

NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY



MANUCIPAL SUPPLY CHAIN MANAGEMENT POLICY

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1. Definitions

In this policy unless the context otherwise indicated, a word or expression to which a meaning has been assigned in the Act has the same meaning as in the Act, and-

“Competitive bidding process” Means a competitive bidding process referred to in paragraph 12(1) h (d) of this policy

“Competitive bid” Means a bid in terms of a competitive bidding process.

“Final award” In relation to bids or quotations submitted for a contract, means the final decision on which bid or quote accept.

“Formal written price quotation” Means quotations referred to in paragraph 12(1) of this policy.

“In the service of the state” Means to be-

- (a) A member of-
 - i. Any municipal council
 - ii. Any provincial legislature o
 - iii. The National Assembly or the National Council of Provinces
- (b) An official of any municipality
- (c) An employee of any national or provincial public entity or constitutional institution within

the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999)

- (d) A member of the accounting authority of any national or provincial legislature.
- (e) An employee of Parliament or a provincial Legislature.

“Long term contract”

Means a contract with a duration period exceeding one year.

“List of accredited prospective providers” Means the list of accredited prospective providers which a Municipality must keep in terms of paragraph 14 of this policy.

“Other applicable legislation”

Means any other legislation applicable to municipal supply chain management, including-

- a) The Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 200)
- b) The Broad

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- (c) An employee of any national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999)
- (d) A member of the accounting authority of any national or provincial legislature.
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“Long term contract” Means a contract with duration period exceeding one year.

“List of accredited prospective providers” Means the list of accredited prospective providers which a Municipality must keep in terms of paragraph 14 of this policy.

“Other applicable legislation” Means any other legislation applicable to municipal supply chain management, including-

- a) The Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000)
- b) The Broad-Based Black Economic Empowerment Act, 2003(Act No. 53 of 2003) &
- c) The Construction Industry Development Board Act, 2000 (Act No. 38 of 2000)

- “Regulation”** Means the local Government’ Municipal Supply Chain Management Regulations;
- “Treasury guidelines”** Means any guidelines on supply chain management issued by the minister in terms of section 168 of the Act;
- “The Act”** Means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
- “Written or verbal quotations”** Means the quotations referred to in paragraph 12(1)(b) of this policy.

CHAPTER 1

ESTABLISHMENT AND IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT POLICY

2. Supply chain management policy

(1) The Ngaka Modiri Molema District municipality resolves in terms of section 111 of the Act to have and implement a supply chain management policy that-

- a) Gives effect to-
 - i) Section 217 of the Constitution; and
 - ii) Part 1 of chapter 11 and other applicable provisions of the Act;
- b) Is fair, equitable, transparent, competitive and cost effective;
- c) Complies with-
 - i) The regulatory framework prescribed in chapter 2 of the regulations; and
 - ii) Any minimum norms and standards that may be prescribed in terms of section 168 of the Act;
- d) Is consistent with other applicable legislation;
- e) Does not undermine the objective for uniformity in supply chain management systems between organs of the state in all spheres; and
- f) Is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

Important:

(2) The municipality may not act otherwise than in accordance with this supply chain management policy when-

- a) Procuring goods or services;
- b) Disposing of goods no longer needed;
- c) Selecting contractors to provide assistance in the provision of municipal services otherwise than in circumstances where chapter 8 of the Municipal System Act applies; or
- d) In the case of a municipality, selecting external mechanism referred to in section 80 (1)(b) of the Municipal Systems Act for the provision of municipal services in circumstances contemplated in section 83 of that Act.

(2) Subparagraphs (1) and (2) of this policy do not apply in the circumstances described in section 110 (2) of the Act except where specifically otherwise in this policy.

3. Adoption and amendment of the supply chain management policy

(1) The accounting officer must-

- a) At least annually review implementation of this policy; and
- b) When the accounting officer considers it necessary, submit proposals for the amendment of this policy to the council.

(2) If the accounting officer submits a draft to the policy council that differs from the model policy, the accounting officer must ensure that such draft policy complies with the Regulations. The accounting officer must report any deviation from the model policy to the National Treasury and the relevant provincial treasury.

- (3) When amending this supply chain management policy the need for uniformity in supply chain practices, procedures and forms between organs of the state in all spheres, particularly to promote accessibility of supply chain management systems for small businesses must be taken into account.
- (4) The accounting officer of a municipality must in terms of section 62 (1)(iv) and section 99(2)(h) of the Act, take all reasonable steps in order to ensure that municipality has and implements this supply chain management policy

4. Delegation of supply chain management powers and duties

- (1)The council hereby delegates such additional powers and duties to the accounting officer so as to enable the accounting officer-
 - (a)To discharge the supply chain management responsibilities conferred on accounting officers in terms of-
 - (i) Chapter 8 or 10 of the Act; and
 - (ii) The supply chain management policy;
 - a) To maximize administrative and operational efficiency in the implementation of the supply chain management policy;
 - (b)To enforce reasonable cost-effective measure for the prevention of fraud, corruption, favoritism and unfair and irregular practices in the implementation of the supply chain management policy; and
 - (c)To comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Act.

