

NORTHERN PROVINCE
NOORDELIKE PROVINSIE
XIFUNDZANKULU XA N'WALI
PROFENSE YA LEBOA
VUNDU LA DEVHULA

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PIETERSBURG,

Vol. 11

Extraordinary

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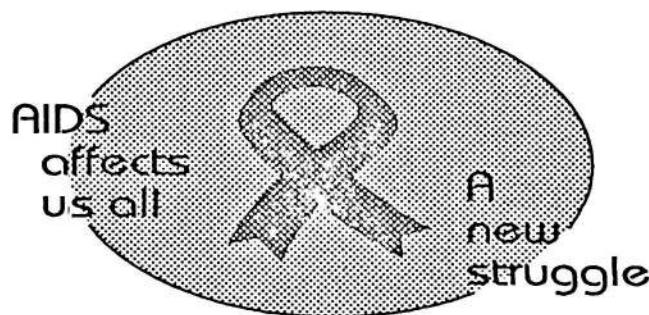
30 SEPTEMBER 2004
30 SEPTEMBER 2004
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No. 1049

Buitengewoon

Hu tshi katelwa na
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DEPARTMENT OF HEALTH



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GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 201 OF 2004

LIMPOPO PROVINCIAL GOVERNMENT

DEPARTMENT OF FINANCE AND ECONOMIC DEVELOPMENT

NORTHERN TRANSVAAL TENDER BOARD ACT REPEAL BILL, 2004

In terms of rule 113(1) of the Rules and Orders of the Provincial Legislature of the Limpopo Province, the discussion document on the Northern Transvaal Tender Board Act Repeal Bill, 2004, is hereby published for general information.

Any person or organization wishing to comment on the said document may lodge his, her or its written comments before 15 October 2004 with:

The Superintendent-General
C/o Adv. B.B. Mohlala
Department of Finance and Economic Development
Private Bag X 9648
POLOKWANE
0700

Fax: (015) 295 2879

02120000

BILL

To provide for the repeal of the Northern Transvaal Tender Board Act, 1994 (Act No. 2 of 1994); and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 187 of the Interim Constitution provided for provincial laws to regulate the procurement of goods and services and for the appointment of independent and impartial tender boards to deal with that procurement; and

WHEREAS the Provincial Legislature accordingly enacted the Northern Transvaal Tender Board Act, 1994 and, amongst others, established the Northern Transvaal Tender Board;

AND WHEREAS Parliament pursuant to section 216 of the Constitution of the Republic of South Africa, 1996 has enacted the Public Finance Management Act, 1999 which includes provisions which supercede the previous provincial procurement dispensation rendering provincial tender board laws and provincial tender boards redundant.

THEREFORE BE IT ENACTED by the Provincial Legislature of Limpopo, as follows:-

Definitions

1. In this Act, unless the context indicates—

“Tender Board” means the Northern Transvaal Tender Board established by section 3 of the Northern Transvaal Tender Board Act, 1994 (Act No. 2 of 1994); and

“Tender Board Act” means the Northern Transvaal Tender Board Act, 1994 (Act No. 2 of 1994).

Abolition of Tender Board

2. The Tender Board is hereby abolished.

Abolition of Tender Board

3. The Tender Board Act is hereby repealed.

Savings

4. (1) Despite the dissolution of the Tender Board in terms of section 2, the Tender Board must continue to function for the purposes of finalizing matters outstanding at the date of commencement of this Act: Provided that the Tender Board must finalize all such cases within 90 days of commencement of this Act.
- (2) Anything done in terms of a provision of the Tender Board Act, shall be deemed to have been done under a corresponding provision of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the regulations promulgated and the Treasury instructions issued in terms of the latter Act.
- (3) Rights and obligations resulting from any action of the Tender Board, which action was exercised in accordance with the powers given to the Tender Board in terms of the Tender Board Act, vest in the department on behalf of which the Tender Board exercised the said powers.

Short title and commencement

5. This Act is called the Northern Transvaal Tender Board Act Repeal Act, 2004, and comes into operation on a date determined by the Premier in the *gazette*.



EXPLANATORY MEMORANDUM ON THE OBJECTS OF THE NORTHERN TRANSVAAL TENDER BOARD ACT REPEAL BILL, 2004

1. BACKGROUND

The Northern Transvaal Tender Board Act, 1994 (Act No. 2 of 1994) (Tender Board Act), was enacted as part of the process accompanying the implementation of the Interim Constitution, to regulate Government procurement within the Northern Transvaal as it then was. This Act continued to operate under the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

The Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA), provides for financial management of government to be entrusted to Accounting Officers under the guidance, supervision and monitoring of the relevant Treasuries. Procurement as a financial function falls within the domain of the PFMA and the Tender Board Act operates against the spirit of the PFMA, by inhibiting the effective functioning and control of the procurement function by Accounting Officers. The Tender Board Act, is completely silent on provisioning which is integral to good procurement practice.

Under the guidance and direction of the National Treasury, national, provincial departments and provincial treasuries, are in terms of the PFMA, obliged to implement the Supply Chain Management system, a holistic concept covering the entire spectrum of procurement and provisioning, starting the cycle from planning and ending it at a value for money assessment and covering the whole range of services and assets procured and utilized by government.

Given these developments and historical processes, it is clear that current provincial procurement legislation is outdated and at variance with the Constitution, the PFMA, Framework for Supply Chain Management and International Best Practices

2. REASONS FOR DRAFTING THE BILL

In terms of section 38 of the PFMA, Accounting Officers are fully responsible and should be held accountable for any expenditure relating to Supply Chain Management within their line of responsibility. Accounting Officers also have a reporting duty to the relevant treasury while treasuries have assigned or delegated (as the case may be) legislative powers in that they must implement frameworks and prescribe systems and procedures by way of National Treasury Regulations, National Treasury Instructions and Provincial Treasury Instructions.

The Regulations in terms of the PFMA, Framework for the Supply Chain Management that was published on 05 December 2003, requires of the Accounting Officers or Accounting Authorities to develop and implement an effective and efficient supply chain management for the acquisition of goods and services and the disposal and letting of state assets, including the disposal of goods no longer required.

Currently, The Northern Transvaal Tender Board, which was established in terms of the Tender Board Act, controls the provincial spending and procurement. The Board has in terms of section 4 of the Tender Board Act, the sole power to procure supplies and services for the Province, and, subject to the provisions of any other Act of the provincial legislature, to arrange the hiring or letting of anything, or the acquisition or granting of any right or on behalf of the Province, and to dispose of movable Provincial property...".

The preceding arrangement is outdated and wholly in conflict with the PFMA and the framework for supply chain management. In order to dissolve the Northern Transvaal Tender Board, the Tender Board Act has to be repealed.

It is thus imperative to repeal the Tender Board Act, in order for the provincial financial management and procurement functions to be in line with PFMA and Framework for the Supply Chain Management.

3. SOCIAL IMPACT

None.

4. FINANCIAL IMPLICATIONS

Due to the restructuring of the previous provincial Procurement administration, it is envisaged that the appointment of highly skilled sectoral procurement specialists may have a financial implication of +- R2 000 000.000 per annum.

The minimal cost for publishing the legislation in the Provincial Gazette and local newspapers will be incurred by the Provincial legislature.

5. ORGANIZATIONAL IMPLICATIONS

The Board's functions have already to a large extent been transferred to departments by delegation which have to adapt their own structures in terms of the guidelines issued for Accounting Officers (Provincial Treasury has already issued an ideal Supply Chain Management structure to Departments)

The previous administrative component supporting the Board will be abolished with the restructuring of the Provincial Treasury. At the same time a Supply Chain Management Unit is created within the Provincial treasury to implement, guide and monitor the strategic and operational requirements for successful SCM practice in the Province

6. CONSTITUTIONAL IMPLICATIONS

None.

