



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Tullis Laundry Solutions Africa (Pty) Ltd v MEC for Health, Western Cape and Another, MEC for Health, Western Cape v Tullis Laundry Solutions Africa (Pty) Ltd and Another (472/2023 and 634/2025) [2026] ZASCA 129 (29 September 2026)

Today, the Supreme Court of Appeal (SCA) handed down judgment in two appeals and a cross-appeal arising from the same procurement process initiated by the Western Cape Department of Health (the Department) in July 2020. The SCA partially upheld the first appeal against the order of the Western Cape Division of the High Court, Cape Town (Ndita J), but dismissed the related cross-appeal. The second appeal, against the order of the Western Cape Division of the High Court, Cape Town (Van den Berg AJ, with Nziweni and Erasmus JJ concurring – the full court), was upheld in part by the SCA.

The judgment addresses legal challenges to the award of the tender to Amlazi Equipment Services (Amlazi) to upgrade laundry machinery at Tygerberg Central Laundry. Tullis Laundry Solutions Africa (Tullis), an unsuccessful bidder whose tender was R27 million lower, successfully applied to the High Court to set aside the award on the grounds of procedural unfairness and non-compliance with procurement regulations. Although the High Court declared the tender invalid, it suspended the order of invalidity and required a fresh procurement process to prevent disruption to essential hospital services.

Despite the court order, the Member of the Executive Council for Health (MEC) permitted Amlazi to proceed with importing and fully installing all three laundry lines. While Tullis sought to enforce a re-tender of the entire contract, the MEC argued that the suspension allowed full implementation, making a fresh procurement unnecessary.

The Supreme Court of Appeal held that the lower court's suspension order was intended only as a temporary measure to ensure service continuity pending a new tender, thereby rendering the MEC's cross-appeal invalid. However, because all three washing lines were fully installed at a cost of R124 million and are expected to last up to 20 years, enforcing a fresh procurement process was both practically impossible and economically wasteful. Recognising that Amlazi acted innocently and that setting aside the completed performance would cause severe financial prejudice and disrupt public healthcare, the court exercised its discretion under s172(1)(b) of the Constitution to leave the declaration of invalidity intact while permitting Amlazi to retain its contractual payments. The Department was ordered to pay Tullis's legal costs due to the initial illegality of the procurement process.

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