

Statutory Instrument No. 45 of 1969

**THE LOCAL GOVERNMENT (DISTRICT COUNCILS)
LAW, 1965**

THE DISTRICT COUNCILS (TENDER) REGULATIONS, 1969

(Published on 28th March, 1969)

In the exercise of the powers vested in him by section 55 of the Local Government (District Councils) Law, 1965 (No. 35 of 1965), His Excellency the President hereby makes the following regulations —

Citation

1. These regulations may be cited as the District Councils (Tender) Regulations, 1969.

Interpretation

2. In these regulations —

“contract” means a contract for the supply of any goods or materials or the execution of any works or the provision of any services, other than professional services, for or to a Council.

Contracts for more than R100

3. If the liability of a Council under any contract is to exceed one hundred rand but not one thousand rand, the contract shall be in writing and the Council shall not enter into it without inviting at least three quotations.

Contracts for more than R1000

4. If the liability of a Council under any contract is to exceed one thousand rand, the contract shall be embodied in a formal document approved by the Council and the Council shall not enter into it without inviting at least three tenders.

Three Quotations or Tenders to be Considered

5. Where under the provisions of these regulations or any other law a Council may not enter into a contract without inviting quotations or tenders, as the case may be, it shall not be competent for the Council to enter into such a contract except after consideration of at least three quotations or at least three tenders, as the case may be, unless for good and sufficient reasons recorded in the Council's Minutes three quotations or three tenders cannot be obtained.

Notice calling for Tenders to be Published and Posted

6. (1) Whenever a Council is required to invite tenders in terms of regulation 4, it shall, in addition to any individual invitation it may make, call for tenders by notice published in the *Gazette* and in a newspaper circulating in Botswana, which notice shall also be posted at the Council's offices on a notice board prominently open to public inspection.

(2) Such publication and posting shall be effected twenty-eight clear days before tenders are to be considered on behalf of the Council.

Contents of Notice, and Delivery of Tenders

7. (1) Any notice published and posted as in regulation 6 required, and any individual invitation for tenders, shall call for tenders to be delivered to the District Council Secretary by a specified time and a specified date, not being less than fourteen days after the date when the notice is last published or posted, in plain sealed envelopes marked "Tender for"

(2) All tenders shall be delivered by the time specified to the District Council Secretary in plain sealed envelopes marked as aforesaid.

Particulars of Contract to be Supplied

8. A Council shall not enter into any contract to which regulation 4 applies unless full and identical particulars have been supplied to every person who not later than three days after the notice calling for tenders was last published or posted applies to the Council therefor; such particulars shall be supplied to the applicants by the Council within seven days after the said notice was last published or posted.

Opening of Tenders

9. (1) All tenders for any one contract shall be opened at one time in the presence of the Council or a committee thereof duly appointed by the Council, and the District Council Secretary.

(2) Subject to section 20 of the Law, any meeting of the Council, or a committee thereof duly appointed by the Council, at which tenders are opened shall be open to the members of the public.

(3) Not later than seven days before any such meeting is held, written notice thereof shall be posted by the District Council Secretary to every person who has informed the Council in writing of his wish to receive such notice.

Quotations and Tenders to be Considered by Council or Committee

10. (1) Whenever a Council is required to invite quotations or tenders, those which have been received shall be placed before the Council, or a committee thereof duly appointed by the Council, and be by it considered.

(2) For the purpose of considering tenders or quotations the Council, or a committee as aforementioned, shall have power to obtain professional or technical advice.

Matters to be Taken Into Account

11. (1) In considering quotations or tenders a Council shall take into account the contractual reliability of the tenderers or the persons submitting quotations as well as the need to achieve economy, efficiency and the development of Botswana industries.

(2) A council is not obliged to accept the lowest or any tender or quotation, but in any case where the lowest quotation is not accepted the reasons why it is not accepted shall be recorded in the Council's Minutes, and where the lowest tender is not accepted the Council shall report the reasons why it is not accepted to the Minister.

Signature of Contracts

12. Contracts required by these regulations to be in writing or to be embodied in a formal document shall be signed on behalf of a Council by the Chairman, or by the

Chairman of the Committee concerned (if any), and by the District Council Secretary.

Tenderers to be Informed

13. As soon as a Council has decided upon the question of acceptance of tenders, it shall forthwith inform the tenderers, whether successful or unsuccessful, of the result.

A.M. MOGWE,
Permanent Secretary.

Office of the President,
GABERONES.
14th March, 1969.
L2/7/68