7. INSTITUTIONS CONSULTED

Provincial Departments and, furthermore the bill will be published for comments.

8. RECOMMENDATION

It is recommended that the Bill be approved by the Executive Council for publication for public comment. A copy thereof is herewith attached for easy reference.

9. CLAUSE BY CLAUSE ANALYSIS

9.1 Clause 1 deals with definitions.

9.2 Clause 2 abolishes the Northern Transvaal Tender Board.

9.3 Clause 3 repeals the Northern Transvaal Tender Board Act, 1994 (Act No. 2 of 1994).

9.4 Clause 4 deals with transitional measures. It provides for the continuation of the Northern Transvaal Tender Board for the purposes of finalization of matters outstanding at the date of dissolution of the Board. This clause provides that the Board must continue to function as such and for the said purposes for a period of not more than 90 days after the dissolution.

The clause provides further that anything done in terms of the Tender Board Act must be treated as if done in terms of the Public Finance Management Act, the treasury regulations and instructions issued under the Public Finance Management Act.

9.5 Clause 5 provides for the short title.

**KENNISGEWING 201 VAN 2004
LIMPOPO PROVINSIALE REGERING**

DEPARTEMENT VAN FINANSIES EN EKONOMIESE ONTWIKKELING

**DIE WETSONTWERP OP DIE HERROEP VAN DIE NOORD TRANSVAAL WET OP DIE
TENDERRAAD, 2004**

Kragtens reël 113(1) van die Reëls en Ordes van die Proviniale Wetgewer van Limpopo, word die besprekingsdokument aangaande die **Wetsontwerp op die Herroep van die Noord Transvaal Wet op die Tenderraad, 2004**, hiermee gepubliseer vir algemene inligting.

Enige persoon of instansie wat op bogenoemde dokument kommentaar wil lewer, kan sy/haar geskrewe kommentaar voor **15 Oktober 2004** indien by die:

**Die Superintendent-Generaal
V/a Adv. BB Mohlala
Die Departement van Finansies en Ekonomiese Ontwikkeling
Privatesak X 9648
POLOKWANE
0700**

Faks: (015) 295 2879

WETSONTWERP

Om voorsiening te maak vir die herroep van die Noord Transvaal Wet op die Tenderraad, 1994 (Wetnr 2 van 1994); en om voorsiening te maak vir aanverwante aangeleenthede.

INLEIDING

AANGESIEN artikel 187 van die Tussentydse Grondwet voorsiening maak vir provinsiale wette om die verkryging van goedere en dienste te reguleer, en ook vir die aanstelling van onafhanklike en onpartydige tenderrade om daardie verkryging te hanteer; en

AANGESIEN die Provinciale Wetgewer dienooreenkomsdig die Noord Transvaal Wet op die Tenderraad, 1994, verorden het en onder andere die Noord Transvaal Tenderraad tot stand gebring het;

EN AANGESIEN die Parlement in nastrewing van artikel 216 van die Grondwet van die Republiek van Suid-Afrika, 1996, die Wet op Openbare Finansiëlebestuur, 1999, verorden het wat die voorsiening van die vorige provinciale verkrygings dispensasie voorafgaan, en die verskaffing van wette van die provinciale tenderraad, asook die oorbidigheid van provinciale tenderrade.

DUS DAARVAN WORD DIT VERORDEN deur die Provinciale Wetgewer van Limpopo, soos volg:-

Woordomskrywing

1. In hierdie Wet, tensy die samehang anders aandui, beteken —

“Tenderraad” die Noord Transvaal Tenderraad, tot stand gebring deur artikel 3 van die Noord Transvaal Wet op die Tenderraad, 1994 (Wetnr 2 van 1994); en

“Wet op die Tenderraad” die Noord Transvaal Wet op die Tenderraad, 1994 (Wetnr 2 van 1994).

Die afskaf van die Tenderraad

2. Die Tenderraad is hiermee afgeskaf.

Die herroep van Wet 2 van 1994

3. Die Wet op die Tenderraad is hierdeur herroep.

Voorbehoud stipulasie

4. (1) Tenspyte van die ontbinding van die Tenderraad kragtens artikel 2, moet die Tenderraad aanhou funksioneer ten einde die uitstaande aangeleenthede vanaf die aanvang van die Wet af te handel: Met dien verstande dat die Tenderraad alle sodanige sake binne 90 dae van die aanvang van hierdie Wet, finaliseer.

- (2) Enigiets gedoen kragtens voorsiening van die Wet op die Tenderraad, sal beskou word as gedoen te wees onder 'n ooreenstemmende voorsiening van die Wet op Openbare Finansiëlebestuur, 1999 (Wetnr 1 van 1999), die regulasies gepromulgeer en die opdragte van die Tesourie uitgereik ingevolge die laasgenoemde Wet.
- (3) Regte en verpligtinge wat ontstaan weens enige optrede van die Tenderraad, welke optrede uitgevoer is volgens die gesag wat aan die Tenderraad gegee is kragtens die Wet op die Tenderraad, berus by die department namens wie die Tenderraad sodanige gesag beoefen het.

Kort titel en aanvang

5. Hierdie Wet heet die Wet op die Herroep van die Noord Transvaal Wet op die Tenderraad, 2004 en word in werking gestel op 'n datum soos vasgestel word deur die Premier in die *Koerant*.

0712000000

'N VERDUIDELIKENDE MEMORANDUM AANGAANDE DIE OOGMERKE VAN DIE WETSONTWERP OP DIE HERROEP VAN DIE NOORD TRANSVAAL WET OP DIE TENDERRAAD, 2004

1. AGTERGROND

Die Noord Transvaal Wet op die Tenderraad, 1994 (Wetnr 2 van 1994) (Wet op die Tenderraad), is verorden as deel van die proses wat die implementering van die Tussentydse Grondwet vergesel, om Staats-verkryging binne die Noord Transvaal soos dit toe was, te reguleer. Hierdie Wet het verder gefunksioneer onder die Grondwet van die Republiek van Suid Afrika, 1996 (Wetnr 108 van 1996).

Die Wet op Openbare Finansiëlebestuur, 1999 (Wetnr 1 van 1999) (WOFB) (Eng: PFMA), maak voorsiening vir die finansiëlebestuur van die regering om toevertrou te word aan Rekeningbeamptes onder leiding, toesig en monitering van die toepaslike Tesourieë. Verkryging as 'n finansiële funksie val binne die domein van die WOFB en die Tenderraad bedryf teen die gees van die WOFB deurdat die doeltreffende funksionering en beheer van die verkrygingsfunksie deur Rekeningbeamptes inhibeer word. Die Wet op die Tenderraad is heeltemal stil oor die verskaffing en dis 'n kengesonde vekrygingspraktyk.

Onder leiding en rigtinggewing van die Nasionale Tesourie, is nasionale, provinsiale departemente en provinsiale tesourieë, ingevolge die WOFB, verplig om die Voorraadkettingsbestuurstelsel te impementeer, 'n holistiese konsep wat die hele spektrum van verkryging en veskaffing dek waar die sirkel begin by beplanning en dit eindig op 'n beoordeling van die waarde verkry vir die geld en dit dek die hele reeks van dienste en bates wat deur die regering verkry en benut word.

Gegewe hierdie ontwikkelings en historiese prosesse, is dit duidelik dat huidige provinsiale wetgewing op verkryging verouderd is en verskil van die Grondwet, die WOFB, die Struktuur vir die Voorraadkettingsbestuur en Internasionale Beste Praktyk.

