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## Chapter 1 : The Law, Procedure and Conduct of Meetings in South Africa by Lewin, Arthur -

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Entrepreneur What is a Tender? A tender is an offer to do work or supply goods at a fixed price. Tenders usually apply to bigger jobs and public sector work in particular – ranging from the local council to government departments. How To Make A Success of Tendering The format of a tender proposal varies widely by industry, but all have the same basic requirements. The most important part of any tender response is the deadlines. Many organisations including government agencies do not negotiate prices once the tender has closed. Firstly, the tender process is an understandably competitive one. Everyone wants the same piece of the same pie so you can be sure that your tender is up against the toughest of your eligible competitors. Obviously, it goes without saying that you have to be deemed capable of delivering the goods or services required. Before tendering Get hold of the bid documents and analyse them. Make sure you can match the technical, skill and experience requirements. How much will it cost to prepare your bid? Would the work fit in with your strategy and positioning of your business? Assess how the contract would affect your other work, staffing and ability to take on other new business. Simply put, a tender is an offer to do a particular job or supply particular goods at a particular price. Also referred to as a bid, it is a process whereby businesses have the opportunity to put forward their goods or services at their price to the organisation that has put out the tender. Because government is spending public money on contracts, and is committed to transparency in how this is carried out, it adopts a tender process as a way of limiting the chances that contracts are awarded on the basis of favouritism, racism, nepotism or any other unfair process. The same applies in the private sector A similar principle applies to companies in the private sector which need to remain transparent about their procurement process. Once you submit a tender, it will be reviewed according to a number of criteria along with all the other tenders for the same contract, after which government or the organisation will accept the tender and award the contract to its chosen service provider. Legally binding This contract is legally binding – it requires the service provider to deliver the goods or services at the tendered price and within a particular time framework, and it requires the other party to pay for the goods or services at the price tendered and on time. Great – so where do the snags come in? Tenders are awarded points All government tenders are awarded points and the bidder that obtains the highest number is awarded the contract. But in line with its procurement policy, government gives preferential points to contactors that are owned and operated by previously disadvantaged individuals PDIs. Companies in the private sector often have a similar policy of favouring suppliers with PDI status. Find the information But first you have to find out what contracts have been put to tender. National and provincial government departments; municipalities; parastatals and big companies in the private sector all issue tenders. Proactivity is the name of the game. Establish your eligibility Your next step is to determine whether you are eligible to tender for the contract. Seda advises that businesses that meet the following requirements are ready to tender. On this point, filling them out correctly plays a vital part in the potential success of your bid. How hard can that be, you might ask. Especially for government tenders. For national and provincial government tenders you will need to fill out standard forms. Give yourself plenty of time to complete and post, courier or hand-deliver the documents by the deadline. Get the price right Price is a big factor in awarding tenders so you want to ensure that your price is competitive but having said this, you also need to make a profit. Those in the know generally advise that you work on a cost plus 7. Working out how much the contract will cost requires you to pay close attention to the specifications in the tender. Labour, materials, equipment, insurance, the length of the contract and how assets like vehicles will depreciate during this time all need to be considered. The length of the contract and whether you will be paid in instalments will also determine if you are going to need bridging finance. Take all these things into consideration when working out your price. Once you have delivered successfully on one tender, you have a

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foot in the door and more success will follow. In the meantime, keep focussing on delivery and service excellence – whether you are awarded tenders or not, these attributes make for a winning business formula.

