

SECTION 8: RFP CLARIFICATION REQUEST FORM

RFP No: TPWR/CPT/040 (T)

RFP deadline for questions / RFP Clarifications: Before 12:00 pm on Monday 28th February 2022.

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DATE RECEIVED: 28th February 2022 at 09H46

RFP Clarification No: **Clarification Request No. 1 of 1**

REQUEST FOR RFP CLARIFICATION

1. PRE-QUALIFICATION CRITERIA

Considering the recent court ruling from the Constitutional Court of South Africa we would like to enquire if the prequalification for this tender still stands.

Case Number: CT 279 of 2020

Ruled: 16 February 2022

Case Summary Section 217 of The Constitution – Preferential Procurement Policy Framework Act 5 Ruling: Minister acted ultra vires Preferential Procurement.

The Constitutional Court of south Africa ruled in regard to the Preferential Procurement Regulations 2 (2017 Procurement Regulations) promulgated by the Minister of Finance, were inconsistent with the Preferential Procurement Policy Framework Act 3 (Procurement Act) and were thus invalid.

RESPONSE:

National Treasury has advised all organs of state that –

- Tenders advertised on or after 16 February 2022 be held in abeyance.

This is whilst NT awaits further guidance from the Constitutional Court.

2. SCOPE OF SERVICE

Please elaborate on what is construed as a “dog unit” as per price schedule

Only canine?

Canine and Dog handler?

Canine, Dog handler and vehicle?

RESPONSE:

It is dogs, dog handlers, and all necessary support (food, water, dog house, etc).