



REPUBLIC OF SOUTH AFRICA

**FORM A**  
**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number: .....

Request received by ..... (state rank,  
name and surname of information officer/deputy information officer) on ..... (date)  
at ..... (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

.....  
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer

Mr MW Seoke  
The Head of Department (The Information Officer)  
The Free State Provincial Department of Public Works and Infrastructure  
Room 310, OR Tambo House  
C/o St Andrews and Markgraaff Streets  
PO Box 690  
Bloemfontein  
9300  
051 - 405-5692  
hodoffice@fsworks.gov.za

**B. Particulars of person requesting access to the record**

(a) The particulars of the person who requests access to the record must be given below.  
 (b) The address and/or fax number in the Republic to which the information is to be sent, must be given.  
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Leona Mary Kleynhans (MPL)

Identity number: 

5	4	0	5	0	9	0	0	8	2	0	8	8
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Postal address: PO Box 81, Bloemfontein, 9301

Telephone number: (082) 822 1101 Fax number: (.....)

E-mail address: leona@da.fs.org.za

Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: .....

Identity number: 

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**D. Particulars of record**

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.  
 (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

With reference to the reply to Question 72, published on 14 June 2017, in the IQP of the Free State Legislature (see attached)

Documents requested - (a) Valuation Certificate of Property, (b) the Offer to Purchase, (c) Invitation to tender - continued at point 3

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

2. Reference number, if available: Tender RFP001.2014

3. Any further particulars of record:

(d) All tender documents, (e) Minutes of the Bid Adjudication Committee including Minutes of Decision, (f) Departmental Minutes of Decision of Sale, (g) the Contract (Deed of Sale) between the Department and the Sedtrade Consortium, (h) the actual payment schedule up to the latest date for which information is available for;

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
X	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	X	copy of the images*		transcription of the images*

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*	X	printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	X	NO
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record? English

**G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

By email to leona@da.fs.org.za with a cc to media@da.fs.org.za

Signed at Bloemfontein ..... this day 26 ..... of July ..... year 2017



.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE

**72. Hon. Klyenhans asks the Hon. MEC responsible for Public Works and Infrastructure: Ms. D Kotzee:**

- 72.1 Whether the houses on the property of the Psychiatric Complex (Old Oranje Hospital) have been sold for development; if so, (a) how many houses we sold and (b) on what date and (c) through which media was this proposed sale of the houses on advertised for tender, (d) how many tenders were received, (e) to whom was the houses sold, (f) the price paid for the houses;
- 72.2 What was the date of transfer of the sale at the Deeds Registry?
- 72.3 What is the nature of the proposed development?
- 72.4 Whether there is an agreement with Central University of Technology (CUT) for a development on this land prior to the sale of the houses; if not, why not; if so, what are the exact and full details of this agreement?

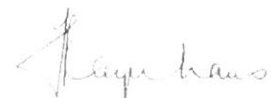
**RESPONSE**

What was sold to Sedtrade Consortium is various portions of which (10) ten houses form part of those portions. (a) 10 houses. (b) 20 March 2017. (c) Tender Bulletin RFP001.2014. Sowetan, New Age, The Weekly and Dumelang. (d) Six (6) tenders received. (e) Sedtrade Consortium. (f) Purchase price for property inclusive of houses is R48 900 000.00.

Date of transfer is dependent upon the full payment of the purchase price.

Mixed Development.

There is no agreement between Central University of Technology (CUT) for the development this land prior to sale of the houses.





30 August 2017

Enquiry: Adv. K Moletse  
Tel: 051 492-3719/3813

**MRS LEONA KLEYNHANS**  
DEMOCRATIC ALLIANCE  
FREE STATE PROVINCIAL LEGISLATURE  
BLOEMFONTEIN

**E-mail:** leona@da.fs.org.za

Dear Mrs. Kleynhans

**APPLICATION FOR ACCESS TO INFORMATION: TENDER NUMBER DPWFS RFP  
001/2014**

1. Your application for access to information dated 26<sup>th</sup> July 2017 was referred to our Office.
2. It would be appreciated if you could **pay the prescribed request fee** of R35.00 into the following bank account of the Department of the Public Works and Infrastructure with **Reference No. 00092726**:  
  
Bank: Standard Bank  
Account Holder: FSPG: Public Works and Rural Development  
Branch Code: 05 5534 00  
Account No.: 240 322 371
3. Please fax the payment confirmation and the completed form to fax no. 086 643 7779 or e-mail: [mosalat@fsworks.gov.za](mailto:mosalat@fsworks.gov.za) / [moletsek@fsworks.gov.za](mailto:moletsek@fsworks.gov.za). Please note, according to law, a record may not be released until the requester has **completed the form and paid the applicable fees.**
4. You may lodge an internal appeal to the Member of the Executive Council against the payment of the request fee. Should you wish to submit this appeal, please include the reasons for your view and address it to the Member of the Executive Council, Ms Dora Kotzee, P.O Box 690, BLOEMFONTEIN – 9300 or fax no. (051) 405 4117.



