender documents must specify-
- (a) the evaluation criteria for measuring functionality;
- (b) the points for each criteria and, if any, each sub-criteria; and
- (c) the minimum qualifying score for functionality.
- (4) The minimum qualifying score for functionality for a tender to be considered further-
- (a) may not be generic;
- (b) must be determined separately for each tender; and
- (c) may not be so-
- (i) low that it may jeopardise the quality of the required goods or services; or
- (ii) high that it is unreasonably restrictive.
- (5) A tender that fails to obtain the minimum qualifying score for functionality as indicated in the tender documents is not an acceptable tender.

(6) Each tender that obtained the minimum qualifying score for functionality must be evaluated further in terms of price and the preference point systems in accordance with regulation 5 or 6, as the case may be.

80/20 preference point system for acquisition of goods or services for Rand value up to R100 million

5.(1) The following formula must be used to calculate the points out of 80 for price in respect of an invitation for a tender with a Rand value of up to R100 million:

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

Where

P_s = Points scored for comparative price of tender or offer under consideration;

P_t = Comparative price of tender or offer under consideration; and

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

(2) The following table must be used to calculate the score out of 20 for B-BBEE:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

(3) A tenderer must submit proof of its B-BBEE status level of contributor.

(4) If a tenderer fails to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE, the tenderer is not be disqualified but may only score points out of 80 for price and scores 0 points out of 20 for B-BBEE.

(5) A trust, consortium or joint venture qualifies for points for B-BBEE status level of contributor as if it is a legal entity, if it submits proof of its B-BBEE status level of contributor.

(6) The points scored by a tenderer for B-BBEE in terms of sub-regulation (2) must be added to the points scored for price under sub-regulation (1).

(7) The total number of points scored must be rounded off to the nearest 2 decimal places.

(8) Subject to regulation 7, the contract must be awarded to the tenderer who scores the highest total number of points.

90/10 preference point system for acquisition of goods or services with Rand value above R100 million

6.(1) The following formula must be used to calculate the points out 90 for price in respect of an invitation for a tender with a Rand value above R100 million:

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

Where

P_s = Points scored for comparative price of tender or offer under consideration;

P_t = Comparative price of tender or offer under consideration; and

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

(2) The following table must be used to calculate the points out of 10 for B-BBEE:

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

(3) A tenderer must submit proof of its B-BBEE status level of contributor.

(4) If a tenderer fails to submit proof of B-BBEE status level of contribution or is a non-compliant contributor to B-BBEE, the tenderer is not disqualified but may only score points out of 90 for price and scores 0 points out of 10 for BBEE.

(5) A trust, consortium or joint venture qualifies for points for B-BBEE status level of contributor as if it is a legal entity, if it submits proof of its B-BBEE status level of contributor.

(6) The points scored by a tenderer for B-BBEE contribution in terms of sub-regulation (2) must be added to the points scored for price under sub-regulation (1).

(7) The total number of points scored must be rounded off to the nearest 2 decimal places.

(8) Subject to regulation 7, the contract must be awarded to the tenderer who scores the highest total number of points.

Award of contracts to tenderers not scoring highest points

7.(1) A contract may be awarded to a tenderer that did not score the highest points only in accordance with section 2(1)(f) of the Act.

(2) If an organ of state intends to apply objective criteria in terms of section 2(1)(f) of the Act, the organ of state must stipulate the objective criteria in the tender documents.

(3) The objective criteria stipulated in terms of sub-regulation (2), must be specific to the context of the required goods or services, must be objective and may include, but are not limited to-

(a) a tenderer sub-contracting a minimum of 30% of the value of the resulting contract to one or more:

(i) EMEs or QSEs owned by black people who are female;

(ii) EMEs or QSEs owned by black people who are from the ages of 14 to 35;

(iii) EMEs or QSEs owned by black people;

(iv) EMEs or QSEs owned by black people with disabilities;

(v) co-operatives conducting business in the municipal area or province where the goods or services are required;

(vi) enterprises conducting business in a township or rural area in the municipal area or the province where the goods or services are required;

(b) economic or financial projections regarding the capacity of the tenderer to deliver on the required goods or services;

(c) a quantity surveyor's projection as to the time that it is likely to take to complete an infrastructure project;

(d) the anticipated lead-time to deliver the required goods or services.

(4) If an organ of state awards a contract to a tenderer that did not score the highest points, in terms of section 2(1)(f) of the Act, read with this regulation, that organ of state must, within 30 days of the award, report to the National Treasury the following information:

(a) The reasons for not awarding to the tenderer that scored the highest number of points;

(b) objective criteria, envisaged in section 2(1)(f) of the Act, used;

(c) the price of the tenderer awarded the contract and the price of the tenderer that scored the highest points;

(d) the duration of the contract; and

(e) type of goods or services procured.

