Mr Lewis 12/11

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DIE PROVINSIE TRANSVAAL

Buitengewone Offisiële Koerant.

(As 'n Nuusblad by die Poskantoor Geregistreer)

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ADMINISTRATOR'S NOTICE.

Administrator's Notice No. 855.] [11 November 1964.

TRANSVAAL PROVINCIAL TENDER BOARD REGULATIONS.

The Administrator-in-Executive Committee has been pleased to approved the regulations for the Tender Board of the Province of Transvaal as set forth in the Schedule hereto with effect from the date of publication of this notice.

The regulations published under Administrator's Notice No. 370, dated the 23rd June, 1948, as amended from time to time, are hereby repealed.

T.A.S. 30/E/1.

SCHEDULE.

TENDER BOARD REGULATIONS FOR THE PROVINCE OF TRANSVAAL.

PART I.—INTRODUCTION.

Method of Obtaining Supplies or Services and of Disposal of Stores by Tender.

1. The method of obtaining supplies or services required by the Provincial Administration and all sales of public stores, shall be governed by these regulations which shall not be varied or departed from except under the authority of the Administrator obtained through the Provincial Secretary, who shall forthwith notify the Provincial Auditor stating the reasons for departure from the ordinary procedure. It shall be competent for the Provincial Secretary to arrange for Provincial requirements to be met under Central Government contracts, through the South African Embassy, London, any South African Legation, or other authorised representative of the Republic of South Africa, whenever deemed desirable, in which case the Provincial Auditor shall be notified and supplied with copies as the case may be of—

(a) relative State Tender Board Contracts; or

(b) advices received in respect of external purchases.

Constitution of Board.

2. There shall be a Transvaal Tender Board constituted as follows:—

(i) The Deputy Provincial Secretary as Chairman [with the Chief Accountant (Special Grade) as alternate].

(ii) The Chief Accountant (Special Grade) (with the Chief Accountant as alternate).

(iii) The Deputy Director (Administrative) Transvaal Education Department (with the Administrative Control Officer as alternate).

(iv) The Deputy Director (Professional), Department of Hospital Services (with the Administrative Control Officer as alternate).

(v) The Deputy Director (Administrative), Transvaal Roads Department (with the Administrative Control Officer as alternate).

(vi) The Assistant Director (Administrative), Transvaal Works Department (with the Administrative Control Officer as alternate).

ADMINISTRATEURSKENNISGEWING.

Administrateurskennisgewing No. 855.] [11 November 1964.

TENDERRAADREGULASIES VIR DIE PROVINSIE TRANSVAAL.

Dit het die Administrateur-in-Uitvoerende Komitee behaag om goedkeuring te heg aan die regulasies vir die Tenderraad van die Provinsie Transvaal soos in bygaande Bylae uiteengesit met ingang van die datum van publikasie van hierdie kennisgewing.

Die regulasies afgekondig by Administrateurskennisgewing No. 370 van 23 Junie 1948, soos van tyd tot tyd gewysig, word hierby herroep.

T.A.S. 30/E/1.

BYLAE.

TENDERRAADREGULASIES VIR DIE PROVINSIE TRANSVAAL.

DEEL I.—INLEIDING.

Wyse waarop leweransies en dienste verkry word en voorrade van die hand gesit word deur middel van tender.

1. Die wyse waarop die leweransies en dienste wat die Provinsiale Administrasie nodig het, verkry word en die verkoop van openbare voorrade, word gereël ingevolge hierdie regulasies wat nie gewysig en waarvan nie afgewyk mag word nie uitgesonderd met magtiging van die Administrateur verkry deur middel van die Provinsiale Sekretaris wat dadelik die Provinsiale Ouditeur daarvan moet verwittig met opgawe van die redes waarom van die gewone prosedure afgewyk word. Die Provinsiale Sekretaris is bevoeg om te reël dat Provinsiale benodigdhede, wanneer dit wenslik geag word, volgens kontrakte van die Sentrale Regering of deur bemiddeling van die Suid-Afrikaanse Ambassade, Londen, 'n Suid-Afrikaanse Legasie of ander gemagtigde verteenwoordiger van die Republiek van Suid-Afrika, verkry word. In so 'n geval moet die Provinsiale Ouditeur in kennis gestel en van afskrifte voorsien word van—

(a) die betrokke Staatstenderraadkontrakte; of

(b) adviesbriewe ontvang ten opsigte van eksterne aankope,

al na die geval.

Samestelling van Raad.

2. Daar bestaan 'n Transvaalse Tenderraad soos volg saamgestel:—

(i) Die Adjunk-Provinsiale Sekretaris as Voorsitter [met die Hoofrekenmeester (Spesiale Graad) as plaasvervanger].

(ii) Die Hoofrekenmeester (Spesiale Graad) (met die Hoofrekenmeester as plaasvervanger).

(iii) Die Adjunk-direkteur (Administratief), Transvaalse Onderwysdepartement (met die Administratiewe Beheerbeampte as plaasvervanger).

(iv) Die Adjunk-direkteur (Professioneel), Departement van Hospitaaldienste (met die Administratiewe Beheerbeampte as plaasvervanger).

(v) Die Adjunk-direkteur (Administratief), Transvaalse Paaiedepartement (met die Administratiewe Beheerbeampte as plaasvervanger).

(vi) Die Assistent-direkteur (Administratief), Transvaalse Werkedepartement (met die Administratiewe Beheerbeampte as plaasvervanger).

The Secretary of the Board shall attend at and keep the records of meetings of the Board and shall under the direction of the Chairman or Chairman's alternate conduct the correspondence pertaining to the business of the Board.

The Board shall elect a chairman out of its members present in the absence of the Deputy Provincial Secretary and his alternate.

Four members shall form a quorum.

All resolutions of the Board shall be determined by vote and in the event of an equality of votes the Chairman shall have a casting vote as well as a deliberative vote.

Votes may be obtained either by a meeting of the Board or by the members being circularised.

In the latter case, however, any member may demand a meeting.

When considering tenders the Board may, if it thinks fit, require the attendance of any officer of the Provincial Administration or obtain such other advice as it may consider necessary, any expense involved to be first approved by the Provincial Secretary.

Definitions.

3. In these regulations—

"Administrator" means the officer appointed under the provisions of section *sixty-six* of the Republic of South Africa Constitution Act of 1961 (Act No. 32 of 1961) acting on the advice and with the consent of the Executive Committee of the Province;

"formal tender" means a tender required to be submitted to the Board;

"informal tender" means a tender dealt with, without reference to the Board;

"Provincial Secretary" shall include the Deputy Provincial Secretary, or any other officer to whom authority has been delegated;

"manufacture" means bona fide workmanship and construction and not a putting together of pieces of manufactured articles or the making of additions to such articles;

"Board" means the Transvaal Provincial Tender Board;

"branch" includes section, institution or other subdivision of the Transvaal Provincial Administration;

"officer" means an official of the Transvaal Provincial Administration or of the Government of the Republic of South Africa;

"head of branch" the officer at the head of a branch or other officer to whom the head has delegated authority.

PART II.—FORMAL TENDERS.

Tenders for Supply or Service.

4. (*a*) Any supply or service including works and buildings the value of which during the ensuing twelve months can reasonably be expected to exceed R2,500 shall, where such supply or service is not provided for in existing contracts, be put to formal public competition.

(*b*) Supplies of proprietary articles or services may with the approval of the Provincial Secretary be obtained from the sole agent on quotation without calling for tenders.

(*c*) Whenever it becomes necessary to call for tenders for any supply or service under regulation 4 (*a*) hereof the head of the branch concerned shall write to the Chairman of the Board giving particulars of the supply or service required. Thereafter no variation in or additions to such particulars shall be communicated to individual tenderers without the prior consent of the Board.

Tender Notices.

5. (*a*) All invitations to tender shall be published in the *Transvaal Provincial Gazette*, such notice to state clearly at what place and up to what day and hour tenders will be received. When deemed desirable relevant notices may also be inserted in the *Government Gazette* and in the public press.