- (2) Sections 79 and 106 of the Act apply to the sub delegation of powers and duties delegated to an accounting officer in terms of subparagraph (1) of this policy.
- (3) The council or accounting officer may not delegate or sub delegate any supply chain management powers or duties to a person who is not official of the municipality or to a committee which is not exclusively composed of officials of the municipality.
- (4) This paragraph may not be read as permitting an official to whom the power to make final awards has been delegated to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 26 of this policy.

5. Sub delegations

- 1) The accounting officer may in terms of section 79 or 106 of the Act sub delegate any supply chain management powers and duties, including those delegated to the accounting officer in terms of this policy, but any such sub delegation must be consistent with subparagraph (2) and paragraph 4 of this policy.
- (2) The power to make a final award-
- (a) Above R10 million (VAT included) may not be sub delegated by the accounting officer;
 - (b) Above R2 million (VAT included) but not exceeding R10 million (VAT included) may be sub delegated but only to-
 - (i) The chief financial officer
 - (ii) A senior manager or
 - (iii) A bid adjudication committee of which the chief financial officer or a senior manager is a member, or

(c) Not exceeding R2 million (VAT included) may be sub delegated but only to-

- (i) The chief financial officer
 - (ii) A senior manager
 - (iii) A manager directly accountable to the chief financial officer or a senior manager, or
 - (iv) A bid adjudication committee
- (3) An official or bid adjudication committee to which the power to make a final awards has been sub delegated in accordance with subparagraph (2) of this policy must within five days of the end of each month submit to the official referred to in subparagraph (4) of this policy a written report containing particulars of each final award made by such official or committee during that month including-

- (a) The amount of the award
- (b) The name of the person to whom the award was made; and
- (c) The reason why the award was made to that person.

(4) A written report referred to in subparagraph (3) of this policy must be submitted-

- (a) To the accounting officer in the case of an award by-
 - (i) The chief financial officer
 - (ii) A senior manager or
 - (iii) A bid adjudication committee of which the chief financial officer or a senior manager is a member or
- (b) To the chief financial officer or the senior manager responsible for the relevant bid in the case of an award by-

- (i) A manager referred to in subparagraph (2) (c)(iii) of this policy or
 - (ii) A bid adjudication committee of which the chief financial officer or a senior manager is not a member.
- (5) Subparagraph (3) and (4) of this policy do not apply to procurements out of petty cash.
- (6) This paragraph may not be interpreted as permitting an official to whom the power to make final award has been sub delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 26 of this policy.
- (7) No supply chain management decision-making powers may be delegated to an advisor or consultant

6. Oversight role of council

- (1) The council must maintain oversight the implementation of this supply chain management policy.
- (2) For the purpose of such oversight the accounting officer must-
 - (a) (i) Within 30 days of the end of each financial year, submit a report on the implementation of the supply chain management policy of the municipality under its sole or shared control, to the council of the municipality, and
 - (ii) Whenever there are serious and material problems in the implementation of the supply chain management policy.

- (3) The accounting officer must within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor.
- (4) The reports must be made public in accordance with section 21A of the Municipal Systems Act.

7. Supply chain management unit

- (1) The accounting officer must establish a supply chain management unit to implement this supply chain management policy.

Note:

- (2) The supply chain management unit must where possible operate the direct supervision of the chief financial officer or an official to whom this duty has been delegated in terms of section 82 of the Act.

8. Training of supply chain management officials

The training of officials involved in implementing the supply chain management policy should be in accordance with any Treasury guidelines on supply chain management training.

CHAPTER 2

FRAMEWORK FOR SUPPLY CHAIN MANAGEMENT

9. Format of supply chain management

This supply chain management policy provides systems for-

- (i) Demand management
- (ii) Acquisition management
- (iii) Logistics management
- (iv) Disposal management
- (v) Risk management
- (vi) Performance management

Part 1: Demand management

10. System of demand management

The accounting officer must establish through operational procedures, an effective system of demand management in order to ensure that the resources required to support the strategic and operational commitments are delivered at the correct time, at the right price and at the right location, and that the quantity and quality satisfy the needs.