**public works &  
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Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

5. Additional fees with regard to, for example copies, etc. may at a later stage be payable. In this regard, we attach information on prescribed fees.
6. You are welcome to contact me at tel. (051) 492 3813.

Yours faithfully

**ADV. K MOLETSE  
DEPUTY INFORMATION OFFICER  
DEPARTMENT OF THE PUBLIC WORKS AND INFRASTRUCTURE**



**THE OFFICIAL OPPOSITION  
FREE STATE PROVINCIAL LEGISLATURE**

Tel: +27 51 407 1234  
Fax: +27 51 430 8338  
Email: [secretary@da.fs.org.za](mailto:secretary@da.fs.org.za)  
[www.da.org.za](http://www.da.org.za)  
P.O. Box 81, Bloemfontein, 9300

<b>Date:</b>	<b>06 September 2017</b>
<b>To:</b>	<b>Adv. K Moletse The Deputy Information Officer Department of Public Works and Infrastructure</b>
<b>From:</b>	<b>Leona Kleynhans (MPL)</b>
<b>Subject:</b>	<b>Proof of Payment for PAIA Application for Tender Number DPWFS RFP 001/2014</b>

Dear Adv. Moletse,

Following your letter dated 30 August 2017, please find attached to this letter the proof of payment for the fee of R35.00 (Thirty Five Rand) as the required fee to be paid under PAIA.

Thank you,

Leona Kleynhans  
Member of the Free State Provincial Legislature  
082 822 1101  
[leona@da.fs.org.za](mailto:leona@da.fs.org.za)

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**LEADER:** Mmusi Maimane | **CHAIRPERSON:** Athol Trollip





**Standard Bank**  
**Deposit slip**  
**Depositostrokie**

Deposit to  
 Deponeer aan FSPC Public Bank  
 Account number / Rekeningnommer 2440131013741111  
 Telephone no. including dialling code  
 Telefoonno. en streekkode 0212118461

Signature  
 Handtekening [Signature]  
 Depositor's name or reference. These details will appear on the  
 account holder's/beneficiary's statement  
 Naam van die deponeerder of verwysing. Hierdie besonderhede sal op  
 die rekeninghouer/bedeelde se staat verskyn

Conditions  
 Cheques, etc. handed in for collection will only be available as cash when paid. While acting in good faith and exercising reasonable care the Bank will not accept responsibility for ensuring that depositors/accounts holders have lawful title to cheques, etc. collected. Please ensure that the account number is correctly inserted as the Bank cannot be held responsible for errors resulting from incorrect information furnished.  
 Voorwaardes  
 Tjeks ens. wat vir wisseling ingelewer is, sal slegs as kontant beskikbaar wees wanneer dit betaal is. Hoewel die Bank te goeder trou handel en redelike sorg uitoeien, kan hy nie verantwoordelikheid daarvoor aanvaar om seker te maak dat deponeerders/rekeninghouers regstreekse titel het op tjeks ens. wat gewissel word nie. Maak asseblief seker dat die rekeningnommer korrek ingeskyf is. Die Bank kan nie aanspreeklik gehou word vir foutte as gevolg van foutiewe inligting nie.  
 The Standard Bank of South Africa Limited (Reg. No. 1962/000738/06) An authorised financial services and registered credit provider (NCRCP15).  
 Die Standard Bank van Suid-Afrika Beperk (Reg. no. 1962/000738/06) 'n Gemagtigde finansiële diensteris- en geregistreerde kredietverskaffer (NCRCP15).

**STANDARD BANK**  
**BLOEMFONTEIN**  
**06 SEP 2017**  
**TELLER 2**  
**05-50-34**

Date Datum (YYJ-MM-DD)	2017-09-06
Notes Note	
Coins/Munte	25-00
Postal/Money order Posorders-wissels	
<b>Total cash and postal/money orders Totale kontant en posorders en-wissels</b>	<b>25-00</b>

Cheques deposited (Drawer's name) / Tjeks gedeponeer (Trekker se naam)	
1	
2	
3	
4	

**Total cheques**  
**Totale tjeks**

**Total R 25-00**

11° 56 74 3 75

11° 72



**public works &  
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Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

5<sup>th</sup> October 2017

Enquiries: Adv. K Moletse  
Tel: (051) 492-3719/3813  
Our Ref: PAIA 003/2017

**MRS LEONA KLEYNHANS  
DEMOCRATIC ALLIANCE  
FREE STATE PROVINCIAL LEGISLATURE  
BLOEMFONTEIN, 9300**

E-mail: [leona@da.fs.org.za](mailto:leona@da.fs.org.za)