2. REDES VIR DIE OPSTEL VAN DIE WETSONTWERP

Kragtens artikel 38 van die WOFB, is Rekeningbeamptes tenvolle verantwoordelik en behoort rekenpligtig gehou te word vir enige uitgawe wat verband hou met die Voorraadkettingsbestuur binne hul gebiede van verantwoordelikheid. Rekeningbeamptes het ook die verantwoordelikheid om verslag te doen aan die toepaslike tesourie, terwyl aan tesourieë wetgewende gesag toegeken of gedelegeer word (hoe dit ookal sy) synde dat hulle strukture moet implementeer en stelsels en procedures voorskryf deur middel van die Regulasies van die Nasionale Tesourie, Nasionale Tesourie Instruksies/Bevele en Provinciale Tesourie Instruksies/Bevele.

Die regulasies kragtens die WOFB, Struktuur vir die Voorraadkettingbestuur wat gepubliseer is op 5 Desember 2003, vereis van die Rekeningbeamptes of Rekeninggesag om 'n doeltreffende voorraadkettingbestuur vir die verkryging van goedere en dienste ontwikkel en implementeer, asook vir die ontslaeraak en verhuring van staatsbates, insluitend die ontslaeraak van goedere wat nie langer benodig word nie.

Tans beheer die Noord Transvaal Tenderraad, wat tot stand gebring is kragtens die Wet op die Tenderraad, die provinsiale uitgawes en verkryging. Die Raad het kragtens artikel 4 van die Wet op die Tenderraad, die alleenreg om voorrade en dienste te verkry vir die Provinsie en onderhewig aan die voorwaardes van enige ander Wet van die provinsiale wetgewer, om die huur en verhuur van enigeiets of die verkryging of skenking van enige reg of

namens die Provinse te reël, en om ontslae te raak van roerende Proviniale eiendom.

Die voorafgaande reëlings is verouderd en algeheel in konflik met die WOFB en die struktuur vir die voorraadkettingbestuur. Met die voorneme om die Noord Transvaal Tenderraad te ontbind, moet die Wet op die Tenderraad herroep word.

Dit is dus noodsaaklik om die Wet op die Tenderraad te herroep, vir die provinsiale finansiële bestuur en verkrygings funksies om in lyn wees met die WOFB en die Struktuur vir die Voorraadkettingbestuur.

3. SOSIALE IMPAK

Geen

4. FINANSIËLE IMPLIKASIES

Weens die herstrukturering van die vorige provinsiale Verkrygings administrasie word dit be-oog dat die aanstelling van hoogsbekwame verkrygings spesialiste 'n finansiële implikasie van ± R2 000 000.000 per jaar kan hê.

Die minimum koste vir die publisering van die wetgewing in die *Provinialekoerant* asook plaaslike koerante sal deur die Proviniale wetgewer aangegaan word.

5. ORGANSATORIESE IMPLIKASIES

Die Raad se funksies is in 'n groot mate al oorgedra aan departemente deur delegering waartydens hul eie strukture moet aanpas ingevolge die riglyne uitgereik vir Rekeningbeamptes (die Proviniale Tesourie het reeds 'n ideale struktuur van Voorraadkettingbestuur uitgereik aan Departemente)

Die vorige administratiewe komponent wat die Raad ondersteun het, sal afgeskaf word met die herstrukturering van die Provinciale Tesourie. Terselfdertyd word 'n Voorraadkettingbestuur-eenheid geskep binne die Provinciale tesourie om die strategiese en operasionele vereistes vir suksesvolle VKB-praktyk in die Provinsie te implementer, te lei en te monitor.

6. GRONDWETLIKE IMPLIKASIES

Geen.

7. INSTANSIES GERAADPLEEG

Provinciale Departemente, en verdermeer sal die wetsontwerp gepubliseer word vir kommentaar.

8. AANBEVELINGS

Dit word aanbeveel dat die Wetsontwerp deur die Uitvoerenderaad goedgekeur word vir Publikasie teneinde openbare kommentaar te verkry. 'n Afskrif daarvan is hierby aangeheg vir gerieflike verwysing.

9. KLOUSULE ONTLEDING

- 9.1 Klousule 1 hanteer woordomskrywing
- 9.2 Klousule 2 skaf die Noord Transvaal Tenderraad af.
- 9.3 Klousule 3 herroep die Noord Transvaal Wet op die Tenderraad, 1994 (Wetnr 2 van 1994).
- 9.4 Klousule 4 hanteer die oorgangsmaatreëls. Dit maak voorsiening vir die voortgaan van die Noord Transvaal Tenderraad met die doel van die afhandeling van aangeleenthede wat nog uitstaande is teen die tyd van die ontbinding van die Raad. Hierdie klousule maak voorsiening daarvoor dat die Raad moet voortgaan om as sodanig te funksioneer vir 'n tydperk van die nie meer as 90 dae na die ontbinding nie, weens die genoemde redes.

Verder maak die klousule voorsiening daarvoor dat enigets wat gedoen word kragtens die Wet op die Tenderraad, hanteer moet word asof dit gedoen is kragtens die Wet op Openbare Finansiëlebestuur, en die tesourie regulasies en instruksies/bevele soos uitgereik onder die Wet op Openbare Finansiëlebestuur.

9.5 Klousule 5 maak voorsiening vir die kort titel.

NOTICE 201 OF 2004
MMUŠO WA PROFENSE YA LIMPOPO

KGORO YA MATLOTLO LE TLHABOLLO YA EKONOMI

MOLAOKAKANYWA WA PHEDIŠO YA MOLAO WA BOTO YA DITHENTARA WA
TRANSEFALA LEBOA

Go ya ka molao 113(1) wa Melao le Ditshepedišo wa Lekgotlapeamelao la Profense ya Limpopo, tokumente ya ditherišano ka **Molaokakanywa wa Phedišo ya Molao wa Boto ya Dithentara wa Transefala Leboa, 2004** ka go realo o a phatlalatšwa go fa tshedimošo kakaretšo.

Motho goba mokgahlo o mongwe le o mongwe wo o nyakago go swayaswaya ka tokumente ye go bolelwago ka yona a ka dira, ditshwayoswayo tša gagwe goba tša ona tša go ngwalwa pele ga **15 Oktobere 2004** go:

Mookamedi-Pharephare
C/o Adv B.B. Mohlala
Kgoro ya Matlotlo le Tlhabollo ya Ekonomi
Private Bag X9648
POLOKWANE
0700

MOLAOKAKANYWA

Go beakanyetša phedišo ya Molao wa Boto ya Dithentara wa Transefala Leboa, 1994 (Molao 2 wa 1994); le go beakanyetša merero yeo e amanago le se.

MATSENO

KA GE karolo 187 ya Molaotheo wa Lebakanya e file melao ya profense go laola theko ya dithoto le ditirelo le go bewa ga diboto tša dithentara tša go lkema le go se tšee lehlakore go lebelelana le theko yeo; le

KA GE Lekgotlapeamelao la Profense le Iona le beile Molao wa Boto ya Dithentara wa Transefala Leboa, 1994 le magareng ga tše dingwe, o hlomile Boto ya Dithentara ya Transefala Leboa;

LE GONA KA GE Palamente go latela karolo 216 ya Molaotheo wa Rephablik ya Afrika Borwa, 1996 e beile Molao wa Taolo ya Matlotlo a Setšaba, 1999 wo o akaretšago dipeakanyetšo tše di emago bakeng sa dikabelo tše fetilego tša ditheko tša diphahlo tša profense tša go sepediša melao ya boto ya dithentara ya profense le diboto tša dithentara tša profense go ba tše fetago tekanyo.