Part 2: Acquisition management

3. System of acquisition management

- 1) The accounting officer must establish through operational procedures, an effective system of acquisition management in order to ensure-
 - (a) That goods and services are procured by the municipality in accordance with authorized processes only;

- (b) That expenditure on goods and services is incurred in terms of an approved budget in terms of section 15 of the Act;
 - (c) That the values for the different procurement processes are complied with;
 - (d) That the bid documentation, evaluation and adjudication criteria, and general condition of a contract are in accordance with any applicable legislation; and
 - (e) That any Treasury guidelines on acquisition management are properly taken into account.
- (2) This supply chain management policy; except where provided otherwise in the policy, does not apply in respect of the procurement of goods and services contemplated in section 110(2) of the Act including-
- (a) Water from the department of Water Affairs or a public entity, another municipality and
 - (b) Electricity from Eskom or another public entity, another municipality.
- (3) The following information must be made public wherever goods or services contemplated in section 110(2) of the Act are procured other than through the supply chain management system-
- (a) The kind of goods or services; and
 - (b) The name of the supplier

12. Range of procurement processes

- (1) The procurement of goods and services through this policy is provided by way of-

- (a) Petty cash purchases up to a transaction value of R500 (VAT included);
 - (b) Written quotations for procurements of a transactions value over R500 up to R5000 (VAT included);
 - (c) Formal written price quotations for procurements of a transaction value over R5000 up to R200 000 (VAT included); and
 - (d) A competitive bidding process for-
 - (i) Procurements above a transaction value of R200 00 (VAT included); and
 - (ii) The procurement of long term contracts.
- (2) The accounting officer may in writing lower, but not increase the different values specified in subparagraph n (1); or
- (b) Direct that-
 - (i) Written quotations be obtained for any specific procurement of a transaction value lower than R500
 - (ii) Formal written price quotations be obtained for any specific procurement of a transaction value lower than R500; or
 - (iii) A competitive bidding process be followed for any specific procurement of a transaction value lower than R200 000
- (3) Goods or services may not deliberately be split into parts or items of a lesser value merely to avoid complying with the requirements of the policy. When determining transaction

values, a requirement for goods or services consisting of different parts or items must as far as possible be treated and dealt with as a single transaction.

13. General preconditions for consideration of written quotations or bids

A written quotation or bid may not be considered unless the provider who submitted quotation or bid-

(a) Has furnished that provider's:-

(i) Full name

(ii) Identification number or company or other registration number; and

(iii) Tax reference number and VAT registration number, if any;

(b) Has authorized the municipality to obtain a tax clearance from the South African Revenue Services that the provider's tax matters are in order; and

(c) Has indicated-

(i) Whether he or she is in the service of the state, or has been in the service of the state in the previous twelve months; or

(ii) If the provider is not a natural person, whether any of its directors, managers, principal shareholders or stakeholder is in service of the state, or has been in the service of the state in the previous twelve months; or

- (iii) Whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in subparagraph; and
- (iv) Is in the service of the state, or has been in the service of the state in the previous twelve months.

14. List of accredited prospective providers

1) The accounting officer must-

- (a) Keep a list accredited prospective providers of goods and services that must be used for the procurement requirements through written or verbal quotations and formal written price quotations; and
- (b) At least once a year through newspapers commonly circulating locally, the website and any other appropriate, invite prospective providers of goods or services to apply for evaluation and listing as accredited prospective providers;
- (c) Specific the listing criteria for accredited prospective providers; and
- (d) Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.

(2) The list must be updated at least quarterly to include any additional prospective providers and any new commodities or types of services. Prospective providers allowed must be to submit applications for listing at any time.

- (3) The list must be compiled per commodity and per type of service.

15. Petty cash purchases

The accounting officer must establish the conditions for the procurement of goods by means of petty cash purchases referred to in paragraph 12 (1) (a) of this policy, which must include conditions-

- (a) Determining the terms on which a manager may delegate responsibility for petty cash to an official reporting to the manager;
- (b) Limiting the number of petty cash purchases or the maximum amounts per month for each manager;
- (c) Excluding any types of expenditure from petty cash purchases, where this is considered necessary; and each manager to the chief financial officer, including -
- (d) Requiring monthly reconciliation reports from each manager to the chief financial officer, including -
 - (i) The total amount of petty cash purchases for that month; and
 - (ii) Receipts and appropriate documents for each purchase.

16. Written quotations

The accounting officer must establish the conditions for the procurement of goods or services through written quotations, must include conditions stating-

- (a) That quotations must be obtained from at least three different providers preferably from, but not limited to providers whose names appear on the list of accredited prospective providers of the municipality, provided that if quotations are obtained from providers who are not listed, such providers must meet the listing criteria in the supply chain management policy required by 14 (1)(b) and (c) of this policy;
 - (b) that to the extent feasible, providers must be requested to submit such quotations in writing
 - (d) that if it is not possible to obtain at least three quotations, the reason must be recorded and reported quarterly to the accounting officer or another official designated by the accounting officer.
-
- (b) That the accounting officer must record the names of the potential providers requested to provide such quotation with their quoted prices.