Dear Mrs Kleynhans

**REQUEST FOR ACCESS TO INFORMATION: FREE STATE PROVINCIAL  
GOVERNMENT: TENDER NUMBER DPWFS RFP 001/2014**

1. We refer to your request for access to information and receipt of confirmation of payment dated 6<sup>th</sup> September 2017.
2. Kindly be advised that in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) the "Act", the 30 days for consideration of the request from receiving confirmation of payment, lapses on 7<sup>th</sup> October 2017. Kindly be advised further that in terms of the Act, we must still receive consent or comments from the third parties.
3. In view of the above, it is therefore necessary to extend the period in terms of section 26 of the Act. We sincerely apologise for any inconvenience this caused.
4. We rely on your continuing understanding and co-operation.

Yours faithfully,

**ADV KHATHATSO MOLETSE  
DEPUTY INFORMATION OFFICER  
DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE**



**THE OFFICIAL OPPOSITION  
FREE STATE PROVINCIAL LEGISLATURE**

**Tel:** + 27 51 407 1234

**Fax:** + 27 51 430 8338

**Email:** [secretary@da.fs.org.za](mailto:secretary@da.fs.org.za)

**www.da.org.za**

**P.O. Box 81, Bloemfontein, 9300**

<b>Date:</b>	<b>02 March 2018</b>
<b>To:</b>	<b>Adv. K Moletse The Deputy Information Officer Department of Public Works and Infrastructure</b>
<b>From:</b>	<b>Leona Kleynhans (MPL)</b>
<b>Subject:</b>	<b>Update on the PAIA Application for Tender Number DPWFS RFP 001/2014</b>

Dear Adv. Moletse,

Following your letter dated 05 October 2017 (attached), requesting an extension on the PAIA application submitted, it has been 5 months since the request for the extension was granted.

We would like to know the status of our application so that we may consider alternative avenues available to us to access the requested information.

Thank you,

Leona Kleynhans  
Member of the Free State Provincial Legislature  
082 822 1101  
[leona@da.fs.org.za](mailto:leona@da.fs.org.za)

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**LEADER:** Mmusi Maimane | **CHAIRPERSON:** Athol Trollip



08 March 2018

Enquiry: Adv. K Moletse  
Tel: 051 492-3719/3813  
**Our Ref: PAIA003/2017**

**MRS LEONA KLEYNHANS**  
DEMOCRATIC ALLIANCE  
FREE STATE PROVINCIAL LEGISLATURE  
BLOEMFONTEIN

**E-mail:** leona@da.fs.org.za

Dear Mrs. Kleynhans

**APPLICATION FOR ACCESS TO INFORMATION: TENDER NUMBER DPWFS RFP  
001/2014**

1. We refer to your application for access to information and our letter dated 6<sup>th</sup> October 2017.
2. We confirm that we received representations from majority of the affected third parties which refused to give consent to disclose their information.
3. You hereby are informed or notified that having taken all reasonable steps and considered representations of the third parties and acting in accordance to the provisions of section 49 (i) (c) (ii) read with section 36 (1) (b) of the Act. Your request for access to information is refused because of the following that:-
  - 3.1. The information or records requested contain the third parties' commercial or financial secrets or interests; and
  - 3.2. The disclosure of the records requested would cause harm or prejudice to the third parties' commercial or financial interests or secrets.
4. You may lodge internal appeal within 21 days with the Member of Executive Council. Should you wish to submit this appeal, please include the reasons for your view and address it to the Member of the Executive Council, Ms. Dora Kotzee, P.O. Box 690, BLOEMFONTEIN – 9300 or fax no. (051) 405 4117.



**public works &  
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Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

Yours faithfully

**ADV. K MOLETSE  
DEPUTY INFORMATION OFFICER  
DEPARTMENT OF THE PUBLIC WORKS AND INFRASTRUCTURE**



**THE OFFICIAL OPPOSITION  
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[www.da.org.za](http://www.da.org.za)

P.O. Box 81, Bloemfontein, 9300

<b>Date:</b>	<b>02 May 2018</b>
<b>To:</b>	<b>Ms Dora Kotzee The MEC for Public Works</b>
<b>Cc:</b>	<b>Adv. K Moletse The Deputy Information Officer Department of Public Works and Infrastructure</b>
<b>From:</b>	<b>Leona Kleynhans (MPL)</b>
<b>Subject:</b>	<b>Appeal on the rejection of PAIA Application for Tender Number DPWFS RFP 001/2014</b>

Dear MEC Kotzee,

Regrettably, our application for access to information regarding Tender Number DPWFS RFP 001/2014, has been rejected. Kindly find attached the application, as well as all correspondence entered into.

We herewith wish to inform you that we would like to appeal the decision of rejection as stipulated under Section 75 of the Promotion of Access to Information Act (No 2 of 2000). Please find the application attached.