Criteria for breaking deadlock in scoring

8.(1) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for B-BBEE.

(2) If functionality is part of the evaluation process and two or more tenderers score equal total points and equal preference points for B-BBEE, the contract must be awarded to the tenderer that scored the highest points for functionality.

(3) If two or more tenderers score equal total points in all respects, the award must be decided by-

(a) in the case of two equal tenders, the tossing of a coin; or

(b) in the case of more than two equal tenders, the drawing of lots.

Local production and content

9.(1) An organ of state must, in the case of a designated sector, advertise the invitation to tender with a specific condition that only locally produced goods or locally manufactured goods, meeting the stipulated minimum threshold for local production and content, will be considered.

(2) When a determination is made in accordance with the definition of "designated sector" in regulation 1, the National Treasury must issue a circular, in terms of regulation 14, to inform organs of state of the determination.

(3) An invitation to tender referred to in sub-regulation (1) may follow a two-stage process whereby the first stage involves functionality and minimum threshold for local production and content and the second stage involves price and B-BBEE.

Pre-qualification criteria for preferential procurement

10.(1) If an organ of state intends to apply pre-qualifying criteria in the evaluation of a tender, the criteria stated in the tender documents may include, but are not limited to-

- (a) the tenderer having a stipulated minimum B-BBEE status level of contributor;
- (b) the tenderer to sub-contract at a minimum of 30% of the value of the contract to one or more-
 - (i) EMEs or QSEs owned by black people who are female;
 - (ii) EMEs or QSEs owned by black people from the ages 14 to 35;
 - (iii) EMEs or QSEs owned by black people;
 - (vi) EMEs or QSEs owned by black people with disabilities.

(2) A tender that fails to obtain any pre-qualifying criteria stipulated in the tender documents is not an acceptable tender.

(3) If the tenderer is part of a joint venture, consortium or sub-contracting arrangement, such tenderer may not submit a separate tender for the same invitation to tender for which they are bidding as part of the joint venture, consortium or sub-contracting arrangement.

Disposal, sale and letting of property or assets

11.(1) Regulations 5 and 6 do not apply to the disposal, sale and letting of movable and immovable property.

(2) If an organ of state seeks to empower a designated group, the rate per square metre for the lease of immovable property must be fixed at such percentage of the market value, as the National Treasury determines.

(3)(a) The following formula must be used to calculate the points for price in respect of letting of property with a Rand value of up to a R100 million:

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

Where

- P_s = Points scored for comparative price of tender or offer under consideration;
- P_t = Comparative price of tender or offer under consideration ; and
- P_{min} = Comparative price of highest acceptable tender or offer.

(b) The following formula must be used to calculate the points for price in respect of letting of property with a Rand value or transaction value above R100 million:

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

Where

- P_s = Points scored for comparative price of tender or offer under consideration;
- P_t = Comparative price of tender or offer under consideration; and
- P_{min} = Comparative price of highest acceptable tender or offer.

Cancellation of tender

12.(1) An organ of state may, before the award of a tender, cancel a tender invitation if-

- (a) due to changed circumstances, there is no longer a need for the goods or services specified in the invitation; or
- (b) funds are no longer available to cover the total envisaged expenditure; or
- (c) no acceptable tenders are received.

(2) The decision to cancel a tender invitation in terms of sub-regulation (1) must be published in the same manner in which the original tender invitation was advertised.

(3) An organ of state may only with the prior approval of the treasury cancel a tender invitation for the second time.

Sub-contracting

13.(1) For contracts above R30 million, the tenderer must sub-contract a minimum of 30% of the value of the contract to-

- (a) one or more of the categories referred to in regulation 10(1)(b);
- (b) one or more EMEs or QSEs; or
- (c) one or more small businesses, as defined in the National Small Business Act, 1996 (Act No. 102 of 1996).

(2) If a successful tenderer subcontracts to another person without disclosing it in its tender documents, the organ of state must penalise the tenderer 10% of the value of the contract, unless the tenderer submit a satisfactory reason for failing to make the disclosure.