KA GONA GO BEWA MOLAO ke Lekgotlapemaelao la Profense ya Limpopo ka mo go latelago:-

Ditlhalošo

- Ka mo Molaong wo, ka ntle ga ge diteng di ka laetša ka tsela e nngwe-

"Boto ya Dithentara" e šupa Boto ya Dithentara ya Transefala Leboa yeo e hlomilwego ke karolo 3 ya Molao wa Boto ya Dithentara wa Transefala Leboa (Molao 2 wa 1994); le

"Molao wa Boto ya Dithentara" e šupa Molao wa Boto ya Dithentara wa Profense ya Leboa, 1994 (Molao 2 wa 1994)

Phedišo ya Boto ya Dithentara

- Boto ya dithentara ka go realo e a fedišwa.

Phedišo ya Molao 2 wa 1994

3. Molao wa Boto ya Dithentara ka go realo o a fedišwa.

Dipolokelo

4. (1) Ka ntle ga go phatlalatšwa ga Boto ya Dithentara go ya ka karolo 2, Boto ya Dithentara e swanetše go tšwelapele go šoma ka maikemišetšo a go rumo merero yeo e šaletšego morago ka tšatšikgwedi yeo Molao wo o thomago ka yona: Ge e le gore Boto ya Dithentara e swanetše go feleletša melato ka moka mo matšatšing a 90 a go thoma ga Molao wo.
- (2) Se sengwe le se sengwe seo se dirwago go ya ka peakanyetšo ya Molao wa Boto ya Dithentara, se tla tšewa go ba se dirilwe ka fase ga peakanyetšo ye e sepelelago le se ya Molao wa Taolo ya Matlotlo a Setšhaba, 1999 (Molao 1 wa 1999), melawana yeo e tsebagaditšwe le ditaelo tša Sešegotlotlo tše di dirilwego go ya ka Molao wo wa mafelelo.
- (3) Ditokelo le ditlamego tše di diregago ka kgato efe goba efe ya Boto ya Dithentara, yeo kgato ya gona e dirilwego go ya ka maatla ao a filwego Boto ya dithentara go ya ka Molao wa Boto ya Dithentara, a na le kgoro legatong la Boto ya Dithentara e dirišitšego maatla ao go bolelwago ka ona.

Thaetlele e kopana le go thoma

5. Molao wo o bitšwa Molao ya Phedišo ya Boto ya Dithentara wa Transefala Leboa, 2004, le gona o thoma go šoma ka tšatšikgwedi yeo e beilwego ke Tonakgolo ka gare ga *kuranta*.

**MEMORANTAMO WA TLHALOŠO YA DINEPO TŠA MOLAOKAKANYWA
WA PHEDIŠO YA MOLAO WA BOTO YA DITHENTARA WA TRANSEFALA
LEBOA, 2004**

1. BOITHEKGO

Molao wa Boto ya Dithentara wa Transefala Leboa, 1994 (Molao 2 wa 1994) (Molao wa Boto ya Dithentara) o beilwe bjalo ka karolo ya tshepedišo yeo e sepelelanago le phethagatšo ya Molaotheo wa Lebakanyana, go laola theko ya diphahlo tša Mmušo ka gare ga Transefala Leboa ka ge e be bitšwa bjalo nakong yeo. Molao wo o tšwetše pele go šoma ka fase ga Molaotheo wa Rephabliki ya Afrika Borwa, 1996 (Molao 108 wa 1996).

Molao wa Taolo ya Matlotlo a Setšhaba, 1999 (Molao 1 wa 1999) (PFMA) o beakanyetša taolo ya matlotlo a mmušo go ba ka fase ga Bahlankedi ba Boikarabelo ka fase ga tlhahlo, bookamedi le tlhokomelo ya Dišegotlotlo tša maleba. Theko ya diphahlo bjalo ka mošomo wa matlotlo e wela ka fase ga lekala la PFMA le gona Molao wa Boto ya Dithentara o šoma kgahlanong le tsela ya PFMA, ka go thibela go šoma ga maleba le taolo ya procurement ke bahlankedi ba matlotlo. Molao wa Boto ya Dithentara ga o bolele selo ka peakanyetšo yeo e lego karolo e bohlokwa go tshepedišo e botse ya theko ya diphahlo.

Ka fase ga tlhahlo le taetšo ya Sešegotlotlo sa Bosetšhaba, dikgoro tša bositšhaba le diprofense le dišegotlotlo tša profense, di go ya ka PFMA, swanetše go phethagatša tshepedišo ya Tshepedišo Kabo ya Diphahlo, lereo kakaretšo leo le akaretšago karolo ka moka ya theko ya diphahlo le peakanyetšo go thoma ka nako ya go e beakanyetša le go e fetša ka

boleng bja kelo ya tšhelete le go akaretša mehuta ka moka ya ditirelo le dithoto tše di rekwago le go šomišwa ke mmušo.

Go lebeletšwe tsela ya ditšwelopele le histori, go molaleng gore molao wo o lego ona wa theko ya diphahlo tša profense ke wa kgale le go se sepelelane le Molaotheo, PFMA, le Peakanyo ya Tshepedišo ya Kabo ya Diphahlo le Ditlwaelo tše kaone tša Boditšhabatšhaba.

2. MABAKA A GO THALA MOLAOKAKANYWA

Go ya ka karolo 38 ya PFMA, Bahlankedi ba Boikarabelo ba na le maikarabelo ka moka le gona ba swanetše go ikarabela go ditshenyegelo tše di amanago le taolo ya kabu ya Tokologano ka gare ga mešomo ya bona ya maikarabelo. Bahlankedi ba Boikarabelo gape ba na le mošomo wa go bega go Sešegotlotlo sa maleba mola dišegotlotlo di file goba di filwe (go ya ka gore seemo se bjang) maatla a go bea melao le gore di swanetše go phethagatša dipeakanyo le go bea ditsela le ditshepedišo ka tsela ya Melawana ya Sešegotlotlo sa Bosetšhaba, Ditaelo tša Sešegotlotlo sa Bosetšhaba le Ditaelo tša Sešegotlotlo sa Profense.

Melawana go ya ka PFMA, Peakanyo ya Tshepedišo ya Kabo ya Diphahlo yeo e gatišitšwego ka 05 Desemere 2003, e nyaka gore Bahlankedi ba Boikarabelo goba Balaodi ba Boikarabelo ba tšwetše pele le go phethagatša taolo ya maleba le gona ye e nolofatšago taolo ya tshepedišo ya kabu ya diphahlo ya khwetšo ya ditirelo le phedišo le go rekiša dithoto tša mmušo, go akaretša phedišo ya dithoto tše di se sanyakegago.

Gabjale, Boto ya Dithentara ya Transefala Leboa, yeo e hlomilwego go ya ka Molao wa Boto ya Dithentara, e laola tšhomis̄o ya tšhelete le theko ya diphahlo ya profense. Boto, go ya ka karolo 4 ya Molao wa Boto ya

Dithentara, e na le maatla e le tee a go reka diphahlo le ditirelo tša profense le, go ya ka dipeakanyetšo tša Molao ofe goba ofe wa lekgotlapeamelao la profense, go beakanya go thwalwa goba go reklišwa ga se sengwe le se sengwe, goba go hwetšwa goba go fa tokelo ye nngwe le e nngwe legatong la Profense, le go fedisha thoto ya Profense yeo e šuthago ...”.

Peakanyo ye e fetilego ke ya kgale le gona e thulana le PFMA le peakanyo ya Tshepedišo ya Kabo ya Diphahlo. Gore go phatlalatšwe Boto ya Dithentara ya Transefala Leboa, Molao o swanetše go fedisha.

Ka gona go bohlokwa go fedisha Molao wa Boto ya Dithentara, gore taolo ya matlotlo a profense le mešomo ya theko ya diphahlo e sepelelane le PFMA le Peakanyo ya Tshepedišo ya Kabo ya Diphahlo.