Die Sekretaris van die Raad moet die vergaderings van die Raad bywoon en notule daarvan hou en onder leiding van die Voorsitter, of sy plaasvervanger, die korrespondensie aangaande die werksaamhede van die Raad, voer.

By afwesigheid van die Adjunk Provinsiale Sekretaris en sy plaasvervanger kies die Raad 'n Voorsitter uit sy aanwesige lede. Vier lede vorm 'n kworum.

Alle besluite van die Raad word deur stemming bepaal en in geval van 'n staking van stemme het die Voorsitter sowel 'n beslissende as 'n beraadslagende stem.

Stemme kan óf by 'n vergadering van die Raad óf deur 'n rondskrywe aan lede verkry word.

In laasgenoemde geval kan 'n lid egter 'n vergadering eis.

Die Raad kan, by die oorweging van tenders, na goeddunke 'n beampte van die Provinsiale Administrasie gelas om teenwoordig te wees of sodanige ander advies as wat hy nodig ag, inwin. Alle uitgawe wat daarby betrokke is, moet eers deur die Provinsiale Sekretaris goedgekeur word.

Woordomskrywing.

3. In hierdie regulasies beteken—

„Administrateur", die amptenaar aangestel ingevolge die bepalings van artikel *ses-en-sestig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961) handelende op advies en met die toestemming van die Uitvoerende Komitee van die Provinsie;

„formele tender", 'n tender wat aan die Raad voorgelê moet word;

„informele tender", 'n tender wat sonder verwysing na die Raad behandel word;

„Provinsiale Sekretaris", ook die Adjunk Provinsiale Sekretaris of 'n ander amptenaar aan wie bevoegdheid gedelegeer is;

„vervaardiging", *bona fide*-vervaardiging deur 'n werksman en nie die saamstel van stukke van vervaardigde artikels of die aanbring van toevoegsels by sulke artikels nie;

„Raad", die Transvaalse Provinsiale Tenderraad;

„tak", ook 'n afdeling, inrigting of onderafdeling van die Transvaalse Provinsiale Administrasie;

„amptenaar", 'n beampte van die Transvaalse Provinsiale Administrasie of van die Goewerment van die Republiek van Suid-Afrika;

„hoof van afdeling", die amptenaar aan die hoof van 'n afdeling, ook 'n ander amptenaar aan wie die hoof bevoegdheid gedelegeer het.

DEEL II.—FORMELE TENDERS.

Tenders vir leweransies of dienste.

4. (*a*) As redelik verwag kan word dat die waarde van 'n leweransie of diens met inbegrip van werke of geboue gedurende die volgende 12 maande R2,500 sal oorskry, waar daar nie in bestaande kontrakte vir so 'n leweransie of diens voorsiening gemaak word nie, moet dit aan formele, openbare konkurrensie onderwerp word.

(*b*) Voorrade van gepatenteerde goedere of dienste kan, met die goedkeuring van die Provinsiale Sekretaris, van die alleenagent op 'n prysopgawe verkry word sonder om tenders te vra.

(*c*) Wanneer dit nodig word om ingevolge regulasie 4 (*a*) hiervan tenders te vra vir leweransies of dienste, moet die hoof van die betrokke afdeling aan die Voorsitter van die Raad skryf en volle besonderhede van die vereiste leweransie of diens verstrek. Daarna mag geen afwykings van of toevoegings aan sulke besonderhede aan individuele tenderaars meegedeel word sonder dat die toestemming van die Raad eers daartoe verkry is nie.

Tenderkennisgewings.

5. (*a*) Alle aanvrae om tenders moet in die *Transvaalse Provinsiale Koerant* verskyn en duidelik aandui die plek waar, en tot watter dag en uur tenders ontvang sal word. Wanneer dit nodig geag word, kan die betrokke kennisgewings ook in die *Staatskoerant van die Republiek van Suid-Afrika* en in die openbare pers verskyn.

(b) In connection with tenders for supplies tenderers must be requested to specify in detail on the tender form the following particulars:—

(i) Whether manufactured locally from material entirely or mainly produced within the Republic of South Africa.

(ii) Whether manufactured locally from raw materials entirely or mainly imported.

(iii) Whether manufactured from imported stocks held in the Republic, and, if so, the country of origin.

(iv) The country of origin if the raw material or article is to be or has been imported.

(c) The notice inviting tenders shall indicate the period calculated from the date and time of opening such tenders, for which tenders shall hold good. Unless the contrary be stated in any tender, all tenders received shall be valid for the period specified in the notice.

(d) All tenders shall be subject to the understanding that the tenderer has fully acquainted himself with and undertakes to be fully bound by the terms of these regulations and any amendment thereof and all tenders shall be received subject to this condition.

Delivery of Tenders.

6. (a) All tenders shall be addressed to the Chairman of the Board and shall be transmitted by the tenderer under sealed cover with the nature of the supply or service endorsed on the outside of the envelope. Open tenders may be disregarded.

(b) Where a tender is received either open and/or without the service for which it is intended endorsed on the cover, the Secretary to the Board shall, after ascertaining the contents, close the cover, noting thereon—

(i) the date of receipt;

(ii) the condition in which received;

(iii) the service tendered for;

and thereafter submit it to the Board on the due date.

Telegraphic Tenders.

7. Telegraphic tenders received by the Board before the hour advertised for receiving tenders shall be admitted if the name of the tenderer, the service and the amount of the tender be clearly stated therein, provided written confirmation thereof is posted or delivered not later than the advertised date and hour of the closing of the relative tenders.

Late Tenders.

8. Tenders arriving after the advertised time for receiving them shall not be considered, and shall be returned to the tenderer, unopened if possible, with an explanatory letter. No variation of this rule shall be allowed unless it is clear that the tender was posted or telegraphed in ample time to reach the Board before the closing hour and the Chairman of the Board is satisfied that the circumstances are exceptional and that the tenderer had taken all reasonable precautions to allow for delays and was otherwise in no way to blame.

Telephonic Tenders.

9. Telephonic tenders shall under no circumstances be admitted.

Opening of Tenders.

10. (a) All tenders shall be opened in public by or under the immediate supervision of the Chairman or any responsible officer nominated by him for the purpose, immediately after the expiry of the hour for receiving tenders, or as soon thereafter as possible. The name of the tenderer shall be read out as each tender is opened and the tender and all priced annexures shall forthwith be authenticated by the signature or initials of the Chairman or his nominee as the case may be, who shall also mark each tender with the date on which it was opened.

(b) In verband met tenders vir leweransies moet tenderaars versoek word om die volgende besonderhede op die tendervorms te spesifiseer:—

(i) Of dit plaaslik vervaardig is uit materiaal wat geheel en al of hoofsaaklik in die Republiek van Suid-Afrika geproduseer is.

(ii) Of dit plaaslik vervaardig is uit grondstowwe wat geheel en al of hoofsaaklik ingevoer is.

(iii) Of dit vervaardig is uit ingevoerde voorrade in die Republiek gehou en, indien wel, die land van oorsprong.

(iv) Indien die grondstof of artikel ingevoer is of moet word, die land van oorsprong.

(c) In die kennisgewing waarin tenders gevra word, moet aangedui word hoelank die tenders geldig sal bly, bereken van die datum en tyd af wat dit oopgemaak word. Tensy anders in enige tender vermeld, is alle tenders wat ontvang word, geldig vir die tydperk wat in die kennisgewing gespesifiseer word.

(d) Alle tenders word ingedien op voorwaarde dat die tenderaar hom ten volle op hoogte gestel het van en onderneem om hom ten volle te laat bind deur die bepalings van hierdie regulasies en wysigings daarvan en alle tenders word op hierdie voorwaarde ontvang.

Aflewering van tenders.

6. (a) Alle tenders moet aan die Voorsitter van die Raad gerig word en moet deur die tenderaar in 'n verseëlde koevert versend word op die buitekant waarvan die aard van die leweransie of diens geëndosseer is. Oop tenders kan verontagsaam word.