17. Formal written price quotations

- (1) The accounting officer must establish the conditions for the procurement of goods or services through formal written price quotations, which must include conditions stating-
 - (a) That quotations must be obtained in writing from at least three different providers whose names appear on the list of accredited prospective providers of the municipality;
 - (b) That quotations may be obtained from providers who are not listed, provided that such providers meet the listing criteria in the supply chain management policy required by paragraph 14 (1)(b) and (c);
 - (c) That if it is not possible to obtain at least three quotations, the reasons must be recorded and approved by the chief financial officer or an official designated by the chief financial officer; and

(d) That the accounting officer must record the names of the potential providers and their written quotations.

(2) A designated official referred to in paragraph (1)(c) must within three days of the end of each month report to the chief financial officer on any approvals given during that month by that official in terms of that subparagraph.

18. Procedures for procuring goods or services through written quotations and formal written price quotations

The accounting officer must determine the operational procedure for the through written quotations or formal procurement of goods or services written price quotations which must stipulate-

- (a) That all requirements in excess of R30 000 (VAT included) that are to be procured by means of formal written price quotations must, in addition to the requirements of paragraph 17, be advertised for at least seven days on an official notice board of the municipality
- (b) That when using the list of accredited prospective providers the accounting officer must promote ongoing competition amongst providers, including by inviting providers to submit quotations on a rotation basis;
- (c) That the accounting officer must take all reasonable steps to ensure that the procurement of goods and services through written quotations is not abused;
- (d) That the accounting officer or chief financial officer must on a monthly basis be notified in writing of all written quotations and

formal written price quotations and formal written price quotations accepted by an official acting in terms of a sub delegation, and

(e) Requirements for proper record keeping.

19. Competitive bidding process

- (1) Goods or services above a transaction value of R200 000 (VAT included) and long term contracts procured through a competitive bidding process, subject to paragraph 11 (2) of this policy; and
- (2) No requirement of goods or services above an estimated transaction value of R200 000 (VAT included) may deliberately be split into parts or items of lesser value merely for the sake of procuring the goods or services otherwise than through a competitive bidding process.

20. Process for competitive bidding

The accounting officer must establish procedures for a competitive bidding process for each of the following stages:

- (a) The compilation of bidding documentation
- (b) The public invitation of bids
- (c) Site meetings or briefing sessions if applicable
- (d) The handling of bids submitted in response to the public invitation
- (e) The evaluation of bids

- (f) The award of contracts
- (g) The administration of contracts; and
- (h) Proper record keeping

21. Bid documentation for competitive bids

The accounting officer must establish the criteria to which bid documentation for a competitive bidding process must comply, which in addition to paragraph 13 of this policy, the bid documentation must-

- (a) Take into account-
 - (i) The general conditions of contract;
 - (ii) Any Treasury guidelines on bid documentation; and
 - (iii) The requirements of the Construction Industry Development Board, in the case of a bid relating to construction, upgrading or refurbishment of buildings or infrastructure.
- (b) Include evaluation and adjudication criteria including any criteria required by other applicable legislation;
- (c) Compel bidders to declare any conflict of interest they may have in the transaction for which the bid is submitted;
- (d) If the value of the transaction is expected to exceed R10 million (VAT included) require bidders to furnish-
 - (i) If the bidder is required by law to prepare annual financial statements for auditing. Their audited annual financial statement-

- (aa) For the past three years ;or
 - (bb) Since their establishment if established during the past three years.
-
- (ii) A certificate signed by the bidder certifying that the has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days;
 - (iii) Particulars of any contracts awarded to the bidder by an organ of the state during the past five years including particulars of any material non-compliance or dispute concerning the execution of such contract;
 - (iv) A statement indicating whether any portion of the goods or services are expected to be sourced from outside the Republic, and if so what portion and whether any portion of payment from the municipality is expected to be transferred out of the Republic; and
 - (v) Stipulate that disputes must be settled by means of mutual consultation, mediation (with or without legal representation) or when unsuccessful in a South African court of law.

22. Public invitation for competitive bids

The accounting officer must determine the procedure for the invitation of competitive bids which must stipulate that:

- (1)(a) Any invitation to prospective providers to submit bids must be by means of a public advertisement in newspapers commonly circulating locally, the website of the municipality or any

other appropriate ways (which may include an advertisement in the Government Tender Bulletin); and

- (b) The information contained in a public advertisement must include-
 - (i) The closure date for the submission of bids, which may not be less than 30 days in the case of transactions over R10 million (VAT included), or which are of a long term nature or 14 days in any other case from the date on which the advertisement is placed in a newspaper, subject to subparagraph (2) of this policy; and documentation provided by
 - (ii) A statement that bids may only be submitted on the bid the municipality.
- (2) The accounting officer may determine a closure date for submission of bids which is less than the 30 or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.
- (3) Bids must be sealed.
- (4) Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies.