3. KAMEGO YA LEAGO

Ga go selo.

4. KAMEGO YA DITŠHELETE

Ka lebaka la tsošološo ya taolo ya pele ya theko ya diphahlo ya profense, go akanywa gore go bewa ga ditsebi tša bokgoni bja maemo a godimo tša makala go ka ba le kamego ya ditšhelete ya +- R 2 000 000.00 ka ngwaga.

Tshenyegelo e nnyane ya go phatlalatša molao ka go Kuranta ya Profense le dikuranta tša tikologo e tla šikarwa ke Lekgotlapeamelao la Profense.

5. DIKAMEGO TŠA MEKGALHO

Mešomo ya Boto e šetše e fetišeditšwe ka bontši go dikgoro ka go di fa maatla ao a swanetšego go dibopego tša yona go ya ka ditlhahlo tšeо di filwego Bahlankeddi ba Boikarabelo (Sešegotlotlo sa Profense se šetše se ntšhitše sebopego sa Tshepedišo ya Kabo ya Diphahlo go ya go Dikgoro)

Makala a pele a tshepedišo ao a bego a thekga Boto a tla fedišwa ka go beakanywa-lefsa Sešegotlotlo sa Profense. Ka go le lengwe Lekala la Tolo ya Kabo ya Tokologano le a dirwa ka gare ga Sešegotlotlo sa Profense go phethagatša, hlahla le go ukamela dinyakwa tša tshepedišo le go šoma gore go be le tlwaelo ya SCM ye e tšwelelago ka mo Profenseng.

6. DIKAMEGO TŠA MOLAOTHEO

Ga go selo.

7. DIINSTITŠUŠENE TŠEO DI RERIŠITŠWEGO

Dikgoro tša Profense gammogo le molaokakanywa o tla phatlalatšwa gore go dirwe ditshwayoswayo.



NOTICE 201 OF 2004
XITIVISO XO ANGARHELA

**MFUMO WA XIFUNDZANKULU XA LIMPOPO
NDZAWULO YA MALI NA NHLUVUKISO WA IKHONOMI**

**NAWUMBISI WO HERISA NAWU WA HUVO YO THENDARA WA TRANSIFALA
N'WALUNGU, 2004**

Hi ku landza nawu wa 113(1) wa Milawu na Swileriso swa Mfumo wa Milawu wa Xifundzankulu wa Xifundzankulu xa Limpopo, tsalwa ra mbulavurisano ra Nawumbisi wo Herisa Nawu wa Huvo yo Thendara wa Transifala N'walungu, 2004, ra hangalasiwa ku endlela vuxokoxoko byo angarhela.

Munhu kumbe vandla rihi ni rihi lava va tsakelaka ku kombisa mavonele hi Nawumbisi lowu wu nga vuriwa va nga ha kuma tikhopi naswona a nghenisa mavonele ya vona ku siku ra **15 Nhlangula 2004** ri nga se fika eka:

The Superintendent-General
C/o Adv. B B Mohlala
Private Bag x9648
POLOKWANE
0700
Fax (015) 295 2879

NAWUMBISI

**Ku endlela ku herisa Nawu wa Huvo yo Thendara ya Transivhala N'walungu, 1994
(Nawu wa 2 wa 1994); na ku endlela timhaka leti ti fambelanaka na swona.**

MANGHENELO

HAMBILESWI xiyenge xa 187 xa Vumbiwa ra Nkarhinyana xi nyiketeke ku endla milawu ya xifundzankulu ku lawula mphakelo wa tinhundzu na vukorhokeri na ku hlawuriwa ka mavandla yo thendara yo tiyimela hi woxe na ya languta matlhelo hinkwawo eka ku tirhana na mphakelo wa kona; na

HAMBILESWI Mfumo wa Milawu wa Xifundzankulu wu ngheniseke Nawu wa Huvo yo Thendara ya Transivhala N'walungu, 1994 na, exikarhi ka swin'wana, simeka Huvo yo Thendara ya Transivhala N'walungu;

NA HAMBILESWI Phalamende hi ku landza xiyenge xa 216 xa Vumbiwa ra Riphabliku ra Afrika Dzonga, 1996 yi nghenisile Nawu wa Mafambisele ya Mali ya Tiko, 1999 lowu wu katsaka makungu lawa ya hundzaka xiyimo xa mphakelo wa khale wa xifundzankulu lowu wu endlaka leswaku milawu ya huvo yo thendara ya xifundzankulu na tihuvo to thendara ta xifundzankulu ti helela hintirho.

HIKWALAHO Mfumo wa Milawu wa Xifundzankulu xa Limpopo WU VEKA NAWU hi ndlela leyi yi landzelaka:-

Tinhlamuselo

1. Eka Nawu lowu, handlelaka ka loko matirhesele ya kona ya komba swin'wana--

“Huvo yo Thendara” swi vula Huvo yo Thendara ya Transivhala N’walungu leyi yi nga simekiwa hi xiyenge xa 3 xa Nawu wa Huvo yo Thendara ya Transivhala

N’walungu, 1994 (Nawu wa 2 wa 1994); na

“Nawu wa Huvo yo Thendara” swi vula Nawu wa Huvo yo Thendara ya Transivhala N’walungu, 1994 (Nawu wa 2 wa 1994).

Ku herisiwa ka Huvo yo Thendara

2. Huvo yo Thendara ya herisiwa.

Ku herisiwa ka Nawu wa 2 wa 1994

3. Nawu wa Huvo yo Thendara ya herisiwa.

Vuvekisi

4. (1) Handleka ka ku n’wokisiwa ka Huvo yo Thendara hi ku landza xiyenge xa 2, Huvo yo Thendara yi fanelia ku ya emahlweni hi ku endlela ku hetisisa timhaka leti ti nga sala hi siku ro sungula ku tirha ka Nawu lowu: Hileswaku Huvo yo Thendara yi fanelia ku hetisisa timhaka hinkwato to tano hi 90 wa masiku ya ku sungula ku tirha ka Nawu lowu.

(2) Nchumu wihi ni wihi lowu wu nga endliya hi ku landza makungu ya Nawu wa Huvo yo Thendara, wu fanelia ku tekiwa wu endliwile ehansi ka kungu ro fambelana na swona ra Nawu wa Mafambisele ya Mali ya Tiko, 1999 (Nawu wa 1 wa 1999), swinawana leswi swi nga tivisiwa na swileriso swa Vankwama leswi swi nga nyikiwa hi ku landza Nawu lowu wu nga vuriwa laha henhla.

- (3) Timfanelo na swilaveko leswi swi tumbulukaka hikwalaho ka goza rihi ni rihi ra Huvo yo Thendara, leri ri nga endliwa hi ku landza matimba lawa ya nga nyikiwa Huvo yo Thendara hi ku landza Nawu wa Huvo yo Thendara, ya va eka ndzawulo hi ku yimela Huvo yo Thendara leyi yi tirhisaka matimba lawa ya vuriwaka.

Nhloko-mhaka hi ku komisa na ku sungula ku tirha

5. Nawu lowu wu vitaniwa Nawu wo Herisa Nawu wa Huvo yo Thendara wa Transivhala N'walungu, naswona wu ta sungula ku tirha hi suku leri ri nga ta bohiwa hi Holobyenkulu eka gazette.

**MEMORANDAMU YO HLAMUSELA SWIKONGOMELO SWA NAWUMBISI
WO HERISA NAWU WA HUVO YO THENDARA YA TRANSIFALA
N'WALUNGU, 2004**

1. VUYIMELO

Nawu wa Huvo yo Thendara ya Transifala N'walungu, 1994 (Nawu wa 2 wa 1994) (Nawu wa Huvo yo Thendara), wu vekiwile tani hi xiphemu xa matirhele lawa ya landzaka ku simekiwa ka Vumbiwa ra Nkarhinyana, ku lawula mphakelo wa Mfumo eTransifala N'walungu tani hi leswi a swi xiswona khale. Nawu lowu wu yile emahlweni ku tirha ehansi ka Vumbiwa ra Riphabliki ra Afrika Dzonga, 1996 (Nawu wa 108 wa 1996).