(b) As 'n tender oop ontvang word en/of sonder dat die diens waarvoor dit bestem is op die koevert geëndosseer is, moet die Sekretaris van die Raad, nadat hy hom van die inhoud verwittig het, die koevert toeplak en daarop skryf—

(i) die datum van ontvangs;

(ii) die toestand waarin dit ontvang is;

(iii) die diens waarvoor getender is;

en dit dan op die voorgeskrewe datum aan die Raad voorlê.

Tenders per telegram.

7. Tenders wat deur die Raad per telegram ontvang word voor die tyd wat vir ontvangs geadverteer is, word toegelaat as die naam van die tenderaar, die diens en die bedrag van die tender duidelik daarin opgegee word mits skriftelike bekragtiging daarvan nie later nie as die geadverteerde datum en uur van die sluiting van die betrokke tenders gepos of afgelewer word.

Laat Tenders.

8. Tenders wat aankom na die tyd wat geadverteer is, word nie in aanmerking geneem nie en moet ongeopen, indien moontlik, aan die tenderaar teruggestuur word met 'n verklarende brief. Geen afwyking van hierdie reël word toegelaat nie tensy dit duidelik blyk dat die tender betyds gepos of getelegrafeer is om die Raad voor die sluitingsuur te bereik en die Voorsitter van die Raad daarvan oortuig is dat die omstandighede buitengewoon is en dat die tenderaar alle redelike voorsorgmaatreëls getref het om vertragings te voorkom en andersins totaal geen skuld daaraan het nie.

Tenders per telefoon.

9. Tenders wat oor die telefoon ontvang word, word onder geen omstandighede toegelaat nie.

Oopmaak van Tenders.

10. (a) Alle tenders moet in die openbaar deur of onder die regstreekse toesig van die Voorsitter, of deur enige verantwoordelike amptenaar deur hom vir dié doel benoem, oopgemaak word onmiddellik na verstryking van die uur waarop tenders ontvang staan te word of so dra moontlik daarna. Die naam van die tenderaar moet uitgelees word by de oopmaak van elke tender en die tender en alle aanhangsels met prysopgawes moet onverwyld gewaarmerk word met die handtekening of voorletters van die Voorsitter of die persoon deur hom benoem, na gelang van die geval, wat ook elke tender met die datum waarop dit oopgemaak is, moet merk.

(b) When a tender consists of a single item the amount tendered shall be read out at the time of opening but when it consists of more than one item it shall be in the discretion of the Chairman whether or not any or all of the prices shall be read out.

(c) The convenience of the attending public shall be met as far as is practicable or convenient.

Recommendations by Branch.

11. (a) All tenders received by the Chairman of the Board shall, after being opened, be forwarded to the head of the branch concerned for report and return with recommendations to the Board for consideration.

(b) When making recommendations in terms of sub-section (a) of this regulation the financial standing of tenderers and their ability to manufacture or supply shall be taken into consideration.

12. (a) The following documents shall in every case be attached to the tenders before they are returned to the Board:—

(i) A copy of the advertisement inviting tenders.

(ii) A comparative schedule of the tenders received showing the rates of the existing contract if any, and those of the tender or tenders submitted.

(iii) A schedule in triplicate of the tender or tenders recommended for consideration by the Board.

(b) The reasons for recommending tenders should be clearly stated in the remarks column of the comparative schedule. Reasons, together with an indication, if possible, of the total quantity of each article likely to be required should be given in cases where the recommendation is based on the fact of a tender or tenders being lowest for the articles chiefly required although higher than others for those of less importance.

(c) Where other than the lowest tender is recommended for acceptance the head of the branch concerned shall certify that the recommendations made are in the best interest of and represent the best value to the Administration.

(d) When only one tender is received and recommended for acceptance it should be stated whether the rates are fair and reasonable.

(e) In recommending tenders the probable annual consumption of articles should be taken into consideration and shown on the comparative schedule.

Comparison between Tender Prices.

13. To enable a correct comparison to be made between tender prices, the following procedure shall be observed:—

(a) Where the comparison lies between tenders for South African and imported manufactures or supplies any preference to be accorded in terms of regulation 14 shall be deducted from the former, whilst to the latter (if not already allowed for in the tender) shall be added freight, insurance, import duty, landing charges and railage, at rates which are normally paid by the public.

(b) Where the comparison lies between overseas tenders, there shall be added to the respective prices the customs dues ordinarily payable, in order that countries entitled thereto may receive the benefit of any customs preference and there shall be added also any difference there may be in the ordinary freight charges from the different ports of shipment.

Preferences.

14. (a) The following preferences shall be allowed when considering tenders received:—

(i) 2½ per cent on South African manufactured goods bearing the mark of the South African Bureau of Standards, when competing with other South African manufactured goods not bearing such mark, the preference being calculated on the tender price of the former and being additional to any preference allowed under (iii) hereof;

(b) Wanneer 'n tender uit een enkele item bestaan, word die bedrag wat getender word, uitgelees wanneer dit oopgemaak word maar wanneer dit uit meer as een item bestaan, besluit die Voorsitter na goeddunke of een of al die pryse uitgelees moet word of nie.

(c) Die gerief van die aanwesige publiek moet, vir sover dit prakties of gerieflik is, in ag geneem word.

Aanbevelings deur afdeling.

11. (a) Nadat alle tenders wat deur die Voorsitter van die Raad ontvang is, oopgemaak is, moet dit aan die hoof van die betrokke afdeling gestuur word om verslag daaroor te doen en om dit met sy aanbevelings ter oorweging aan die Raad terug te stuur.

(b) Wanneer aanbevelings ingevolge subartikel (a) van hierdie regulasie gedoen word, word die finansiële status van tenderaars en hulle vermoë om goedere te vervaardig of te lewer, in aanmerking geneem.

12. (a) Die volgende dokumente moet in elke geval aan die tenders geheg word, voordat dit aan die Raad teruggestuur word:—

(i) 'n Afskrif van die advertensie waarin tenders gevra word.

(ii) 'n Vergelykende bylae van die tenders wat ontvang is waarin die pryse van die bestaande kontrak, as daar een is, aangetoon word asook dié van die tender of tenders wat ingedien is.

(iii) 'n Bylae in drievoud van die tender of tenders wat ter oorweging van die Raad aanbeveel word.

(b) Die redes waarom tenders aanbeveel word, moet duidelik in die kolom vir opmerkings van die vergelykende bylae vermeld word. Redes, tesame met 'n aanduiding, indien moontlik, van die totale hoeveelheid van elke artikel wat moontlik nodig sal wees, behoort verstrek te word in gevalle waar die aanbeveling gebaseer is op die feit dat 'n tender of tenders die laagste is vir die artikels wat hoofsaaklik nodig is maar nogtans hoër as ander tenders vir die artikels wat minder belangrik is.

(c) Waar 'n tender wat nie die laagste is nie vir aanname aanbeveel word, moet die hoof van die betrokke afdeling sertifiseer dat die aanbevelings in die belang en voordeel van die Administrasie is.

(d) Wanneer slegs een tender ontvang en vir aanname aanbeveel word, moet daar vermeld word of die tarief billik en redelik is.

(e) Wanneer tenders aanbeveel word, moet die moontlike jaarlikse verbruik van artikels in aanmerking geneem en op die vergelykende bylae aangetoon word.

Vergelyking tussen tenderpryse.

13. Ten einde 'n juiste vergelyking tussen tenderpryse te kan tref, moet die volgende prosedure gevolg word:—

(a) Wanneer 'n vergelyking getref word tussen Suid-Afrikaanse en ingevoerde fabrikate of leweransies, moet alle voorkeure ingevolge regulasie 14 van eersgenoemde afgetrek word, terwyl by laasgenoemde (as daar in die tender nie alreeds daarvoor voorsiening gemaak is nie) skeepsvrag, versekering, invoerregte, lossingskoste en spoorvrag teen tariewe wat gewoonlik betaal word deur die publiek, bygetel moet word.