Furthermore, the letter received from Adv. Moletse, was dated 08 March 2018. We received the letter only on 19 April 2018, as such, we will consider the 21 one day notice of appeal to begin on the date of receipt. As such the deadline calculated would be on or before 10 May 2018.

We await your response in anticipation.

Thank you,

Leona Kleynhans  
Member of the Free State Provincial Legislature  
082 822 1101  
[leona@da.fs.org.za](mailto:leona@da.fs.org.za)

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**LEADER:** Mmusi Maimane | **CHAIRPERSON:** Athol Trollip



REPUBLIC OF SOUTH AFRICA

**FORM B**  
**NOTICE OF INTERNAL APPEAL**  
 (Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
 [Regulation 8]

STATE YOUR REFERENCE NUMBER: PAIA003/2017

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

Mr MW Seoke  
 The Head of Department (The Information Officer)  
 hodoffice@fsworks.gov.za  
 And  
 Adv. K Moletse  
 The Deputy Information Officer (moletsek@fsworks.gov.za)  
 The Free State Provincial Department of Public Works and Infrastructure  
 Room 310, OR Tambo House  
 C/o St Andrews and Markgraaff Streets  
 PO Box 690  
 Bloemfontein  
 9300  
 051 - 405-5692

**B. Particulars of requester/third party who lodges the internal appeal**

- (a) The particulars of the person who lodge the internal appeal must be given below.  
 (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.  
 (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: Leona Mary Kleynhans (MPL)

Identity number: 

5	4	0	5	0	9	0	0	8	2	0	8	8
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Postal address: PO Box 81, Bloemfontein. 9301

Telephone number: (082) 822 1101 Fax number: (.....)

E-mail address: leona@da.fs.org.za

Capacity in which an internal appeal on behalf of another person is lodged:

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: .....

Identity number: 

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**D. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

X	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

**E. Grounds for appeal**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

We appeal the decision not to disclose records of Tender RFP001-2014 on grounds that a tender procedures and contracts entered into under the Public Finance Management Act (PFMA) . The records requested are basically contained in the Bid Register which under the PFMA, should be available to the public. Also, in terms of the PFMA, the award of tenders must be equitable, fair and transparent.

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.....

State any other information that may be relevant in considering the appeal:

Since public funds are appropriated in terms on this contract, as an elected Member of the Free State Provincial Legislature, I am constitutionally mandated to conduct effective oversight over the Executive and government programmes. In order for me to adhere to these constitutional obligations, I need to have access to the information requested.

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**F. Notice of decision on appeal**

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: email

Particulars of manner: To leona@da.fs.org.za with a cc to media@da.fs.org.za

Signed at Bloemfontein this day 02 of May year 2018



SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on ..... (date) by .....  
..... (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on ..... (date) to the relevant authority.

OUTCOME OF APPEAL: .....

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION  
SUBSTITUTED

NEW DECISION: .....

DATE RELEVANT AUTHORITY .....

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT  
AUTHORITY ON (date): .....



**THE OFFICIAL OPPOSITION  
FREE STATE PROVINCIAL LEGISLATURE**

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Email: [secretary@da.fs.org.za](mailto:secretary@da.fs.org.za)  
[www.da.org.za](http://www.da.org.za)  
P.O. Box 81, Bloemfontein, 9300

<b>Date:</b>	<b>26 June 2018</b>
<b>To:</b>	<b>Ms Dora Kotzee The MEC for Public Works</b>
<b>Cc:</b>	<b>Adv. K Moletse The Deputy Information Officer Department of Public Works and Infrastructure</b>
<b>From:</b>	<b>Leona Kleynhans (MPL)</b>
<b>Subject:</b>	<b>Decision on the appeal on the rejection of PAIA Application for Tender Number DPWFS RFP 001/2014</b>

Dear MEC Kotzee,

On 02 May 2018, we submitted an appeal under Section 75 under the Promotion of Access to Information Act (No 2 of 2000) to you for consideration. We have extended you a reasonable time to consider the appeal, more than the 30 days afforded under the Act, and have to date not received any indication on your decision and reasons thereto to either dismiss or grant our request to access to information pertaining to Tender Number DPWFS RFP 001/2014.

As such, we request you to inform us of your decision by no later than 02 July 2018 at close of business, after which we will consider the appeal denied. In this event, we reserve our rights in this matter as made provision for under the Act.

We await your response in anticipation.

Thank you,

Leona Kleynhans  
Member of the Free State Provincial Legislature  
082 822 1101  
[leona@da.fs.org.za](mailto:leona@da.fs.org.za)

**FREEDOM. FAIRNESS. OPPORTUNITY.**

**LEADER:** Mmusi Maimane | **CHAIRPERSON:** Athol Trollip