Nawu wa Mafambisele ya Mali ya Tiko, 1999 (Nawu wa 1 wa 1999) (PFMA) wu endlela mafambisele ya mfumo ya mali lawa ya nga vekiwa emavokweni ya Vatirhi va Tinkota ehansi ka vurisi, vulanguteri na ku hoxa tihlo ka Van'wankwama lava va fambelanaka na swona. Mphakelo tani hi ntirho wa mali wu wela eka xiyenge xa PFMA naswona Nawu wa Huvo yo Thendara wu tirha hi ku kanetana na moya wa PFMA, hi ku nonowhisa matirhele ya kahle na vulawuri bya ntirho wa mphakelo hi Vafambisi va Vutihlamuleri. Nawu wa Huvo yo Thendara, wu miyerile eka ku endla makungu leswi swi katsaka na maendlele ya mphakelo wa tinhundzu.

Ehansi ka vurisi na makomba-ndlela ya Vankwama va Rixaka, tindzawulo ta rixaka, xifundzankulu na vankwama va swifundzankulu, hi ku landza PFMA swa boheka ku sungula ku tirhisa sisteme ya Mafambisele ya Nongonoko wa Mphakelo, kungu ro hetiseka leri ri katsaka xiyenge hinkwaxo xa mphakelo na ku

endla makungu, ku sungula ntirho wa kona eku pulaneni na ku heta eka ku kambela nkoka wa mali na ku katsa vukorhokeri hinkwabyo na tinhundzu leti ti nga phakeriwa na ku tirhisiwa hi mfumo.

Leswi ku nga kombisiwa timhaka na swa matimu, swi le rivaleni leswaku nawu lowu wu tirhaka sweswi wa mphakelo wu hundzeriwile hi nkarhi naswona hi ku landzelerisa na Vumbiwa, PFMA, Rimba ra Mafambisele ya Nongonoko wa Mphakelo na Matirhele ya Xiyimo xa Lehenhla ya Misava Hinkwayo.

2. SWIVANGELO SWA KU MPFAMPFARHUTIWA KA NAWUMBISI LOWU

Hi ku landza xiyenge xa 38 xa PFMA, Vafambisi va Vutihlamuleri hinkwavo va ni vutihlamuleri naswona va fanele va va ni vutihlamuleri eka matirhele ya mali mayelana ni vufambisi bya Nongonoko wa ku Avela eka mintirho ya vona. Vafambisi va ni Vutihlamuleri va ni ntirho wa ku vike eka vankwama lava faneleke h ambi leswi tihofisi ta timali ti n ga n yikiwa kumbe ku lerisiwa (tani hileswi xiyimo xi nga xiswona) matimba ya xinawu leswaku va kota ku endla marimba na ku hlamusela tisisiteme na maendlelo ya Swinawana swa Vankwama va Rixaka, Swileriso swa Vankwama va Rixaka na Swileriso swa Vankwana va Xifundzankulu.

Swinawana hi ku landza PFMA, Rimba ra Vufambisi bya Nongonoko wa Mphakelo lowu wu humesiweke hi 05 N'wendzamhala 2003, w u lava leswaku Vafambisi va Vutihlamuleri kumbe Vulawuri bya Tinkota byi antswisa na ku endla vufambisi bya nongonoko wa mphakelo lowu tirhaka ku kuma nhundzu na vutirheli na ku herisiwa na ku tshikiwa ka nhundzu ya mfumo, ku fana na ku herisiwa ka nhundzu leyi yi nga ha lavekiki.

Sweswi, Huvo yo Thendara ya Transivhala N'walungu leyi tumbuluxiweke hi ku landza Nawu wa Huvo yo Thendara, yi lawula ku tirhisa mali na ku xava. Huvo hi

ku landza xiyenge xa 4 xa Nawu wa Huvo yo Thendara, matimbankulu ya ku xava na vutirheli bya xifundzankulu, na ku ya hi makungu ya Nawu wihi ni wihi wa mfumo wa milawu, ku lulamisa, ku hira na ku tshika ka xin'wani ni xin'wani, kumbe ku kuma kumbe ku nyika mpfumelelo kumbe hi ku yimela Xifundzankulu, na ku herisa nhundzu leyi yi susekaka ya Xifundzankulu ...”.

Maendalelo ya nkarhi lowu nga hundza a ya ha tirhi i ya khale naswona ya hambana ni PFMA na rimba ra vufambisi bya nongonoko wa ku avela. Ku endlela leswaku ku herisiwa Huvo yo Thendara ya Transivhala N'walungu, Huvo yo Thendara yi fanele yi herisiwa.

Swa fanela leswaku ku herisiwa Nawu wa Huvo yo Thendara leswaku vufambisi bya timali bya xifundzankulu na mintirho yo xava swi fumbisana na PFMA na Rimba ra Vufambisi bya Nongonoko wa Mphakelo.

3. KU KHUMBHEKA KA VANHU

Ku hava

4. KU KHUMBHEKA KA SWA TIMALI

Hikwalaho ka ku vumba hi vuntshwa eka vufambisi bya ku xava ka xifundzankulu loku nga hundza, ku boxiwile leswaku ku thoriwa ka van'wavutivi va swa ku xava lava va nga ni vuswikoti bya xiyimo xa le henhla swi nha khumbha swa timali yo ringana kwalomu ka R2 000 000.00 hi lembe.

Ku tirha ka mali ya ku humesa nawu eka Gazete ya Xifundzankulu na le ka maphepha-hungu ya ndhawu yaleyo swi ta hakeriwa hi Mfumo wa Milawu wa Xifundzankulu.

5. KU KHUMBHEKA KU NDZAWULO

Mintirho ya Huvo yo tala yi hundziseriwile eka tindzawulo hi xileriso xa leswaku va fanele va va ni mintlawo ya vona hi lu landza swileriso leswi swi humeseriwke Vafambisi (Vankwama va Xifundzankulu wu se wu humesile ntlawa wa Nongonoko wa Mphakelo wa Vufambisi eka Tindzawulo.

Xiphemu xa vufambisi lebyi hundzeke lebyi seketelaka Huvo xi ta herisiwa hi ku vumba Vankwama wa Xifundzankulu. Xikan'we Yuniti ya Vufambisi bya Nongonoko wa Vufambisi bya Mphakelo byi ta tumbuluxiwa eka nkwama wa Xifundzankulu ku endla, ku kombisa na ku langutisa swilaveko leswi nga swa xitirateji na ku tirha leswa ku endlelo ra SCM ri humelela eka Xifundzankulu.

6. KU KHUMBEKA KA VUMBIWA

Ku hava.

7. MAVANDLA LAYA KHUMBHEKAKA LAMA KU TSUNDZUXANEKE NI WONNA

Tindzawulo ta Xifundzankulu, naswona Nawumbisi wu ta humesiwa leswaku ku nyikiwa mavonelo.

8. SWIBUMABUMELO

Ku bumabumeriwile leswaku Nawumbisi wu pasisiwa hi Huvonkulu leswaku ku humesiwa vanhu vo kota ku nyika mavonelo ya vona. Khopi yi ta khomisiwa kwala leswaku swi ta olova ku kongomisa eka yona.