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## Chapter 2 : RULES AND PROCEDURES OF BOARD OF DIRECTORS MEETINGS

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This principle is critically important for the success of any country. It provides a clear national system that is to be applied fairly to every group and person. Without this, the system will increasingly lose credibility and public trust. Criminality and instability increase; putting everyone at risk. The criminal justice system is the cornerstone for ensuring the rule of law functions in an effective and healthy way. Over the past few years, the conduct of various prominent officials within the criminal justice system has severely undermined this constitutional principle and the very foundation of our democracy. Following careful consideration of the hard evidence before various courts, a number of judges have independently questioned the integrity and conduct of some of our most senior officials. In the most recent of a long line of such judgments, Judge Francis Legodi of the North Gauteng High Court in Pretoria delivered a scathing judgment during which he struck the names of Advocates Nomgcobo Jiba and Lawrence Mrwebi from the roll of advocates. All South Africans rely on the individuals who occupy these posts to exercise their considerable powers in tackling organised crime and corruption. However, it has emerged through various court cases and legal processes that Jiba and Mrwebi have instead seemed to use their powers to protect various individuals facing serious criminal allegations; rather than in the public interest. Mdluli has been inexplicably suspended on full pay with all perks since while facing criminal prosecution for a raft of crimes ranging from murder to corruption. Many police officials have been disciplined and dismissed from the SAPS for far lesser incidents of misconduct, and with far less evidence available. It has been alleged that a central figure in this unholy alliance is Lt Gen. Mdluli; who is allegedly dedicated to protecting Zuma and those close to him from investigation and prosecution. It is alleged that this is the primary reason why Zuma has not been effectively held accountable for the many cases of criminal and unethical conduct that have been levelled against him. It has been reported that Zuma attended a party hosted by Mdluli in December to celebrate the illegal withdrawal of corruption and fraud charges against him by the NPA. Against accepted protocols for appointing someone to such a sensitive post, there were no senior SAPS officials present at the meeting that preceded his appointment; and Mdluli was not subject to the necessary evaluation or vetting. Then acting national commissioner, Tim Williams, declined the invitation to attend, given that it flouted accepted appointment procedures. Williams later publicly criticised the process as irregular and the appointment as politically motivated. Despite reported efforts by Mthethwa to halt all criminal investigations and disciplinary action against Mdluli, the crime intelligence boss was eventually suspended following a successful court application by Freedom Under Law, a non-governmental organisation. There are, however, strong allegations that despite his suspension and criminal prosecution, Mdluli is still actively directing SAPS Crime Intelligence resources to influence political events. A similar example is the latest appointment of the head of the Hawks, Lt Gen. A warning statement by Innocent Khuba – the suspended provincial head of IPID, who was charged for defeating the ends of justice – alleges that Ntlemeza was long earmarked for this important post by powerful political individuals. According to Khuba, he was asked in October to investigate the alleged involvement of the previous head of the Hawks, Lt Gen. Anwa Dramat, along with Gauteng Provincial head, Major General Shadrack Sibiyi, in relation to the alleged illegal rendition of Zimbabwean citizens to the Zimbabwean police in November. It has been alleged that Dramat fell out of favour after pursuing various politically sensitive criminal cases implicating individuals close to the president. Dramat took a generous payout to resign and McBride successfully fought the attempt at removing him in the courts. Ntlemeza was appointed by Nhleko despite not being properly assessed for competency, and a High Court judge finding that Ntlemeza was dishonest and dishonourable. Attempts to remove honest professionals and appoint dishonourable and incompetent people at the highest echelons of the

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criminal justice system have severely undermined the rule of law in South Africa. Corruption and organised crime, by all accounts, have increased substantially since Zuma came to power, and he himself has been able to avoid prosecution despite hard evidence supporting criminal charges of corruption, fraud, money-laundering and racketeering. All South Africans are worse off for it, as there is less public money for services such as education; and more people are murdered or attacked on the street and in their homes. Until that happens, we will all be worse off while those involved in crime and corruption will continue to thrive. The article first appeared ISS Today.

## Chapter 4 : Political Interference Weakening the Rule of Law in SA | NGO Pulse

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*present Law is not extended on meetings and/or processions held under the decision of state bodies on the days of state holidays and memorial dates celebrated in the Republic of South Africa 4.*

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*The notice must be given at least 21 days (in the case of an annual general meeting or a meeting where a special resolution is to be decided on) or 14 days (in the case of an ordinary general meeting) prior to the proposed holding of the meeting.*