(b) Waar die vergelyking tussen oorsese tenders getref word, moet daar by die onderskeie pryse die doeaneregte bygetel word wat gewoonlik betaalbaar is sodat lande wat daarop geregtig is die doeanevoorkeur kan geniet, en die verskil wat daar kan wees tussen die gewone skeepsvragtariewe van die verskillende hawens van verskeping af moet ook bygetel word.

Voorkeure.

14. (a) Voorkeur word soos volg toegelaat by die oorweging van tenders wat ontvang word:—

(i) 2½ persent op goedere in Suid-Afrika vervaardig, en wat die merk van die Suid-Afrikaanse Buro vir Standaarde dra, wanneer dit meeding met ander goedere in Suid-Afrika vervaardig wat nie so 'n merk dra nie, en die voorkeur word bereken op die tenderprys van eersgenoemde en is bykomend tot enige voorkeur wat onder (iii) hiervan toelaatbaar is;

(ii) 1 per cent on imported goods, offered from stocks already held in the Republic, applicable only when comparison is being made with corresponding goods to be imported; and

(iii) in the case of all offers received for supplies which are produced, manufactured or assembled wholly or partly in the Republic, the following preferences shall apply:—

(A) 1 per cent—if the local content in relation to the tender price is not in excess of 5 per cent.

(B) 2 per cent—if the local content in relation to the tender price is more than 5 per cent but not in excess of 10 per cent.

(C) 3 per cent—if the local content in relation to the tender price is more than 10 per cent but not in excess of 20 per cent.

(D) 4 per cent—if the local content in relation to the tender price is more than 20 per cent but not in excess of 30 per cent.

(E) 5 per cent—if the local content in relation to the tender price is more than 30 per cent but not in excess of 40 per cent.

(F) 6 per cent—if the local content in relation to the tender price is more than 40 per cent but not in excess of 50 per cent.

(G) 7 per cent—if the local content in relation to the tender price is more than 50 per cent but not in excess of 60 per cent.

(H) 8 per cent—if the local content in relation to the tender price is more than 60 per cent but not in excess of 70 per cent.

(J) 9 per cent—if the local content in relation to the tender price is more than 70 per cent but not in excess of 80 per cent.

(K) 10 per cent—if the local content constitutes more than 80 per cent of the tender price.

"Local content" means that portion of the tender price which is not included in the definition "imported content".

"Imported content" means the landed cost at factory in the Republic of South Africa, of that portion of the tender price which comprises components, parts or materials which have been or are still to be imported whether by the tenderer or by his suppliers or sub-contractors.

"Landed cost at factory" means the overseas costs plus direct importation costs such as freight, all landing charges, dock dues, import duties and the like at the South African port of entry as well as inward transportation and handling to factory in the Republic of South Africa where the supplies tendered for are manufactured or assembled.

The Board may, in its discretion, exclude from the operation of the foregoing provisions of this paragraph such products as it may from time to time deem necessary.

Any tenderer claiming preference for goods produced, manufactured or assembled wholly or partly in South Africa shall certify what percentage of preference he is entitled to and furnish an assurance to the effect that costs have been fully and carefully investigated by him and that to the best of his knowledge, belief and experience the rate of preference claimed is correct and in accordance with what the actual "local content" will be. The Administration, however, reserves the right at any time, at its discretion, to demand a sworn statement confirming any such claim and to call for supporting documentary evidence.

Any successful tenderer who has claimed preference shall undertake to report and explain the position immediately to the Head of the Provincial Department or Branch concened should circumstances arise which cause the percentage of actual local content to become lower than certified in the preference claim form.

(ii) 1 persent op ingevoerde goedere aangebied uit voorrade wat alreeds in die Republiek gehou word, slegs van toepassing wanneer vergelyking getref word met ooreenstemmende goedere wat ingevoer moet word; en

(iii) in die geval van alle aanbiedinge ontvang ten opsigte van leweransies wat gedeeltelik of geheel en al in die Republiek geproduseer, vervaardig of gemonteer word, word voorkeur soos volg toegepas:—

(A) 1 persent—indien die plaaslike inhoud in verhouding tot die tenderprys nie 5 persent oorskry nie.

(B) 2 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 5 persent is, maar nie 10 persent oorskry nie.

(C) 3 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 10 persent is, maar nie 20 persent oorskry nie.

(D) 4 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 20 persent is, maar nie 30 persent oorskry nie.

(E) 5 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 30 persent is, maar nie 40 persent oorskry nie.

(F) 6 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 40 persent is, maar nie 50 persent oorskry nie.

(G) 7 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 50 persent is, maar nie 60 persent oorskry nie.

(H) 8 persent— indien die plaaslike inhoud in verhouding tot die tenderprys meer as 60 persent is, maar nie 70 persent oorskry nie.

(J) 9 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 70 persent is, maar nie 80 persent oorskry nie.

(K) 10 persent—indien die plaaslike inhoud meer as 80 persent van die tenderprys uitmaak.

„Plaaslike inhoud" beteken daardie gedeelte van die tenderprys wat nie ingesluit is in die definisie „ingevoerde inhoud" nie.

„Ingevoerde inhoud" beteken die gelewerde koste by die fabriek in die Republiek van Suid-Afrika, van daardie gedeelte van die tenderprys wat bestanddele, onderdele of materiaal uitmaak wat ingevoer is of nog ingevoer moet word ongeag of dit deur die tenderaar, sy leweransiers of subkontrakteurs ingevoer is of sal word.

„Koste na landing by die fabriek" beteken die oorsese koste plus direkte invoerkoste soos skeepsvrag, alle landingskoste, dokgelde, invoerregte en dies meer, by die Suid-Afrikaanse inklaringshawe, sowel as vervoer- en hanteringskoste na die fabriek in die Republiek van Suid-Afrika waar die leweransies waarvoor getender word, vervaardig of gemonteer word.

Die Raad kan na goeddunke sodanige produkte as wat hy van tyd tot tyd nodig ag, uitsluit van die toepassing van die voornoemde bepalings van hierdie paragraaf.

Enige tenderaar wat voorkeur eis vir goedere wat gedeeltelik of geheel en al in Suid-Afrika geproduseer, vervaardig of gemonteer is, moet sertifiseer op watter persentasie voorkeur hy geregtig is en 'n versekering gee dat koste volledig en noukeurig deur hom ondersoek is en dat die voorkeur wat hy geëis het na sy beste wete, oortuiging en ondervinding juis is en ooreenstem met wat die werklike „plaaslike inhoud" sal wees. Die Administrasie behou hom egter die reg voor om te eniger tyd na goeddunke 'n beëdigde verklaring te eis ter bevestiging van sodanige eis en om stawende dokumentêre bewys aan te vra.

Enige suksesvolle tenderaar wat voorkeur geëis het, moet onderneem om die Hoof van die betrokke Provinsiale Departement of Afdeling onmiddellik in kennis te stel en dié van 'n uitleg te voorsien indien omstandighede ontstaan wat veroorsaak dat die persentasie van die werklike plaaslike inhoud minder word as wat in die voorkeureisvorm gesertifiseer is.

(b) In case of equality after the provisions of regulations 13 and 14 (a) have been applied, the order of preference shall be as follows:—

(i) South African manufacturers or merchants tendering supplies entirely or mainly produced within the Republic.

(ii) South African manufacturers or merchants tendering supplies manufactured from raw or non-fabricated materials entirely or mainly imported.

(iii) Merchants tendering supplies from imported stocks held in the Republic.

(iv) Accredited agents for goods for import who are in a position to give expert advice or service.

(v) Overseas firms (preference being given to firms having branches or agencies and carrying stocks in the Republic.

(c) All things being equal, preference will be considered in respect of articles manufactured within the Province of the Transvaal.

(d) The question of bona fide manufacture shall be carefully observed when comparing prices, and in case of doubt the facts shall be reported to the Administrator, whose decision shall be final.

Recommendations by Board.

15. (a) (i) It shall not be obligatory upon the Board to consider any tender unless it complies with the advertisement in response to which it is submitted.