9. NXOPONXOPO WA XIVULWANA HI XIVULWANA

- 9.1 Xivulwana xa 1 xi tirhana ni tinhlamuselo.
- 9.2 Xivulwana xa 2 xi herisa Huvo ya ku Thendara ya Tansivhala N'walungu.
- 9.3 Xivulwana xa 3 xi herisa Nawu wa Huvo ya ku Thendara ya Transivhala N'walungu, 1994 (Nawu wa 2 wa 1994).
- 9.4 Xivulwana xa 4 xi tirhana ni swiendlo swa xinkarhana. Xi nyika ku yisa emahlweni ka Huvo ya ku Thendara ya Transivhala N'walungu hi xikongomelo x o xa k u hetisisa timhaka leti n ga k ona e ka s iku r a k u herisa Huvo. Xivulwana lexi xi vuls leswaku Huvo yi fanele yi ya emahlweni yi tirhano na hi swikongomelo lexi vuriweke hi nkarhi lowu wu nga hundzeke masiku ya 90 endzhaku ka loko xi herisiwile.

Xivulwana xi tlhela xi vula leswaku xilo xin'wani na xin'wani lexi xi endliwaka hi ku landza Nawu wa Huvo yo Thendara xi fanele xi endliya onge xi landzelela Nawu wa Vufambisi bya Timali ta Tiko, swinawana swa nkrama wa mali na swileriso leswi humesiweke ehansi ka Nawu wa vufambisi bya Timali ta Tiko.

- 9.5 Xivulwana xa 5 xi hlamusela nhloko-mhaka hi ku komisa.

NOTICE 201 OF 2004
NDIVHADZO NYANGAREDZI

MUVHUSO WA VUNDU WA LIMPOPO

**MULAYOTIBE WA U PHUMULA MULAYO WA THENDABODO WA
TRANSIVALA DEVHULA**

Hu tshi tevhedzwa ndaulo 113(1) ya Ndayo na Ndaela dza Vhusimamilayo ha Vundu la Limpopo, linwalo la nyambedzano nga ha Mulayotibe wa u phumula Mulayo wa Thendabodo ya Transivala Devhula, 2004, afha li khou andadzwa u itela mafhungo nyangaredza.

Dzangano kana muthu ufhio na ufhio a todaho u bvisa vhupfiwa nga ha linwalo lo bulwaho a nga disa vhupfiwa hawe ho tou nwalwaho phanda ha 25 Tshimedzi 2004 kha:

The Superintendent-General
C/o Adv. B.B Mohlala
Department of Finance and Economic Development
Private Bag X 9648
POLOKWANE
0700

Fax: (015) 295 2879

MULAYOTIBE

U vhetshela u itela u phumula Mulayo wa Thendabodo wa Transivala Devhula, 1994 (Mulayo NO. 2 wa 1994); na u vhetshela mashfungo a elanaho na zwenezwo.

MARANGAPHANDA

HU URI khethekanyo 187 ya Mulayotewa wa Tshifhinganyana wo vhetshela u itela milayo ya mavundu uri i laule ndisedzo ya thundu na tshumelo na u itela u vhewa ha thendabodo dzi shumelaho vhothe uri dzi shume na ndisedzo; na

HU URI Vhusimamilayo ha Vundu nga ngona ho vheya Mulayo wa Thendabodo wa Transivala Devhula, 1994 nahone nga inwe ndila wa thoma Thendabodo ya Transivala Devhula.

NAHONE HU URI Phalamennde yo bvela phanda na Mulayotewa wa Riphabuliki ya Afurika Tshipembe, 1996 yo vheya Mulayo wa Ndangulo ya Gwama la Vhathu (PFMA), 1999 une wa katela mbetshelo dzine dza fhira ndisedzo yo fhiraho ya mavundu kha nyito ya milayo ya thendabodo dza mavundu na u sa vha na mushumo ha thendabodo dza mavundu.

NGAURALO HU KHOU VHEWA MULAYO nga Vhusimamilayo ha Vundu la Limpopo, sa zwi tevhelaho:-

Thandavhudzo

1. Kha hoyu Mulayo, nga nnda ha musi zwi re ngomu zwi tshi sumbedza-

“Mulayo wa Thendabodo” zwi amba Mulayo wa Thendabodo wa Transivala Devhula, 1994 (Mulayo NO. 2 wa 1994); na

“Thendabodo” zwi amba Thendabodo ya Transivala Devhula yo thomiwaho nga khethekanyo 3 ya Mulayo wa Thendabodo ya Transivala Devhula, 1994 (Mulayo No. 2 wa 1994).

U fheliswa ha Thendabodo

2. Thendabodo afha i khou fheliswa.

U phumulwa ha Mulayo 2 wa 1994

3. Mulayo wa Thendabodo afha u khou fheliswa.

Dzimbulungo

4. (1) Naho Thendabodo yo fhaladzwa hu tshi tevhedzwa khethekanyo 2, Thendabodo i tea u bvela phanda na u shuma u itela u fheleledza mafhungo o salelaho nga kha datumu ya u thoma u shuma ha uyu Mulayo.
- (2) Tshithu tshifhio na tshifhio tsho itwaho hu tshi tevhedzwa mbetshelo dza Mulayo wa Thendabodo, tshi do dzhiwa tsho itwa fhasi ha mbetshelo dzi tutshelanaho na Mulayo wa Ndangulo ya Gwama la Vhathu, 1999(Mulayo No. 1 wa 1999), ndaulo dzo phasiswaho na ndaela dza Vhulangagwama dzo bviswaho hu tshi tevhedzwa Mulayo uyo wa vhuvhili.
- (3) Dzipfanelo na dzindugelo dzi vhangiwaho nga nyito ifhio na ifhio ya Thendabodo, ine iyo nyito ya vha yo itiwa zwi tshi elana na maanda e a newa Thendabodo hu tshi tevhedzwa Mulayo wa Thendabodo, o hweswaho muhasho ho imelelwa thendabodo kha maanda o bulwaho.

Dzina lipfufhi na mathomo

5. Uyu Mulayo u vhidzwa upfi Mulayo wa u Phumula Mulayo wa Thendabodo ya Transivala Devhula, 2004, nahone u thoma u shuma nga datumu yo tiwaho nga Premia kha *gazethe*

**MEMORANDAMU WA THAVHUTSHEDZO NGA HA NDIVHO DZA
MULAYOTIBE WA MULAYO WA U PHUMULWA HA MULAYO WA
THENDABODO YA TRANSIVALA DEvhula, 2004**

1. MUTHEO

Mulayo wa Thendabodo wa Transivala Devhula, 1994(Mulayo No. 2 wa 1994) (Mulayo wa Thendabodo), wo vhewa sa tshipida tsha maitele a fheletshedzaho Mulayotewa wa Tshifhinganyana, u laula ndisedzo ya Muvhuso ngomu kha Transivala Devhula sa zwe ya vhaiI zwone zwenezwo. Uyu Mulayo wa bvela phanda na u shuma fhasi ha Mulayotewa wa Afurika Tshipembe, 1996(Mulayo No. 108 wa 1996)

Mulayo wa Ndangulo ya Gwama la Vhathu, 1999(Mulayo No.1 wa 1996) (PFMA) u vhetshela u itela uri ndangulo ya masheleni a muvhuso zwi hweswe kha Vhaofisiri vha Mbalelano fhasi ha ndango, vhutoli na vhulavhelesi ha Vhulangagwama ho teaho. Ndisedzo sa mushumo wa gwama i wela fhasi ha ndaulo ya PFMA, nahone Mulayo wa Thendabodo wo vha u tshi hanedza na PFMA, nga u thivhela u shuma ho fhelelaho na ndango ya mushumo wa ndisedzo nga Vhaofisiri vha Mbalelano. Mulayo wa Thendabodo a u ambi tshithu nga ha u vhetshela zwine zwa vha zwa ndeme kha nyito ya ndisedzo yavhudi.

