

CANCELLATION OF BIDS

BID NUMBER	DESCRIPTION	CLOSING DATE & TIME	REASON FOR CANCELATION
RFP32/2021	CENTLEC (SOC) Ltd, a Mangaung Metro Municipal entity, distributing electricity in the Mangaung Metro area and other municipalities, requests proposals to research, design, install, commission, maintain and repair service of a virtual reality training simulator for Medium and High Voltage networks mimicking the networks configuration of CENTLEC (SOC) Ltd for the training of personnel for a period of thirty-six (36) months.	22 March 2022 @ 11:00am	Publication of bids has been temporarily suspended due an ongoing case between National Treasury and Atribusiness NPC.
RE-ADVERT RFP 07/2021	CENTLEC (SOC) Ltd (hereafter referred to as CENTLEC) a Municipal Entity distributing electricity in Mangaung and other Municipalities invites suitable registered bidder(s) with their professional team, to bid for the supply for the environmental impact process and associated administration for electrical infrastructure in the supply area of CENTLEC for the period of thirty-six (36) months.	24 March 2022 @ 11:00am	Publication of bids has been temporarily suspended due an ongoing case between National Treasury and Atribusiness NPC.
RFP 25/2022	CENTLEC (SOC) Ltd (hereafter referred to as CENTLEC), a Mangaung Metro Municipal Entity, distributing electricity in the Mangaung Metro area and other municipalities, requests proposals to perform Supply Chain Management processes reviews on behalf of the entity. The appointment will be valid for twenty four (24) months.	28 March 2022 @ 11:00am	Publication of bids has been temporarily suspended due an ongoing case between National Treasury and Atribusiness NPC.
CD19B-2022	CENTLEC (SOC) Ltd, hereafter referred to as CENTLEC, the Municipal Entity distributing electricity in Mangaung Metro and other Municipalities, invites suitable bidders to bid for	30 March 2022 @ 11:00am	Publication of bids has been temporarily suspended due an ongoing

	the supply and delivery of security clothing and related equipment for a period of thirty-six (36) months		case between National Treasury and Afribusines NPC.
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Kindly refer to the attachment below for more information.



Palesa Makhele
Acting Supply Chain Practitioner



Mahlomola Seleso
Supply Chain Manager



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To all organs of state

Preferential Procurement Regulations, 2017 - Minister of Finance v Afribusines NPC [2022] ZACC 4

On Wednesday, 16 February 2022, the Constitutional Court handed down judgment in the application for leave to appeal against a judgment and order of the Supreme Court of Appeal. This application was brought by the Minister of Finance (Minister) against Afribusines NPC, and concerns the validity of the Preferential Procurement Regulations, 2017 (Procurement Regulations) promulgated by the Minister on 20 January 2017, in terms of section 5 of the Preferential Procurement Policy Framework Act, 2000 (Procurement Act).

The Supreme Court of Appeal (SCA) held that the Minister's promulgation of regulations 3(b), 4 and 9 of the Procurement Regulations was unlawful. Due to what the SCA held to be the interconnectedness of the regulations, the entirety of the Procurement Regulations was declared invalid on the basis that the content of the Regulations exceeded what the Minister could permissibly regulate in terms of section 5 of the Procurement Act and section 217 of the Constitution. The declaration of invalidity was suspended for 12 months. In terms of section 18(1) of the Superior Courts Act, the SCA's judgment and orders were suspended when the Minister launched the application for leave to appeal.

The majority judgment of the Constitutional Court dismissed the appeal against the SCA judgment. The majority judgment was silent on the question of remedy. It did not address itself to the specific issue of the status of the SCA's order of suspension. The minority judgment addresses the issue at footnote 28, where it asserts that "the period of suspension expired on 2 November 2021". This assertion is in conflict with section 18(1) of the Superior Courts Act, on its face, and neither of the judgments address the issue of suspension in the body of their orders.

Neither judgment purports to set aside or replace the order of the SCA. The order of the Constitutional Court confines itself to granting leave to the Minister to appeal, and dismissing the appeal against the SCA's order. The legal position, accordingly – although not what the Constitutional Court seemed to intend – is that the SCA's order is no longer suspended in terms of section 18(1) of the Superior Courts Act, the suspensive period of invalidity has been re-engaged, and the Procurement Regulations have been and continue to be of full force and effect.

The Minister will, on an urgent basis, be seeking confirmation from the Constitutional Court that the invalidity of the Procurement Regulations has been and continues to be suspended. Confirmation will be sought by way of declaration, variation and/or clarification. In other words, guidance is

Nikwama wa Tiko • Gwama la Muvhuzo • Nasionale Tesourie • Lefapha la Bosetshaba la Matlotlo • umnyango wezezimali • Litiko leTetimali taVelonkhe • Tirelo ya Matlotlo a Bosetshaba
Tshebetso ya Matlotlo a Naha • UMnyango weziMali • Isebe leNqrowa Mali yeLizwe

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required as to whether the Procurement Regulations remain valid until 15 March 2023, unless repealed sooner.

While awaiting the outcome of the above guidance from the Constitutional Court, organs of state are advised that—

- tenders advertised before 16 February 2022 be finalised in terms of the Procurement Regulations;
- tenders advertised on or after 16 February 2022 be held in abeyance; and
- no new tenders be advertised.

DONDCO MOGAJANE
DIRECTOR-GENERAL

Date: 25 February 2022



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DIRECTOR-GENERAL
Date: 25 February 2022



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