(ii) No tender will be considered where alterations have been made on the tender form unless such alterations are duly authenticated by the tenderer or if any material particulars required therein are not complete in every respect: Provided that the Board may in its discretion in any particular case dispense with the requirements of this regulation if it is satisfied that there is reasonable cause for such dispensation and that the interests of any person will not be prejudiced thereby.

(iii) Qualified tenders may be disregarded.

(b) The Board shall not necessarily recommend the acceptance of the lowest or any tender and may recommend the acceptance of the whole or part of any tender, or in the event of a number of items being tendered for, any item of a tender.

(c) The reasons for the Board's decision in recommending the acceptance of a tender other than the lowest tender shall be communicated to the Administrator through the Provincial Secretary.

(d) The Board shall after consideration forward all tenders and accompanying documents to the Provincial Secretary with its recommendations.

Acceptance of Tenders.

16. (a) The recommendations of the Board shall be considered by the Administrator whose decision shall be final.

(b) In the event of the Board's recommendations being departed from, the Provincial Secretary shall advise the Chairman accordingly.

(c) Should no tenders be recommended for acceptance by the Board, the Provincial Secretary may make other arrangements in accordance with these regulations. The action taken shall be reported in due course to the Board and the Provincial Auditor.

(d) The Provincial Auditor shall be furnished without delay, with particulars of accepted tenders.

Advising Tenderers.

17. (a) The Provincial Secretary shall promptly advise the successful tenderer and arrange for the execution of the necessary contract documents. He shall also cause notifications to be sent to the unsuccessful tenderers. The acceptance of a tender may be communicated to the tenderer by letter through the post or by telegraph and in such case the post or telegraph office, as the case may be, shall be regarded as the agent of the tenderer and delivery of such acceptance to the post or telegraph office shall be treated as delivery to the tenderer.

(b) In geval van gelykheid nadat die bepalings van regulasies 13 en 14 (a) toegepas is, is die volgorde van voorkeur soos volg:—

(i) Suid-Afrikaanse fabrikante of handelaars wat voorrade aanbied wat geheel en al of hoofsaaklik in die Republiek geproduseer is.

(ii) Suid-Afrikaanse fabrikante of handelaars wat voorrade aanbied wat vervaardig is uit grondstowwe of onbewerkte materiaal wat geheel en al of hoofsaaklik ingevoer is.

(iii) Handelaars wat voorrade aanbied uit ingevoerde voorrade wat in die Republiek gehou word.

(iv) Gemagtigde agente vir goedere wat ingevoer word, wat in staat is om deskundige advies of dienste te lewer.

(v) Oorsese firmas (voorkeur word gegee aan firmas wat takkantore of agentskappe in die Republiek het en daar voorrade voorhande het).

(c) By gelyke bevoegdhede, sal voorkeur oorweeg word ten opsigte van artikels wat in die Provinsie van Transvaal vervaardig is.

(d) Die vraagstuk van *bona fide*-fabrikaat sal sorgvuldig in ag geneem word wanneer pryse vergelyk word en in geval van twyfel sal die feite gerapporteer word aan die Administrateur by wie die eindbeslissing berus.

Aanbevelings deur Raad.

15. (a) (i) Die Raad is nie verplig om 'n tender te oorweeg nie tensy dit voldoen aan die advertensie ingevolge waarvan dit voorgelê word.

(ii) Geen tender sal oorweeg word nie waar veranderings op die tendervorm aangebring is tensy sulke veranderings behoorlik deur die tenderaar bekragtig is of indien enige belangrike besonderhede wat daarin vereis word nie in alle opsigte volledig is nie: Met dien verstande dat die Raad in enige besondere geval na goeddunke van die bepalings van hierdie regulasie kan afsien indien hy daarvan oortuig is dat daar redelike grond hiervoor bestaan en dat die belange van niemand daardeur benadeel sal word nie.

(iii) Gekwalifiseerde tenders kan verontagsaam word.

(b) Die Raad hoef nie noodwendig die aanname van die laagste of enige ander tender aan te beveel nie en kan aanbeveel dat 'n hele of slegs 'n gedeelte van 'n tender of, as daar vir verskeie items getender word, een item vir 'n tender aangeneem moet word.

(c) Die redes waarom die Raad besluit om 'n tender wat nie die laagste tender is nie vir aanname aan te beveel, moet deur bemiddeling van die Provinsiale Sekretaris aan die Administrateur meegedeel word.

(d) Nadat die Raad die tenders oorweeg het, moet hy dit en die bygaande stukke saam met sy aanbevelings aan die Provinsiale Sekretaris stuur.

Aanname van tenders.

16. (a) Die aanbevelings van die Raad word oorweeg deur die Administrateur by wie die eindbeslissing berus.

(b) Ingeval daar afgewyk word van die Raad se aanbevelings moet die Provinsiale Sekretaris die Voorsitter dienooreenkomstig in kennis stel.

(c) Indien geen tenders deur die Raad vir aanname aanbeveel word nie, kan die Provinsiale Sekretaris ander reëlings ooreenkomstig hierdie regulasies tref. Die stappe wat hy doen, moet ter geleëner tyd aan die Raad en die Provinsiale Ouditeur gerapporteer word.

(d) Besonderhede van tenders wat aangeneem is, moet sonder versuim aan die Provinsiale Ouditeur verskaf word.

Kennisgewing aan tenderaars.

17. (a) Die Provinsiale Sekretaris moet sonder versuim die suksesvolle tenderaar in kennis stel dat sy tender aangeneem is en reëlings tref vir die uitvoering van die nodige kontrakdokumente. Hy moet ook kennisgewings aan die onsuksesvolle tenderaars laat stuur. Die aanname van 'n tender kan per brief deur die pos of per telegram aan die tenderaar meegedeel word en in sulke gevalle word die Pos- en Telegraafkantoor, al na die geval, beskou as die agent van die tenderaar en die aflewering van sodanige aanname aan die Pos- of Telegraafkantoor word beskou as aflewering aan die tenderaar.

(b) In all cases a copy of the schedule mentioned in sub-section (ii) of regulation 12 (a) hereof shall be filed by the Provincial Secretary and shall be open for inspection by the public for a period of 30 days after acceptance of the relative tender.

Importation of Stores.

18. (a) When orders are placed in the Republic for supplies to be imported a complete copy of such order and/or contract embodying instructions regarding inspection and shipment shall be furnished by the Provincial Secretary to the Republic's overseas representative concerned.

(b) Unless in special cases the Administrator agrees to the contrary, the law of the Republic of South Africa shall govern the contract created by the acceptance of a tender and the *domicilium citandi et executandi* shall be at a place in the Republic to be specified by the tenderer in his tender at which all legal process may be served on the tenderer who agrees to the jurisdiction of the Republic's Courts. Oversea tenders shall, therefore, state on their tender forms the name of their accredited agent in the Republic duly appointed to sign the contract in case the tender is accepted and to act in all respects on behalf of the contractor.

(c) In the event of the acceptance of local tenders for supplies to be imported, the successful tenderer shall be required to make provision for a notification to be forwarded to the Republic's overseas representative concerned when consignments are ready for inspection (in cases where inspection at final destination has not been specified) or shipment in order that arrangements may be made for inspection and/or shipment.

Inspection of Stores.

19. Deliveries of supplies shall be systematically inspected, sampled or tested by the branch concerned and shall not be accepted unless they comply with the specification or approved samples or conform to the standard indicated in the tender or contract. The tender or contract shall contain a condition that in the event of rejection the supplier shall be responsible for all costs and expenses incurred as a result of such rejection.

Contracts.

20. (a) Contracts may be of the following varieties:—

(i) For a definite service or quantity of an article.

(ii) A "running" contract for a service or for the supply of an estimated quantity of an article at a fixed rate during a specified period.

(iii) A "rate" contract for a service or for the supply of an unspecified quantity of an article at a fixed rate during a specified period.

In "running" contracts provision shall be made for an increase or decrease of ten *per centum* in the estimated quantities stated which shall be binding on both parties to the contract.