Fhasi ha ngeletshedzo na ndaela ya Vhufaragwama ha Lushaka, mihasho ya mavundu na ya lushaka na vhulangagwama ha mavundu, vha tendelana na PFMA vha kombetshedzea u shumisa sisiteme ya Ndaulo ya Mutevhe wa Ndisedzo, tshumelo yo fhelelaho i katelaho ndisedzo yothe, u thoma sisiteme kha vhupulani u swika kha tsedzuluso ya ndeme ya masheleni na u katela tshumelo yothe na ndaka yo disedzwaho na u shumiswa nga muvhuso.

Musi ho newa idzi mveledzo na divhazwakale ya matshimbidzele, zwi tou vha khagala uri mulayo wa ndisedzo wa vundu wo no fhelelwa nga mushumo nahone u fhambana na Mulayotewa, PFMA, Mutheo wa Ndaulo ya Mutevhe wa Ndisedzo na Nyito dza Khwine dza Lushaka.

2. MUHUMBULO WA MULAYOTIBE WA MVETAMVETO

Hu tshi tevhedza khethenkano 38 ya PFMA, Vhaofisiri vha Mbalelano vha na vhudifhinduleli ho fhelelaho nahone vha tea u vha na vhudifhinduleli ha zwibviswa zwifhio na zwifhio zwi tutshelanaho na Ndangulo ya Mutevhe wa Ndisedzo kha vhudifhinduleli havho. Vhaofisiri vha Mbalelano hafhu vha na mushumo wa u vhiga kha mufaragwama o teaho hu uri vhufaragwama ho nea mushumo kana u rumela (nga hanefho hune zwa vha) maanda a lwa mulayo kha zwaauri vha tea u thoma muhanga na u randela sisteme na matshimbidzele nga

maitele a Ndaulo dza Mufaragwama dza Lushaka, Ndaela dza Mufaragwama dza Lushaka na Ndaela dza Mufaragwama dza Vundu.

Ndaulo hu tshi tevhedzwa PFMA, Muhanga wa Ndangulo ya Mutevhe wa Ndisedzo zwo andadzwaho nga 05 Nyendavhusiku 2003, zwi toda uri Vhaofisiri vha Mbalelano kana Vhulaedzwa ha Mbalelano vhu bveledze na u thoma ndisedzo ya ndangulo ya mutevhe i bveledzeaho na ya vhukone hu u itela u wana thundu na tshumelo na u latiwa ha ndaka ya muvhuso, zwi tshi katela na thundu dzine dzi sa tsha todiwa.

Zwa zwino, Thendabodo ya Transivala Devhula, yo thomiwa hu tshi tevhedzwa Mulayo wa Thendabodo, i langa u shumiswa ha masheleni a vundu na ndisedzo. Hu tshi tevhedzwa khethekanyo 4 ya Mulayo wa Thendabodo, Bodo ndi yone i re na maanda i yothe a thodea dza ndisedzo na tshumelo u itela Vundu, nahone, hu tshi tevhelwa mbetshelo dza munwe Mulayo ufhio na ufhio dza vhusimamilayo ha vundu, u itela u dzudzanya na u hira kana u litshwa ha tshithu tshifhio na tshifhio, kana u wanla kana u tendelwa ha pfanelo ifhio na ifhio kana ho imelwa Vundu, na u latwa ha ndaka i endedzeaho ya Vundu..."

Nzudzanyo dza u ranga dzo no fhelelwa nga tshifhinga dici kudana lwa tshothe na PFMA khathihi na muhanga wa ndangulo ya mutevhe wa ndisedzo. Mulayo wa Thendabodo u tea u phumulwa hu u itela u fhaladza Thendabodo ya Transivala ya Devhula.

Nga nthani ha zwenezwo, ndi zwa ndeme u phumula Mulayo wa Thendabodo hu u itela uri ndangulo ya masheleni ya vundu na mishumo ya ndisedzo i tutshelane na PFMA na Muhanga wa Ndangulo ya Mutevhe wa Ndisedzo.

3. ZWI KWAMAHO MATSHILISANO

A hu na.

4. ZWI KWAMAHO MASHELENI

Nga nthani ha u shandukiswa ha ndaulo ya Ndisedzo ya Vundu ya murahu, hu khou lavhelelwa zwauri u vhewa ha ndisedzo dza sekithara dza sipeshala dza vhutsila ha ntha zwi nga vha na u kwamea ha masheleni a swikaho +- R2 000 000.000 nga nwaha.

Mbadelo thukhusa ya u andadza mulayo kha Gazethe ya Vundu na bammbiri dzapo zwi do badelwa nga Vhusimamilayo ha Vundu.

5. ZWI KWAMAHO MADZANGANO

Mishumo ya Bodo yo no di sudzuluselwa nga hu hulwane kha mihasho ine ya tea u dilivhanyisa na zwiimiswa zwayo hu tshi tevhedzwa maitele o bviswaho nga Vhaofisiri vha Mbalelano (Vhufaragwama ha Vundu ho no di netshedza tshiimiswa tsha Ndangulo ya Mutevhe wa Ndisedzo(SCM) ya vhukuma u ya kha Mihasho.)

Tshipida tsha ndaulo tsho fhiraho tshi tikedzaho Bodo tshi do fheliswa hu na u shandukiswa ha Vhufaragwama ha Vundu. Nga tshifhinga tshenetsho tshithihi Tshigwada tsha Ndangulo ya Mutevhe wa Ndisedzo tshi khou vhumbiwa kha Vhufaragwama ha Vundu u itela u thoma, u sumbedzisa na u lavhelesa thodea dza mashumele na tshitirathedzhi u itela u bvelela ha tshumiso ya SCM kha Vundu.

6. ZWI KWAMHO NDAYOTEWA

A hu na.

7. ZWIIMISWA ZWO KWAMIWAHO

Mihasho ya muvhuso nahone hafhu mulayotibe u do andadzwa u itela vhupfiwa.

8. THEMENDELO

Hu khou themendelwa zwauri Mulayotibe u tea u tendelwa nga Khorotshitumbe uri u andadzwe u itela vhupfiwa ha vhathu. Kopi afha i khou nambatedziwa u itela u livhiwa ho leluwaho.

9. TSENGULUSO NGA DAVHI NGA DAVHI

- 9.1 Davhi 1 li shumana na thandavhudzo.
- 9.2 Davhi 2 li fhelisa Bodo ya Thendara ya Transivala Devhula.
- 9.3 Davhi 3 li phumula Mulayo wa Thendabodo ya Transivala Devhula, 1994 (Mulayo No. 2 wa 1994).
- 9.4 Davhi 4 li shumana na maga a u pfukisela. Li vhetshela u itela u bvela phanda ha Thendabodo ya Transivala Devhula hu u itela ufhedzisela ha mafhungo o salelaho nga datumu ya u fhaladzwa ha Bodo. Ili davhi li vhetshela zwauri Bodo i tea u bvela phanda na u shuma ngauralo na u itela

ndivho yo bulwaho lwa tshifhinga tshi sa fhirihos maduvha a 90 nga murahu ha u fhaladzwa.

Davhi li vhetshela hafhu zwauri tshithu tshinwe na tshinwe tshi itwaho hu tshi tevhedzwa Mulayo wa Thendabodo tshi tea u dzhiwa sa tsho itwaho hu tshi tevhedzwa Mulayo wa Ndangulo ya Gwama la Vhathu, ndaulo dza vhufaragwama na ndaela dzo bviswaho fhasi ha Mulayo wa Ndangulo ya Gwama la Vhathu.

- 9.5 Davhi 5 li vhetshela u itela dzina lipfufhi.

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