23. Procedure for handling, opening and recording of bids

The accounting officer must determine the procedures for handling, opening and recording of bids, which must stipulate that:

- (a) Bids-
 - i. Must be opened only in public; and

- ii. Must be opened at the same time and as soon as possible after the period for the submission of bids has expired
- (b) Any bidder or member of the public has the right to request that the names of the bidders who submitted bids in time must be read out and if practical also each bidder's total bidding price; and
- (c) The accounting officer must-
 - (i) Record in a register all bids received in time
 - (ii) Make the register available for public inspector; and
 - (iii) Publish the entries in the register and the bid results on the website

24. Negotiations with preferred bidders

- (1) The accounting officer may negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation-
 - (a) does not allow any preferred bidder a second or unfair opportunity;
 - (b) Is not to the detriment of any other bidder; and
 - (c) Minutes of such negotiations must be kept for record purposes.

25. Two-stage bidding process

- (1) A two-stage bidding process is allowed for -
 - (a) large complex projects
 - (b) projects with a duration period exceeding three years

(c) long term projects with a duration period exceeding three years

(2) In the first stage technical proposals on conceptual design or performance specifications should be invited, subject to technical as well as commercial clarifications and adjustments.

(3) In the second stage final technical proposals and priced bids should be invited.

26. Committee system for competitive

(1) the accounting officer is required to -

(a) Establish a committee system for competitive bids of at least-

- (i) A bid specification committee
- (ii) A bid evaluation committee; and
- (iii) A bid adjudication committee

(b) Appoint the members of each committee taking into account section 117 of the Act, and

(c) Provide for an attendance or oversight process by a neutral or independent observer, appointed by the accounting officer, when this is appropriate for ensuring fairness and promoting transparency

(2) The committee system must be consistent with-

- a) Paragraph 27, 28 and 29 of this policy, and
- b) Any other applicable legislation

(3) The accounting officer may apply the committee system to formal written quotations.

27. Bid Specification Committee

1) The bid specification committee must compile the specifications for each procurement of goods or services by the municipality.

2) Specifications-

(a) Must be drafted in an unbiased manner to allow all potential suppliers to offer their goods or services;

(b) Must take account of any accepted standards such as those issued by Standards South African National Accredited System with which the equipment or material or workmanship should comply;

(c) Where possible, be described in terms of performance required rather than in the terms of descriptive characteristics for design;

(d) May not create trade barriers in contract requirements in the forms of specifications, plans, drawings, designs, testing and test methods, packaging, marking or labeling of conformity certification;

(e) May not make reference to any particular trade mark, name, patent, design, type, specific origin or producer unless there is no other sufficiently precise or intelligible way of describing the characteristics of the work, in which case such reference must be accompanied by the words "equivalent"

- (f) Must indicate each specific goal for which points may be awarded in terms of the points system set out in the Preferential Procurement Regulations; and
 - (g) Must be approved by the accounting officer prior to publication of the invitation for bids in terms of paragraph 22 of this policy.
- 3) The bid specification committee must be composed of one or more officials of the municipality, preferable external specialist advisors.
 - 4) No person, advisor or corporate entity involved with the bid specification committee, or director of such a corporate entity, may bid for any resulting contracts.

28. Bid Evaluation Committee

- (1)The bid evaluation committee must-
 - (a) Evaluate bids in accordance with-
 - (i) The specifications for a specific procurement; and
 - (ii) The points system set out in terms of paragraph 27(2)(f).
 - (b) Evaluate each bidder's ability to execute the contract,
 - (c) Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears and
 - (d) Submit to the adjudication committee a report and recommendation regarding the award of the bid or any other related matter.

- (2) The bid evaluation committee must as far as possible be composed of-
- (a) Officials from departments requiring the goods or services; and
 - (b) At least one supply chain management practitioner of the municipality.

29. Bid adjudication committees

- (1) The bid adjudication committee must-
- (a) Consider the report and recommendations of the bid evaluation committee; and
 - (b) Either-
 - (i) Depending on its delegations, make a final award or a recommendation to the accounting officer to make the final award; or
 - (ii) Make another recommendation to the accounting officer how to proceed with the relevant procurement.
- (2) The bid adjudication committee must consist of at least four senior managers of the municipality which must include-
- (i) The chief financial officer or if the chief financial officer is not available, another manager in the budget and treasury office reporting directly to the chief financial officer and designated by the chief financial officer; and

- (ii) At least one senior supply chain management practitioner who is an official of the municipality; and
 - (iii) A technical expert in the relevant field who is an official, if such an expert exists.
- (3) The accounting officer must appoint the chairperson of the committee. If the chairperson is absent from the meeting, the members of the committee who are present must elect one of them to preside the meeting.
- (4) Neither a member of a bid evaluation committee, nor an advisor or person assisting the evaluation may be a member of a bid adjudication committee.
- (5)(a) If the bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid-
- (i) Check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears, and
 - (ii) Notify the accounting officer
- b) The accounting officer may-
- (h) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in paragraph (a) and;
 - (ii) If the decision of the bid adjudication committee is rejected,
 - (iii) refer the decision of the adjudication committee back to that committee for reconsideration.