Remedies

14.(1) When detecting that a tenderer has submitted false information regarding its B-BBEE status level of contributor or any other matter required in terms of these Regulations which will affect or has affected the evaluation of a tender, the organ of state must-

- (a) inform the tenderer accordingly; and
 - (b) give the tenderer an opportunity to make submissions as to why-
 - (i) the tender submitted should not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part; and
 - (ii) the tenderer should not be restricted by the treasury from conducting any business for a period not exceeding 10 years with any organ of state;
 - (c) concludes, after considering submissions, that such false information was submitted by the tenderer-
 - (i) disqualify the tenderer or terminate the contract in whole or in part; and
 - (ii) if applicable, claim damages from the tenderer.
- (2)(a) An organ of state must inform the treasury, in writing of any actions taken in terms of sub-regulation (1) and submissions of the tenderer as to whether the tenderer should be restricted to conduct business with any organ of state.

(b) The treasury may request further information from an organ of state pertaining to sub-regulation (1) to be submitted within a specified period.

(3) The treasury must, after considering the submissions of the tenderer and any other relevant information, decide whether to restrict the tenderer from doing business with any organ of state for a period not exceeding 10 years.

Circulars and guidelines

15. The National Treasury may issue-

- (a) a circular to inform organs of state of any matter pertaining to these Regulations; or
- (b) a guideline to assist organs of state with the implementation of any provision of these Regulations.

Repeal of Regulations

16. The Preferential Procurement Regulations, 2011, as published in Government Gazette No R. 502 of 08 June 2011, are hereby repealed with effect from the date referred to in regulation 17.

Short title and commencement

17. These Regulations are called the Preferential Procurement Regulations, 2016 and take effect on

NOTICE 31 OF 2016

NELSON MANDELA BAY MUNICIPALITY

CLOSURE OF PUBLIC PLACE ERF 2026, THEESCOMBE (CF30/02026) (02130135) (LV)

Notice is given in terms of Section 137(1) of the Municipal Ordinance 20 of 1974 that public place Erf 2026, Theescombe is now closed.

Surveyor-General's reference: S/9150/2 v3.

KENNISGEWING 31 VAN 2016

NELSON MANDELABAAI MUNISIPALITEIT

SLUITING VAN OPENBARE PLEK ERF 2026, THEESCOMBE (CF30/02026) (02130135) (LV)

Kennis word ingevolge Artikel 137(1) van die Munisipale Ordonnansie 20 van 1974 gegee dat openbare plek Erf 2026, Theescombe gesluit is.

Landmeter-generaal se verwysing: S/9150/2 v3.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 204 OF 2016

PROVINCE OF THE EASTERN CAPE

PROVINCIAL NOTICE

OFFICE OF THE PREMIER

**EASTERN CAPE GENERAL LAW AMENDMENT ACT
2003 ACT NO. 11 OF 2003**

It is hereby published for general information that the Premier of the Province of the Eastern Cape has assented to the above-mentioned Act.

PROVINCE OF THE EASTERN CAPE

**EASTERN CAPE GENERAL LAW AMENDMENT
ACT 2003 (EASTERN CAPE)**

Act No 11 of 2003 (EC)

<p>BILL PROVINCE OF THE EASTERN CAPE ASSENTED TO IN TERMS OF SECTION 121 R.W. SECTIONS 123, 124 AND 127 OF ACT 108 OF 1996</p> <p> SIGNATURE</p> <p>31/2/2004 DATE</p> <p>M. A. STOFLE FULL NAMES</p> <p>TITLE: PREMIER/ACTING PREMIER (Delete which ever is inapplicable)</p> <p>(NOTE: ON DATE HEREOF, ENGLISH IS THE ONLY OFFICIAL LANGUAGE OF THE PROVINC</p>

**ACT NO 11 OF 2003 (EC) EASTERN CAPE GENERAL LAW AMENDMENT ACT, 2003
(EASTERN CAPE)**

ACT

To repeal obsolete and old order legislation of the Province of the Eastern Cape; and to provide for matters connected therewith.

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

REPEAL OF LAWS

1. The laws mentioned in the second column of the Schedule are hereby repealed to the extent set out in the third column thereof.

SHORT TITLE

2. This Act is called the Eastern Cape General Law Amendment Act, 2003.

ACT NO 11 OF 2003 (EC) EASTERN CAPE GENERAL LAW AMENDMENT ACT, 2003
(EASTERN CAPE)

