

**IN THE HIGH COURT OF SOUTH AFRICA
(BHISHO – EASTERN CAPE)**

Before Judge E Revelas

Case No: 59/2011

Date Heard: 07/03/11

Order Delivered: 10/03/11

In the matter between

FREEDOM STATIONERY (PTY) LTD

First Applicant

**AFROPULSE 46 (PTY) t/a
POWER STATIONERY**

Second Applicant

And

**THE MEMBER OF THE EXECUTIVE
COUNCIL FOR EDUCATION,
EASTERN CAPE**

First Respondent

**THE SUPERINTENDENT-GENERAL,
DEPARTMENT OF EDUCATION,
EASTERN CAPE GOVERNMENT N.O.**

Second Respondent

IMPALA STATIONERY (PTY) LTD

Third Respondent

PREMIER STATIONERY (PTY) LTD

Fourth Respondent

Having heard counsel for the parties and the *amicus curiae*, and having read the papers filed of record, it is ordered that,-

1. Pending the outcome of the review application instituted by the applicants:

The First and Second Respondents are interdicted from entering into any agreements with the Third and Fourth Respondents pertaining to the tender of contract number S[...].

The Third and Fourth Respondents are interdicted from performing in terms of the aforesaid contracts.

2. The First and Second Respondents are ordered to forthwith despatch the record of the tender process relating to:

The decisions challenged in the review, including but not limited to the supply chain management rules in operation, the recommendations of the various bid committees who considered the tenders; the departmental recommendation to the Eastern Cape Provincial Treasury dated 1 December 2010; all communications with the South African Revenue Services concerning each of the tenders.

The request for quotations from Third and Fourth Respondents, the quotations submitted by Third and Fourth Respondents; all reports and recommendations regarding the decisions sought to be set aside; copies of all contracts concluded between Second Respondent and Third and Fourth Respondents; all enquiries and reports concerning Third and Fourth Respondents throughout the tender process.

3. The review application is to be set down for hearing on a date to be arranged with the Registrar, which date must fall in the period 17 March 2011 to 24 March 2011, inclusive of both the aforesaid dates.

4. The First Respondent is to pay the costs of this application which will include the costs incurred on 17 February 2011 and 25 February 2011.