- (6) The accounting officer may at any stage of a bidding process, refer any recommendation made by the evaluation committee or the adjudication committee back to that committee for reconsideration of the recommendation.
- (7) The accounting officer must comply with section 114 of the Act within 10 working days.

30. Procurement of banking services

- (1) Banking services-
 - (a) Must be procured through competitive bids;
 - (b) Must be consistent with section 7 or 85 of the Act; and
 - (c) May not be for a period of more than five years at a time.
 - (1) The process for procuring a contract for banking services must commence at least nine months before the end of an existing contract.
 - (2) The closure date for the submission of bids may not be less than 60 days from the date on which the advertisement is placed in a newspaper in terms of paragraph 22(1). Bids must be restricted to the banks registered in terms of the banks Act 1990(Act No. 94 of 1990).

31. Procurement of IT related goods or services

- (1) The accounting officer may request the State Information Technology Agency (SITA) to assist with acquisition of IT related goods or services through a competitive bidding process.

- (2) Both parties must enter into a written agreement to regulate the service rendered by and the payments to be made to SITA
- (3) The accounting officer must notify SITA together with a motivation of the IT needs if-
 - (a) The transaction value of IT related goods or services required in any financial year will exceed R50 million (VAT included) or
 - (b) The transaction value of a contract to be procure whether for one or more years exceeds R50 million (VAT included).
- (4) If SITA comments and the reasons for rejecting or not following such comments must be submitted to the council the National Treasury the relevant provincial treasury and the Auditor General.

32. Procurement of goods and services under contracts secured by other organs of state

- (1) The accounting officer may procure goods or services under a contract secured by another organ of state, but only if-
 - (a) The contract has been secured by that other organ of state by means of a competitive bidding process applicable to that organ of state;
 - (b) There is no reason to believe that such contract was not validity procured;
 - (c) There are demonstrable discounts or benefits to do so; and
 - (d) That other organ of state and the provider have consented to such procurement in writing.

33. Procurement of goods necessitating special safety arrangements

- (1) The acquisition and storage of goods in bulk (other than water) which necessitate special safety arrangements, including gasses and fuel, should be avoided where ever possible.
- (2) Where the storage of goods in bulk is justified, such justification must be based on sound reasons, including the total cost of ownership, cost advantages and environmental impact and must be approved by the accounting officer.

3.4 Proudly SA Campaign

The accounting officer must determine internal operating procedures supporting the Proudly SA Campaign to the extent that, all things being equal preference is given to producing local goods and services from:

- Firstly-suppliers and businesses within the municipality or district,
- Secondly-suppliers and businesses within the relevant province,
- Thirdly-supplier and businesses within the Republic of South Africa

35. Appointment of consultants

- 1) The accounting officer may procure consulting services provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.
- (2) Consultancy services must be procured through competitive bids if-

- (a) The value of the contract exceeds R200 000(VAT included); or
 - (b) Duration period of the contract exceeds one year.
- (3) In addition to any requirements prescribed by this policy for competitive bids, bidders must furnish particulars of-
- (a) All consultancy services provided to an organ of state in the last five years; and
 - (b) Any similar consultancy services provided to an organ of state in the last five years.
- (4) The accounting officer must ensure that copyright in any document produced and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.

36. Deviation from and ratification of minor breaches of procurement processes

- (1) The accounting officer may-
- (a) Dispense with the official procurement processes established by this policy and to procure any required goods or services through any convenient process, which may include direct negotiations but only-
 - (i) In an emergency;
 - (ii) If such goods or services are produced or available from a single provider only
 - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;

(iv) Acquisition of animals for zoos and/or nature and game reserves; or

(v) In any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of subparagraphs (1)(a) and (b) of this policy and report them to the next meeting of the council and include as a note to the financial statements.

(3) Subparagraph (2) does not apply to the procurement of goods and services contemplated in paragraph 11(2) of this policy.

37. Unsolicited bids

(1) In accordance with section 113 of the Act is no obligation to consider unsolicited bids received outside a normal bidding process.

(2) The accounting officer may decide in terms of section 113(2) of the Act to consider an unsolicited bid, only if-

(a) The product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;

(b) The product or service will be exceptionally beneficial to or have exceptional cost advantages

(c) The person who made the bid is the sole provider of the

product or service and

- (d) The reasons for not going through the normal bidding processes are found to be sound by the accounting officer.
- (3) If the accounting officer decides to consider an unsolicited bid that complies with subparagraph (2) of this policy, the decision must be made public in accordance with section 21A of the Municipal systems Act together with-
- (a) reasons as to why the bid should not be open to other competitors
 - (b) An explanation of the potential benefits if the unsolicited bid were accepted, and
 - (c) An invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.
- (4) All written comments received pursuant to subparagraph (3) including any response from the unsolicited bidder must be submitted to the National Treasury and the relevant provincial treasury for comment.
- (5) The adjudication committee must consider the unsolicited bid and may award the bid or make to the recommendation accounting officer, depending on its delegations.
- (6) A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.
- (7) When considering the matter, the adjudication committee must take into account-
- (a) Any comments submitted by the public; and

(b) Any written comments and recommendations of the National Treasury or the relevant provincial treasury.