In "rate" contracts no quantities shall be specified, but tenderers may be furnished for their information only, with such particulars as may be available in regard to purchases of similar articles during previous periods or likely future requirements.

(b) When a supply, service or sale exceeds R250 in value and is for other than immediate delivery or execution a written contract shall be entered into with the contractor.

Withdrawal of Tenders—Sureties, etc.

21. (a) Should a successful tenderer fail within 14 days or such other period as the Provincial Secretary may decide, to sign the contract or provide the necessary security, the Board may be asked to recommend the acceptance of another tender from those already received in connection with the relative service or supply, otherwise fresh tenders may be invited.

(b) In alle gevalle moet die Provinsiale Sekretaris 'n afskrif van die bylae genoem in subartikel (ii) van regulasie 12 (a) hiervan bewaar en dit moet ter insae lê van die publiek vir 'n tydperk van 30 dae na die aanname van die betrokke tender.

Die invoer van voorrade.

18. (a) Wanneer bestellings in die Republiek geplaas word vir leweransies wat ingevoer moet word, moet die Provinsiale Sekretaris 'n volledige afskrif van so 'n bestelling en/of kontrak wat instruksies aangaande inspeksie en verskeping bevat, aan die betrokke oorsese verteenwoordiger van die Republiek stuur.

(b) Tensy die Administrateur in besondere gevalle anders besluit, reël die Wet van die Republiek van Suid-Afrika die kontrak wat in die lewe geroep word deur die aanname van 'n tender en is die *domicilium citandi et executandi* op 'n plek in die Republiek deur die tenderaar in sy tender bepaal te word, waar alle geregtelike prosesstukke gedien kan word op die tenderaar wat hom onderwerp aan die jurisdiksie van die Republiek se Geregshowe. Oorsese tenderaars moet dus op hulle tendervorms die naam van hul gemagtigde agent in die Republiek vermeld wat behoorlik aangestel is om die kontrak te teken ingeval die tender aangeneem word en om in alle opsigte namens die kontrakteur op te tree.

(c) By die aanname van plaaslike tenders vir leweransies wat ingevoer moet word, moet die suksesvolle tenderaar sorg dat 'n bekendmaking aan die Republiek se betrokke oorsese verteenwoordiger gestuur word wanneer besendings gereed is vir inspeksie (in gevalle waar inspeksie by die eindbestemming nie gespesifiseer is nie) of verskeping sodat reëlings getref kan word vir inspeksie en/of verskeping.

Inspeksie van voorrade.

19. Aflewering van leweransies moet deur die betrokke afdeling op 'n sistematiese wyse geïnspekteer, monsters geneem en getoets word en dit mag nie aangeneem word nie tensy dit voldoen aan die spesifikasies of goedgekeurde monsters of ooreenkom met die standaard in die tender of kontrak aangedui. Die tender of kontrak moet 'n voorwaarde bevat dat, in geval van afkeuring, die leweransier aanspreeklik is vir alle koste en uitgawes aangegaan as gevolg van sodanige afkeuring.

Kontrakte.

20. (a) Kontrakte kan van onderstaande soorte wees:

(i) Vir 'n bepaalde diens of hoeveelheid van 'n artikel.

(ii) 'n "Lopende" kontrak vir 'n diens of vir die lewering van 'n geraamde hoeveelheid van 'n artikel teen 'n vaste tarief gedurende 'n bepaalde tydperk.

(iii) 'n "Tarief"-kontrak vir 'n diens of vir die lewering van 'n onbepaalde hoeveelheid van 'n artikel of artikels teen 'n vaste tarief gedurende 'n bepaalde tydperk.

In "lopende" kontrakte moet voorsiening gemaak word vir 'n vermeerdering of vermindering van tien persent van die geraamde hoeveelheid soos vermeld, wat bindend sal wees vir beide die kontrakterende partye.

In "tarief"-kontrakte word geen hoeveelhede gespesifiseer nie, maar tenderaars kan slegs vir hulle eie inligting voorsien word van sulke inligting as wat beskikbaar is in verband met die aankope van dergelike artikels gedurende vorige tydperke of moontlike toekomstige behoeftes.

(b) Wanneer 'n leweransie, diens of verkoop ter waarde van meer as R250 is en nie onmiddellik afgelewer of uitgevoer hoef te word nie, moet 'n skriftelike kontrak met die kontrakteur aangegaan word.

Terugtrekking van tenders—sekuriteite ens.

21. (a) Indien 'n suksesvolle tenderaar in gebreke bly om binne 14 dae of binne 'n tydperk deur die Provinsiale Sekretaris bepaal die kontrak te teken of om die nodige sekuriteit te verskaf, kan die Raad gevra word om die aanname aan te beveel van 'n ander tender uit dié wat alreeds ontvang is in verband met die betrokke diens of leweransie, anders moet nuwe tenders gevra word.

(*b*) Should the tenderer withdraw his tender after the advertised day and hour or when notified of the acceptance of his tender in whole or in part, fail within the period stipulated in the conditions of tender or such extended period as the Provincial Secretary may allow, to sign a contract in terms of the tender form and/or fail to provide security to the satisfaction of the Provincial Secretary for the due fulfilment of the contract, and/or fail to execute the service or supply in terms of the tender form he shall, notwithstanding any action taken in terms of regulation 22, pay to the Transvaal Provincial Administration the expense incurred in calling for fresh tenders and/or the difference between his tender and any less favourable tender accepted in its discretion by the Administration. The Administrator may after reference to the Board waive or vary the enforcement of the foregoing as circumstances may warrant. Any action taken in terms of this subregulation shall be notified to the Board and to the Provincial Auditor.

Penalty for Wrongful Action of Tenderers.

22. (*a*) If the Board is satisfied—

(i) that the execution of a Government contract by a person, firm or company has been unsatisfactory; or

(ii) that a person, firm or company has offered, promised or given a bribe or any other consideration to any officer in the service of the Government in relation to the obtaining or the execution of a contract, or;

(iii) that a person, firm or company has acted in a fraudulent manner or in bad faith towards either the Government or any public body or company or person; or in the event of—

(iv) any person, firm or company withdrawing a tender after the advertised date and hour; or

(v) any person, firm or company after being notified that his or its tender has been accepted, failing within the period stipulated in the conditions of tender or such extended period as the Provincial Secretary may allow, to sign a contract in terms of the tender form, and/or failing to provide security to the satisfaction of the Provincial Secretary for the due fulfilment of the contract;

the Board may after consideration of all the circumstances, notwithstanding any action taken by the Provincial Secretary in terms of regulation 21 (*b*) hereof, resolve either that for a period not exceeding five years no tender from such person, firm or company shall be considered, or that during any such period other less restrictive conditions shall be observed by such person, firm or company when submitting any tender.

(*b*) Any resolution passed by the Board under this regulation and any rescission or modification thereof which may at any time be made by the Board shall be communicated to the Provincial Auditor, the Provincial Secretary, and to all Government Tender Boards within the Republic.

(*c*) Any restriction imposed upon any person, firm or company shall apply also to any other enterprise under the same or different name with which the person, firm or company restricted is actively associated.

Person, firm or company shall include a responsible employee or agent of a person, firm or company.

PART III.—INFORMAL TENDERS.

Tenders for Supply or Service.

23. (*a*) For every supply or service the value of which can reasonably be anticipated not to exceed R2,500 during the ensuing twelve months, the Provincial Secretary may invite informal tenders if such supply or service cannot be obtained more advantageously by formal tender or is not provided for in existing contracts.

