

NATIONAL COUNCIL OF PROVINCES

QUESTION FOR WRITTEN REPLY

QUESTION NUMBER 461

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Mrs E C van Lingen (DA-EC) to ask the Minister of Finance:

Whether a certain company (name and details furnished) has been registered on the Tender Default Register (details furnished); if not, (a) who was responsible to register this case and (b) what procedures should have been followed to register this case; if so, what procedures are being taken to (i) stop tenders from being awarded and/or (ii) cancel tenders that have already been awarded to the said company?

CW570E

REPLY:

Currently there are no names endorsed on the Register for Tender Defaulters which was established in terms of the Prevention and Combating of Corrupt Activities Act, Act No.12 of 2004 as to date no such order was issued by the court of law.

Section 28 of the Prevention and Combating of Corrupt Activities Act, Act No. 12 of 2004 prescribes that when a court convicts a person for offences relating to tenders or contracts, in addition to imposing any sentence, the court may also issue an order that the name of the convicted person, the conviction and sentence and any other order of the consequent thereupon be endorsed in the Register for Tenders Defaulters.

In the matter between Taurus Garden Trading 500 cc versus Khara Hais Municipality, under case number 1595/2008, Judge SA Mjiedt, did not issues an order in terms of the Prevention and Combating of Corrupt Activities Act, Act No. 12 of 2004, that the name and details of Taurus Garden Trading 500 cc must be endorsed in the Register for Tender Defaulters.

Taurus Garden Trading 500 cc has not been prohibited from doing business with the public sector