(8) If any recommendations of the National Treasury or provincial treasury are rejected or not followed, the accounting officer must submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following those recommendations.

(9) Such submission must be made within seven days after the decision on the award of the unsolicited bid is taken, but no contract committing the municipality to the bid may be entered into or signed within 30 days of the submission.

38. Combating of abuse of supply chain management system

The accounting officer must establish measures for the combating of system, which must stipulate the following:

(1)The accounting officer must-

(a) Take all reasonable steps to prevent abuse of the supply chain management system;

(b) Investigate any allegations against an official or other role player of fraud, corruption, favoritism, unfair or irregular practices or failure to comply with this supply chain management policy and when justified-

(i) take appropriate steps against such official or other role player or

(ii) report any alleged criminal conduct to the South African Police Service.

- (c) Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder or any of its directors is listed as a person prohibited from doing business with the public sector,
- (d) Reject any bid from a bidder-
 - (i) If any municipal rates or municipal service charges owed by that bidder or any of its directors to the municipality or to any other municipality are in arrears for more than three months, or
 - (ii) Who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory;
- (e) Reject a recommendation for the award of a contract if the recommended bidder or any of its directors has committed a corrupt or fraudulent act in competing for the particular contract
- (f) Cancel a contract awarded to a person if-
 - (i) The person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or
 - (ii) An official or other role player committed any corrupt or fraudulent act during process or the execution of the contract that benefited that person; and
- (g) Reject the bid of any bidder if that bidder or any of its directors-
 - (i) Has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system,

- (ii) Has been convicted for fraud or corruption during the past five years,
 - (ii) Has willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past years, or
 - (iii) Has been listed in the Register for Tender defaulters in terms of section 29 of the Prevention and of Combating Corrupt Activities Act (No 12 of 2004).
2. The accounting officer must inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of subparagraphs(1)(b)(ii),(e) or (f) of this policy.

Part 3 Logistics, Disposal, Risk and Performance Management

39. Logistics management

The accounting officer must establish an effective system of logistics management in order to provide for the setting of inventory levels, placing of orders, receiving and distribution of goods, stores and warehouse management, expediting orders, transport management, vendor performance, and maintenance and contract administration.

40. Disposal management

1. The accounting officer must establish an effective system of disposal for the disposal or letting of assets, including

unserviceable, redundant or obsolete assets, subject to sections 14 and 90 of the Act, which must stipulate the following:

2. The disposal of assets must –

(a) be by one of the following methods –

- (i) transferring the asset to another organ of state in terms of a provision of the Act enabling the transfer of assets;
- (ii) transferring the asset to another organ of state at market related value or, when appropriate, free of charge;
- (iii) selling the asset ; or
- (iv) destroying the asset;

(b) Provided that –

- (i) immovable property may be sold only at market related prices except when the public interest or otherwise; the plight of the poor demands
- (iii) movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous;
- (iv) in the case of the free disposal of computer equipment, the provincial department of education must first be approached to indicate within 30 days whether any of the local schools are interested in equipment; and

(c) in the case of disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person or institution within or outside the Republic;

(c) furthermore ensure that -

(i) immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise; and

(ii) all fees, charge, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed; and

(d) ensure that where assets are traded in for other assets, the highest possible trade-in price is negotiated.

4.1 Risk Management

(1) The accounting officer must establish an effective system of risk management for the identification; and consideration avoidance of potential risks in the supply chain management system

(2) Risk management must include –

(a) the identification of risks on a case-by—case basis;

(b) the allocation of risks to the party best suited to manage such risks;

(c) acceptance of the cost of the risk where the cost of transferring the risk is greater than that of retaining it;

(d) the management of risks to the contracting parties through clear and unambiguous for residual documentation.

- (e) the assignment of relative risks to the contracting parties through clear and unambiguous contract documentation.

42. Performance management

The accounting officer must establish an effective internal monitoring system in order to determine, on the basis of a retrospective analysis, whether the authorized supply chain management processes were followed and whether the desired objectives were achieved.