SCHEDULE A

Number and year of Act	Short title	Extent of amendment or repeal law
(a) Act No.21 of 1986 (Ciskei)	Animal Diseases Act, 1986	Repealed as a whole
(b) Act No.6 of 1965 (Transkei)	Transkeian Animal Husbandry Improvement Account Act, 1965	Repealed as a whole
(c) Act No.3 of 1968 (Transkei)	Transkei Artificial Insemination of Animals Act, 1968	Repealed as a whole
(d) Act No.28 of 1978 (Transkei)	Animal Disease and Parasites Act, 1978	Repealed as a whole
(e) Act No.10 of 1989 (Ciskei)	Historical Monuments Act, 1989	Repealed as a whole
(f) Decree No. of 1989 (Transkei)	Transkei Sports Council Decree, 1989	Repealed as a whole
(g) Decree No.8 of 1989 (Transkei)	Transkei Sports and Educational Aid Trust Decree, 1989	Repealed as a whole
(h) Act No. 91 of 1983	Promotion of Local Government Affairs Act, 1983	Repealed as a whole
(i) Act No.109 of 1985	Regional Services Councils Act, 1985	Repealed as a whole
(j) Ordinance No.6 of 1963 (Cape provincial Administration)	Local Authorities (Development according to Community) Ordinance, 1963	Repealed as a whole

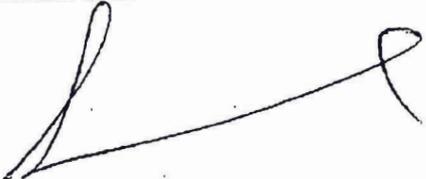
ACT NO 11 OF 2003 (EC) EASTERN CAPE GENERAL LAW AMENDMENT ACT, 2003
(EASTERN CAPE)

Number and year of Act	Short title	Extent of amendment or repeal law
(k) Ordinance No.16 of 1964 (Cape Provincial Administration)	Prescription(Local Authorities) Ordinance, 1964	Repealed as a whole
(l) Ordinance No.11 of 1968 (Cape Provincial Administration)	East Griqualand Divisional Council Ordinance, 1968	Repealed as a whole
(m) Ordinance No.10 of 1974 (Cape Provincial Administration)	Division of Kaffraria Establishment Ordinance,	Repealed as a whole
(n) Ordinance No.1 of 1945 (Cape Provincial Administration)	Commissions Ordinance, 1945	Repealed as a whole
(o) Act No.127 of 1991	Local Authority Affairs Amendment Act, 1991	Repealed as a whole
(p) Act No.94 of 1987	Local Councils Act(House of Assembly), 1987	Repealed as a whole
(q) Act No.17 of 1983 (Transkei)	Local Tourism (Board) Act, 1983	Repealed as a whole
(r) Act No.20 of 1983	Promotion of Tourism Act, 1983	Repealed as a whole
(s) Act No.104 of 1981	Technical Colleges Act, 1981	Repealed as a whole
(t) Ordinance No.4 of 1924	Graaf-Reinet College Ordinance, 1921	Repealed as a whole

**ACT NO 11 OF 2003 (EC) EASTERN CAPE GENERAL LAW AMENDMENT ACT, 2003
(EASTERN CAPE)**

Number and year of Act	Short title	Extent of amendment or repeal law
(u) Decree no.5 of 1991	Fort Cox College Decree, 1991	Repealed as a whole
(v) Act No.18 of 1981 (Transkei)	Animal Slaughter, meat and animal Products Hygiene Act, 1981	Repealed as a whole
(w) Ordinance No.11 of 1941	City of Port Elizabeth Trackless Tram (Private) Ordinance, 1941	Repealed as a whole

CERTIFIED AS CORRECT AS PASSED BY THE PROVINCIAL LEGISLATURE



SECRETARY TO PROVINCIAL LEGISLATURE

PROVINCIAL NOTICE 205 OF 2016

PROVINCE OF THE EASTERN CAPE

PROVINCIAL NOTICE

OFFICE OF THE PREMIER

**AMENDMENT OF THE EASTERN CAPE GENERAL
LAW AMENDMENT ACT 2015 ACT NO. 6 OF 2015**

It is hereby published for general information that the Premier of the Province of the Eastern Cape has assented to the above-mentioned Act.

PROVINCE OF THE EASTERN CAPE

**AMENDMENT OF EASTERN CAPE GENERAL LAW
AMENDMENT ACT, 2015 (EASTERN CAPE)**

ACT NO. 6 OF 2015 (EC)

<p>BILL PROVINCE OF THE EASTERN CAPE Assented To in Terms of Section 121 R.W. Section 123, 124 And 127 OF Act 108 OF 1996</p>
<p><i>[Handwritten Signature]</i></p> <p>..... Signature</p>
<p>02-11-2015</p> <p>..... Date</p>
<p>G.P. Masuati</p> <p>..... Full Names</p>
<p>TITLE PREMIER-ACTING-PREMIER (Delete whichever is not applicable)</p>
<p>(NOTE: ON THE DATE HEREOF, ENGLISH IS THE ONLY OFFICIAL LANGUAGE OF THE PROVINCE)</p>

ACT NO. 6 OF 2015 (EC) AMENDMENT OF EASTERN CAPE GENERAL LAW AMENDMENT ACT, 2015

ACT

To amend the Eastern Cape General Law Amendment Act, 2003 (Act No. 11 of 2003) so as to remove the Fort Cox College Decree from the schedule of the repealed legislation and to provide for matters connected therewith.