(*b*) Indien die tenderaar sy tender terugtrek na die geadverteerde dag en uur of as hy op ontvangs van kennisgewing dat sy tender in die geheel of gedeeltelik aangeneem is, versuim om 'n kontrak kragtens die tendervorm te onderteken en/of versuim om sekuriteit te verskaf vir die behoorlike nakoming van die kontrak tot voldoening van die Provinsiale Sekretaris en/of versuim om die diens uit te voer of die leweransie te lewer ooreenkomstig die tendervorm, binne die tydperk in die tendervoorwaardes bepaal of 'n verlengde tydperk deur die Provinsiale Sekretaris toegelaat, moet hy, ondanks enige optrede ingevolge regulasie 22, aan die Transvaalse Provinsiale Administrasie die onkoste betaal wat aangegaan is in verband met die vra van nuwe tenders en/of die verskil tussen sy tender en 'n minder gunstige tender wat deur die Administrasie na goeddunke aangeneem is. Die Administrasie kan, na verwysing na die Raad, afsien of afwyk van die toepassing van die voorafgaande na gelang van omstandighede. Enige optrede ingevolge hierdie subregulasie moet aan die Raad en aan die Provinsiale Ouditeur meegedeel word.

Boete vir wederregtelike optrede van tenderaars.

22. (*a*) As die Raad daarvan oortuig is—

(i) dat die uitvoering van 'n Goewermentskontrak deur 'n persoon, firma of maatskappy onbevredigend is; of

(ii) dat 'n persoon, firma of maatskappy aan 'n amptenaar in die diens van die Goewerment, omkoopgeld of ander vergoeding aangebied, beloof of gegee het met betrekking tot die verkryging op die uitvoering van 'n kontrak; of

(iii) dat 'n persoon, firma of maatskappy op 'n bedrieglike manier of te kwader trou gehandel het teenoor die Goewerment of 'n openbare liggaam of maatskappy of persoon; of

(iv) as 'n persoon, firma of maatskappy 'n tender terugtrek na die geadverteerde dag en uur; of

(v) as 'n persoon, firma of maatskappy, nadat hy in kennis gestel is dat sy tender aangeneem is, ingebreke bly om binne die tydperk uiteengesit in die tendervoorwaardes of so 'n verlengde tydperk as wat die Provinsiale Sekretaris toelaat, 'n kontrak te teken ooreenkomstig die tendervorm en/of in gebreke bly om sekuriteit te verskaf tot voldoening van die Provinsiale Sekretaris, vir die behoorlike nakoming van die kontrak,

kan die Raad, na oorweging van al die omstandighede, ondanks enige optrede deur die Provinsiale Sekretaris ingevolge regulasie 21 (*b*) hiervan, besluit òf dat geen tender van so 'n persoon, firma of maatskappy vir 'n tydperk van hoogstens 5 jaar in aanmerking geneem word nie, òf dat gedurende sodanige tydperk ander minder beperkende voorwaardes deur so 'n persoon, firma of maatskappy nagekom moet word by die indiening van tenders.

(*b*) 'n Besluit deur die Raad aangeneem ingevolge hierdie regulasie en alle herroepings of wysigings daarvan te eniger tyd deur die Raad, moet aan die Provinsiale Ouditeur, die Provinsiale Sekretaris en aan alle Tenderrade van die Goewerment binne die Republiek meegedeel word.

(*c*) 'n Beperking opgelê aan 'n persoon, firma of maatskappy is ook van toepassing op enige ander onderneming met dieselfde of ander naam waarby die persoon, firma of maatskappy waaraan die beperking opgelê is aktief verbonde is.

'n Persoon, firma of maatskappy omvat 'n aanspreeklike werknemer of agent van 'n persoon, firma of maatskappy.

DEEL III.—INFORMELE TENDERS.

Tenders vir leweransies en dienste.

23. (*a*) Vir elke leweransie of diens, die waarde waarvan redelikerwys verwag kan word om hoogstens R2,500 gedurende die volgende jaar te wees, kan die Provinsiale Sekretaris informele tenders vra indien so 'n leweransie of diens nie voordeliger verkry kan word deur formele tender nie of indien daar nie in bestaande kontrakte voorsiening voor gemaak word nie.

In the case of a works or building service, the cost of which can reasonably be estimated not to exceed R2,500, the Provincial Secretary may, notwithstanding the provisions of regulation 4 (*a*) invite informal tenders where it would appear, that such service cannot be obtained more advantageously by formal tender.

(*b*) Should informal tenders be decided upon, the head of the branch concerned shall call for such tenders which shall be entered on a comparative schedule, upon which the Provincial Secretary shall record his decision: Provided that where the lowest tender is not accepted the reason for accepting a higher offer shall be stated in the schedule and provided further that where one tender is received the names of the persons invited to tender shall be stated on the schedule and a certificate given by the head of the branch concerned that the price is fair and reasonable.

(*c*) One copy of the schedule shall be forwarded to the Provincial Auditor and the original certified schedule shall be retained by the branch concerned and shall be open to inspection by the public for a period of 14 days after acceptance of the relative tender.

(*d*) The procedure generally prescribed for formal tenders for supplies and services as set out in these regulations shall be followed as far as they may be applicable to informal tenders.

PART IV.—PURCHASES OUT OF HAND.

24. (*a*) Where the Provincial Secretary considers it would be more advantageous or convenient to the Administration he may dispense with tenders of any description in the case of supplies or services, including works or buildings, estimated to cost not more than R2,500.

(*b*) Where the head of the branch concerned considers it would be more advantageous or convenient to the Administration he may dispense with tenders of any description in the case of supplies or services, including works or buildings, estimated to cost not more than R250.

PART V.—DISPOSAL OF PUBLIC STORES.

Sale of Stores Exceeding R2,500 in Value.

25. (*a*) Whenever it is desired to dispose of any public stores the estimated market value of which exceeds R2,500, a list of such stores and an explanation of the the necessity for their disposal, shall be forwarded by the head of the branch concerned to the Provincial Secretary who shall determine whether such stores shall be disposed of by formal tender or by public auction.

In the event of formal tenders being decided upon the procedure in regard to formal tenders for supplies or services at set out in these regulations shall be followed as far as they may be applicable.

Sale of Stores Exceeding R250 but not Exceeding R2,500 in Value.

(*b*) Where the estimated market value exceeds R250 but not R2,500, and a sale by formal tender or public auction would not appear to be more advantageous, informal tenders shall be invited and recorded on a comparative schedule upon which the Provincial Secretary shall record his decision. When the highest tender is not accepted the reasons for accepting a lower one shall be stated. Where the Provincial Secretary considers it to be more advantageous or convenient to the Administration, he may dispose of such stores without calling for tenders of any description.

Sale of Stores not Exceeding R250 in Value.

(*c*) Where the estimated market value does not exceed R250, and a sale by formal tender or public auction would not appear to be more advantageous, the head of the branch concerned shall call for informal tenders which shall be entered on a schedule upon which he shall record his decision. Where the highest tender is not accepted the reasons for accepting a lower one shall be stated. Where

In die geval van 'n werke- of boudiens, die koste waarvan redelikerwys geraam kan word om hoogstens R2,500 te wees, kan die Provinsiale Sekretaris, ondanks die bepalings van regulasie 4 (*a*), informele tenders vra wanneer dit skyn dat so 'n diens nie voordeliger verkry kan word deur formele tender nie.

(*b*) Indien daar tot informele tenders besluit word, moet die hoof van die betrokke afdeling, sulke tenders vra en hulle moet opgeteken word op 'n vergelykende bylae waarop die Provinsiale Sekretaris sy beslissing moet aanteken: Met dien verstande dat, as die laagste tender nie aangeneem word nie, die rede waarom 'n hoër aanbod aangeneem is, in die Bylae opgegee moet word en voorts met dien verstande dat, waar slegs een tender ontvang is, die name van die persone wat gevra is om te tender op die Bylae aangegee moet word en 'n sertifikaat deur die hoof van die betrokke afdeling uitgereik moet word dat die prys billik en redelik is.

(*c*) Een afskrif van die bylae moet aan die Provinsiale Ouditeur gestuur word en die oorspronklike gewaarmerkte bylae moet deur die betrokke afdeling bewaar word en moet ter insae van die publiek lê vir 'n tydperk van 14 dae na die aanname van die betrokke tender.

(*d*) Die prosedure wat in die algemeen vir formele tenders vir leweransies en dienste voorgeskryf word, soos uiteengesit in hierdie regulasies, moet gevolg word vir sover dit op informele tenders van toepassing is.

