

GOOD GOVERNANCE IN PUBLIC PROCUREMENT: A SOUTH AFRICAN CASE STUDY

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Summary

In this article good governance in public procurement, with particular reference to accountability is discussed. The principle of providing adequate remedies in public procurement is put under the spotlight. This is done with reference to the decision in *Steenkamp NO v Provincial Tender Board, Eastern Cape*. In this case the Constitutional Court had to consider whether an initially successful tenderer could lodge a delictual claim for damages to compensate for expenses incurred after conclusion of a contract, which was subsequently rendered void on an application for review of the tender award. The applicable principles of good governance and the applicable provisions of the UNCITRAL Model Law on Public Procurement and the WTO plurilateral Government Procurement Agreement are analysed. This is done to enable an evaluation of the decision by the Constitutional Court in the above case. It is concluded that the South African public procurement system does in this instance comply with the basic principles of good governance with regard to accountability.

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