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

SUBSTITUTION OF SCHEDULE TO THE GENERAL LAW AMENDMENT ACT

1. The schedule to the General Law Amendment Act, 2003 (Act No. 11 of 2003) is hereby substituted by the schedule hereto.

SHORT TITLE

2. This Act is called the Amendment of Eastern Cape General Law Amendment Act, 2015.

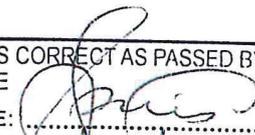
ACT NO. 6 OF 2015 (EC) AMENDMENT OF EASTERN CAPE GENERAL LAW AMENDMENT ACT, 2015

SCHEDULE A

Number and year of Act	Short title	Extent of amendment or repeal law
(a) Act No.21 of 1986 (Ciskei)	Animal Diseases Act, 1986	Repealed as a whole
(b) Act No.6 of 1965 (Transkei)	Transkeian Animal Husbandry Improvement Account Act, 1965	Repealed as a whole
(c) Act No.3 of 1968 (Transkei)	Transkei Artificial Insemination of Animals Act, 1968	Repealed as a whole
(d) Act No.28 of 1978 (Transkei)	Animal Disease and Parasites Act, 1978	Repealed as a whole
(e) Act No. 10 of 1989	Historical Monuments Act, 1989	Repealed as a whole
(f) Decree No. of 1989 (Transkei)	Transkei Sports Council Decree, 1989	Repealed as a whole
(g) Decree No.8 of 1989 (Transkei)	Transkei Sports and Educational Aid Trust Decree, 1989	Repealed as a whole
(h) Act No. 91 of 1983	Promotion of Local Government Affairs Act. 1983	Repealed as a whole
(i) Act No.109 of 1985	Regional Services Councils Act, 1985	Repealed as a whole
(j) Ordinance No.6 of 1963 (Cape Provincial Administration)	Local Authorities (Development according to Community) Ordinance, 1963	Repealed as a whole
(k) Ordinance No.16 of 1964 (Cape Provincial Administration)	Prescription (Local Authorities Ordinance, 1964	Repealed as a whole
(l) Ordinance No11 of 1968 (Cape Provincial Administration)	East Griqualand Divisional Council Ordinance, 1968	Repealed as a whole
(m) Ordinance No. 10 of 1974 (Cape Provincial Administration)	Division of Kaffraria Establishment Ordinance,	Repealed as a whole
(n) Ordinance No.1 of 1945 (Cape Provincial Administration)	Commissions Ordinance, 1945	Repealed as a whole
(o) Act No.127 of 1991	Local Authority Affairs	Repealed as a whole

ACT NO. 6 OF 2015 (EC) AMENDMENT OF EASTERN CAPE GENERAL LAW AMENDMENT ACT, 2015

	Amendment Act, 1991	
Number and year of Act	Short title	Extent of amendment or repeal law
(p) Act No. 94 of 1987	Local Councils Act (House of Assembly), 1987	Repealed as a whole
(q) Act No.17 of 1983 (Transkei)	Local Tourism (Board) Act, 1983	Repealed as a whole
(r) Act No. 20 of 1983	Promotion of Tourism Act, 1983	Repealed as a whole
(s) Act No.104 of 1981	Technical Colleges Act, 1981	Repealed as a whole
(t) Ordinance No.4 of 1924	Graaf-Reinet College Ordinance, 1921	Repealed as a whole
[(u) Decree No.5 of 1991	Fort Cox College, 1991	Repealed as a whole]
[(v)] (u) Act No.18 of 1981 (Transkei)	Animal Slaughter, meat and animal Products Hygiene Act, 1981	Repealed as a whole
[(w)] (v) Ordinance No.11 of 1941	City of Port Elizabeth Trackless Tram (Private) Ordinance, 1941	Repealed as a whole

CERTIFIED AS CORRECT AS PASSED BY THE PROVINCIAL LEGISLATURE
 SIGNATURE: 
 DATE: 26/10/2015
 SECRETARY TO PROVINCIAL LEGISLATURE

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