Part 4: Other Matters

43. Prohibition on awards to persons whose tax matters are not in order

- (1) The accounting officer must ensure that, irrespective of the procurement process followed, no award above R15 000 is given to a person whose tax matters have not been declared by the South African Revenue Services to be in order.
- (2) Before making an award to a person the accounting person must first check with SARS whether that person's tax matters are in order.
- (3) If SARS does not respond within 7 days such person's tax matters may for purposes of subparagraph (1) be presumed to be in order

44. Prohibition on awards to person in the service of the state

The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person

- (a) who is in the service of the state; or

(b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state: or

(c) a person who is an advisor or consultant contracted with the municipality

45. Awards to close family members of persons in the service of the state

The notes to the annual financial statement must disclose particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the in previous twelve months, including.

(a) The name of that person

(b) The capacity in which that person is in the service of the state; and

(c) The amount of the award

46. Ethical Standards

(1) A code of ethical standards is hereby established, in accordance with subparagraph (2), for officials and other role players in the supply chain management system in order to promote

(a) mutual trust and respect; and

(b) an environment where business can be conducted with integrity and in a fair and reasonable manner.

(3) An official or other role player involved in the

implementation of the supply chain management policy-

- (a) must treat all providers and potential providers equitably;
- (b) may not use his or her position for private gain or to improperly benefit another person;
- (c) may not accept any reward, gift, favour, hospitality or other benefit directly or indirectly, including to any close family member, partner or associate of that person, of a value more than R350;
- (d) notwithstanding subparagraph (2)(c), must declare to the accounting officer details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to that person or to any close family member, partner or associate of that person;
- (e) must declare to the accounting officer details of any private or business interest which that person, or any close family member, partner or associate, may have in any proposed procurement or disposal process of, or in any award of a contract by, the municipality;
- (f) must immediately withdraw from participating in any manner whatsoever in a procurement or disposal process in the award of a contract in which that person, or any close family member, partner or associate, has any private or business interest;
- (g) must be scrupulous in his or her use of property belonging to the municipality;
- (h) must assist the accounting officer in combating fraud, corruption, favouritism and unfair and irregular practices in the supply chain management system; and

- (i) must report to the accounting officer any alleged irregular conduct in the supply chain management system which that person may become aware of including-
- (ii) any alleged fraud, corruption favouritism or unfair conduct:
- (iii) any alleged contravention of paragraph 47(1) of this policy : or any alleged breach of this code of ethical standards

(3) Declarations in terms of subparagraphs (2)(d) and (e)

(a) must be recorded in a register which the accounting officer must keep for this purpose:

(b) by the accounting officer must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register

47. Inducements, rewards, gifts and favours to municipalities' officials and other role players

(1) No person who is a provider or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed or to be disposed of may either directly or through a representative or intermediary promise, offer or grant

(a) any reward, gift, favour or hospitality to –

(i) any official; or

(ii) any other role player involved in the implementation of the supply chain management policy.

(2) The accounting officer must promptly report any alleged contravention of subparagraph (1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have

acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.

(3) Subparagraph (1) does not apply to gifts less than R350 in value.

48. Sponsorships

The accounting officer must promptly disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted, whether directly or through a representative of intermediary, by any person who is

(a) a provider or prospective provider of goods or services; or (b) a recipient or prospective recipient of goods disposed or to be disposed.

49. Objectives and complaints

Persons aggrieved by decision or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or complain against the decision or action

50. Resolution or dispute, objectives, complaints and queries

(1) The accounting officer must appoint an independent and impartial person, not directly involved in the supply chain management processes –

(a) to assist in the resolution of disputes between the municipality and other persons regarding –

(i) to assist in the resolution or actions taken in the implementation of the supply chain management system, or

- (ii) to deal with objections, complaints or queries regarding any such decisions or actions or any matters arising from such contract.
- (2) The accounting officer, or another official designated by the accounting officer, is responsible for assisting the appointed person to perform his or her functions effectively.
- (3) The person appointed must –
 - (a) strive to resolve promptly all disputes, objections, complaints or queries received; and
 - (b) submit monthly reports to the accounting officer on all disputes, objections, complaints or queries received, attended to or resolved.
- (4) A dispute, objection, complaint or query may be referred to the relevant provincial treasury if –
 - (a) the dispute, objection, complaint or query is not resolved within 60 days; or
 - (b) no response is forthcoming with 60 days.
- (5) if the provincial treasury does not or cannot resolve the matter, the dispute, objection, complaint or query may be referred to the National Treasury for resolution.
- (6) This paragraph must not be read as affecting a person's right to approach a court at any time.

45. Contracts providing for compensation based on turnover

If a service provider acts on behalf of a municipality to provide any service or act as a collector of fees. Service charges or taxes and

the compensation payable to the service provider is fixed as an agreed percentage of turnover for the service or the amount collected, the contract between the service provider and the municipality must stipulate-

- (a) a cap on the compensation payable to the service provider; and
- (b) that such compensation must be performance based.

46. Commencement

The policy takes effect on the date on which it is adopted by the council.

47. Amendments

This policy shall be amended as and when required