

DEPARTMENT OF SPORT AND RECREATION**No. R. 526****15 May 2009****ANNEXURE "A"****DEPARTMENT OF SPORT AND RECREATION SOUTH AFRICA****NATIONAL SPORT AND RECREATION ACT, 1998****PROCEDURE FOR NEGOTIATING SERVICE LEVEL AGREEMENT
REGULATIONS, 2009**

The Minister of Sport and Recreation South Africa has, under section 14 (a) and (j) of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998) and after consultation with the Sports Confederation, made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates-

"acceptance" means the Sports Confederation or national federation unconditionally accepts the offer made by Sport and Recreation South Africa;

"other Party" means the Sports Confederation or the national federation concerned, as the case may be;

“offer” means a statement of intention by Sport and Recreation South Africa as the body making an offer, to the national federation or Sports Confederation as the body to whom the offer is addressed, setting out what performance and what terms the latter body must agree to bind itself to;

“service level agreement” means the agreement between the Sports Confederation or the national federation, as the case may be, and Sport and Recreation South Africa, that define, *inter alia*, the services provided, the metrics associated with these services, acceptable and unacceptable service levels, liabilities on the part of the Sports Confederation or the national federation, and actions that may be taken in specific circumstances;

“the Act” means the National Sport and Recreation Act, 1998 (Act No. 110 of 1998);

Draft Service Level Agreement

2. (1) Sport and Recreation South Africa must prepare a draft service level agreement that must—

- (a) be drafted in clear and unambiguous language;
- (b) be submitted to the other Party for that Party's inputs;
- (c) be regarded as an offer to the other Party to provide the services referred to therein and which offer must be defined and complete;
and

- (d) set out in detail the terms and conditions of the service level agreement.
- (2) The draft service level agreement must be submitted to the other Party and must form the basis for discussions and negotiations with the other Party.

Procedure for Negotiation of Service Level Agreement

3.(1) The other Party must, within a period of 14 days of receiving a draft service level agreement contemplated in regulation 2(1), submit its written inputs and comments on the draft service level agreement to Sport and Recreation South Africa in a manner specified in regulation 7.

(2) The Parties shall, within a period of 30 days from the date of submission of the draft service level agreement to the other Party in accordance with regulation 2(2), create a negotiating mechanism in terms of which the draft service level agreement and any inputs or comments received in accordance with subregulation (1) may be negotiated and discussed.

(3) The Parties may solicit assistance, during the negotiation mechanism contemplated in subregulation (2), from a third party.

(4) The negotiating mechanism contemplated in subregulation (2) may take the form of—

- (a) the submission of written comments in the manner specified in regulation 7; or
- (b) a meeting between the Parties at a place and time agreed upon by the Parties..

Final Service Level Agreement

4. Sport and Recreation South Africa must, within 14 days after the creation of the negotiating mechanism contemplated in regulation 3(2) and after considering all the comments and inputs of the other Party, draft the final service level agreement which must be submitted to the other Party as the final offer.

Offer, Acceptance and Signing

5. (1) A final offer contemplated in regulation 4 may be revoked, in writing and communicated to the other Party, at any time prior to the acceptance thereof by the other Party.

(2) An acceptance of an offer must be unconditional and without any reservations.

(3) An acceptance of an offer must be in writing and submitted within a period of 21 days from the date on which the final offer was submitted to the other Party in accordance with regulation 4.

(4) Only duly authorised persons or representative mandated in writing shall be entitled to sign a service level agreement binding the Party concerned.

Lapse of an Offer

6. An offer shall lapse—

(a) if there is a counter offer;

(b) where the acceptance is not communicated within the period specified in regulation 5(3);

- (c) on revocation of the offer in accordance with regulation 5(1);
or
- (d) when substantial provisions of the proposed agreement become impossible to perform.

Submission of Documents

7. Any document that must be submitted to Sport and Recreation South Africa must be—

- (a) sent by post to the following address:
Private Bag X896
Pretoria
0001;
- (b) sent by facsimile transmission to the following number:
(012) 323 0795;
- (c) sent by electronic mail to the following email address:
LegalServices@srsa.gov.za; or
- (d) hand delivered to the following address:
Regent Place
66 Queen Street
Pretoria
0001.

Short Title

8. These regulations shall be called the Procedure for Negotiating Service Level Agreements Regulations, 2009.