DEEL IV.—AANKOPE UIT DIE HAND.

24. (*a*) Wanneer die Provinsiale Sekretaris meen dat dit voordeliger en geriefliker vir die Administrasie sal wees, kan hy afsien van tenders van watter aard ook al, in die geval van leweransies of dienste, met inbegrip van werke of geboue, waarvan die koste op hoogstens R2,500 geraam word.

(*b*) Wanneer die hoof van die betrokke afdeing meen dat dit voordeliger of geriefliker vir die Administrasie sal wees, kan hy afsien van tenders, van watter aard ook al, in die geval van leweransies of dienste, met inbegrip van werke of geboue waarvan die koste op hoogstens R250 geraam word.

DEEL V.—VERKOOP VAN PUBLIEKE VOORRADE.

Verkoop van voorrade ter waarde van meer as R2,500.

25. (*a*) Wanneer daar verlang word om openbare voorrade, waarvan die markwaarde op meer as R2,500 geraam word, te verkoop, moet die hoof van die betrokke afdeling 'n lys van sulke voorrade en 'n verduideliking waarom dit nodig is om dit te verkoop, aan die Provinsiale Sekretaris stuur, wat dan moet besluit of dit by formele tender of by openbare veiling van die hand gesit moet word.

Ingeval daar tot formele tenders besluit word, moet die prosedure ten opsigte van formele tenders vir leweransies of dienste soos in hierdie regulasies uiteengesit, gevolg word vir sover dit van toepassing is.

Verkoop van voorrade ter waarde van meer as R250 maar hoogstens R2,500.

(*b*) Waar die geraamde markwaarde meer as R250 maar hoogstens R2,500 is en 'n verkoping by formele tender of openbare veiling nie voordeliger skyn te wees nie, moet informele tenders gevra en op 'n vergelykende bylae aangeteken word waarop die Provinsiale Sekretaris sy beslissing moet aanteken. Wanneer die hoogste tender nie aangeneem word nie, moet die redes waarom 'n laer tender aangeneem word, vermeld word. Wanneer die Provinsiale Sekretaris meen dat dit voordeliger of geriefliker vir die Administrasie is, kan hy sulke voorrade van die hand sit sonder om tenders van watter aard ook al te vra.

Verkoop van voorrade ter waarde van hoogstens R250.

(*c*) Waar die geraamde markwaarde hoogstens R250 is, en 'n verkoping by formele tenders of openbare veiling nie voordeliger skyn te wees nie, moet die hoof van die betrokke afdeling informele tenders vra wat op 'n bylae aangeteken moet word waarop hy sy beslissing moet aanteken. Wanneer die hoogste tender nie aangeneem word nie, moet die redes waarom 'n laer tender aangeneem

the estimated market value does not exceed R125 the head of the branch concerned may, if he considers it more advantageous or convenient to the Administration, dispose of such stores without calling for tenders of any description.

(d) The procedure in regard to informal tenders for supplies and services as set out in these regulations shall be followed as far as they may be applicabe to sales by informal tender.

(e) The Provincial Auditor shall be notified of the disposal of all stores sold under these regulations and, in the case of sales by public auction, supplied with a copy of the vendu roll.

(f) Delivery of any goods sold under these regulations shall not be given before the purchase price is paid or secured.

PART VI.—GENERAL.

Transactions between Officers and the Administration.

26. Unless elsewhere prescribed to the contrary, no transaction of sale, hire or purchase shall be permitted between the Administration and an official or his dependants without the specific approval of the Administrator, provided that this shall not apply where such transaction is entered into—

(a) as the acceptance of a tender following the Administration's invitation of formal tenders,

(b) in the ordinary course of a public auction sale arranged by the Administration, or

(c) at tariff rates prescribed for general application to members of the public.

Ceding of Contracts.

27. A tenderer or contractor shall not abandon, transfer, assign, cede or sub-let his contract without previously obtaining the written permission of the Provincial Secretary. Any action taken under this regulation shall be reported to the Provincial Auditor and also to the Provincial Accountant.

Charges.

28. Any charges raised in connection with the signing of contracts shall be paid for by the successful tenderer or contractor.

Samples.

29. Samples furnished in connection with a tender shall be transmitted by the tenderer at his own cost and risk.

There shall be no obligation on the Administration to keep or avail itself of the samples. Samples of value may be retained by the Administration at the tendered price, otherwise they shall be returned to the tenderer at a place within the Republic at Government expense, but at the tenderer's risk.

Inter-Departmental Purchases.

30. Nothing in these regulations shall be deemed to prohibit the Administration from purchasing supplies from or offering surplus stocks for sale to, a Central Government Department or other Administration without public tender or auction.

Exemptions.

31. Nothing in these regulations contained shall be deemed to apply to services or the purchase of articles governed by regulations framed under any Transvaal Provincial Ordinance.

word vermeld word. Wanneer die geraamde markwaarde hoogstens R125 is, kan die hoof van die betrokke afdeling, indien hy meen dat dit voordeliger of gerieflike vir die Administrasie is, sulke voorrade van die hand sit sonder om tenders van watter aard ook al te vra.

(d) Die prosedure ten opsigte van informele tenders vir leweransies en dienste soos uiteengesit in hierdie regulasies, moet gevolg word vir sover dit op verkope by informele tenders van toepassing kan wees.

(e) Die Provinsiale Ouditeur moet in kennis gestel word van die verkoop van alle voorrade wat ingevolge hierdie regulasies van die hand gesit word en voorsien word van 'n afskrif van die vendusielys in die geval van verkopings by publieke veiling.

(f) Aflewering van goedere wat ingevolge hierdie regulasies verkoop word, mag nie geskied voordat die koopprys betaal of gewaarborg is nie.

DEEL VI.—ALGEMEEN.

Transaksies tussen amptenare en die Administrasie.

26. Tensy daar elders anders bepaal word, word geen transaksie van verkoop, huur of aankoop tussen die Administrasie en 'n amptenaar of sy afhanklikes sonder die spesifieke goedkeuring van die Administrateur toegelaat nie: Met dien verstande dat hierdie bepaling nie van toepassing is nie waar sodanige transaksie aangegaan is—

(a) as die aanname van 'n tender nadat die Administrasie formele tenders gevra het;

(b) tydens die normale verloop van 'n verkoping by openbare veiling wat deur die Administrasie gereël is; of

(c) teen tariewe wat vir algemene toepassing op lede van die publiek voorgeskryf is.

Sedeer van kontrakte.

27. 'n Tenderaar of kontrakteur mag nie sy kontrak laat vaar of dit oordra, afstaan, sedeer of onderverhuur nie tensy hy vooraf die skriftelike toestemming van die Provinsiale Sekretaris verkry het. Enige optrede ingevolge hierdie regulasie moet aan die Provinsiale Ouditeur asook aan die Provinsiale Rekenmeester gerapporteer word.

Koste.

28. Die suksesvolle tenderaar of kontrakteur moet alle koste dra in verband met die ondertekening van kontrakte.

Monsters.

29. Monsters wat in verband met tenders verskaf word, word deur die tenderaar op eie koste en risiko aangestuur.

Die Administrasie is nie verplig om monsters te hou of daarvan gebruik te maak nie.

Die Administrasie kan waardevolle monsters teen die tenderprys behou, anders moet dit op Goewermentskoste, dog op risiko van die tenderaar, aan hom teruggestuur word na 'n plek binne die Republiek.

Interdepartementele aankope.

30. Geen bepaling in hierdie regulasies word geag die Administrasie te verbied om leweransies te koop van of oortollige voorrade te koop aan te bied aan 'n departement van die Sentrale Regering of ander Administrasie sonder openbare tender of veiling nie.

Vrystelling.

31. Geen bepaling in hierdie regulasies vervat, word geag van toepassing te wees op dienste of die aankoop van goedere wat gereël word ingevolge die regulasies opgestel kragtens enige Transvaalse Provinsiale Ordonnansie nie.

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