



Harry Gwala District Municipality

**HGDM-
DRAFT SCM POLICY
2024-25**





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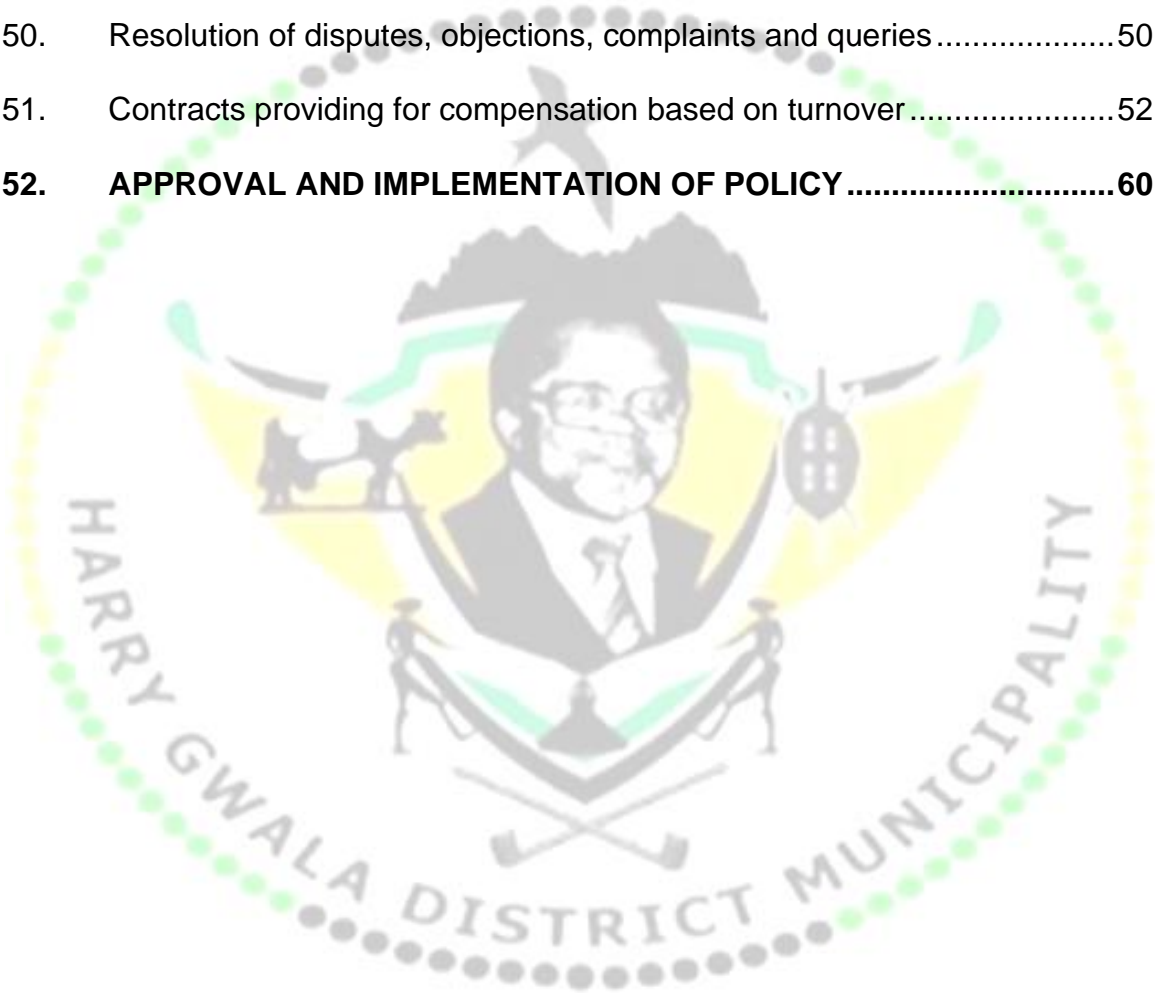
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PREAMBLE

MUNICIPAL SUPPLY CHAIN MANAGEMENT POLICY LOCAL GOVERNMENT:
MUNICIPAL FINANCE MANAGEMENT ACT, 2003

Council resolves in terms of section 111 of the Local Government Municipal Finance Management Act (No. 56 of 2003) and the Preferential Procurement policy Framework Act (Act 5 of 2000), to adopt the following proposal as the Supply Chain Management policy of the municipality.

Definitions / Abbreviations

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

Bid- means a written offer, in the form determined by instruction, in response to an invitation for the procurement of goods or services or other form of procurement through a price quotation, a competitive bidding process, a limited bidding process or any other method envisaged in the Act;

Bidder- means any person/enterprise which has submitted a Bid

Co-opted external specialist advisor- any person or official contracted by the municipality or appointed by the Accounting Officer to provide technical support to the Business Unit

Competitive bidding process - means a competitive bidding process referred to in paragraph 12 (1) (d) of this Policy;

Competitive bid - means a bid in terms of a competitive bidding process;

Disability- means in respect of a person, a permanent means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being

Final award, in relation to bids or quotations submitted for a contract, - means the final decision on which bid or quote to accept;

Formal written price quotation - means quotations referred to in paragraph 12 (1) (c) of this Policy;



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Highest acceptable tender- means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;

Lowest acceptable tender- means a tender that complies with all specifications and conditions of tender and that has lowest price compared to other tenders;

In the service of the state - means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the National Assembly or the National Council of Provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) 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 the 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); and
- (c) the Construction Industry Development Board Act, 2000 (Act No.38 of 2000);
- (d) the Preferential Procurement Regulations, 2022

Manager- means a senior official responsible for a line function within a department reporting directly to a senior manager.



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Executive director - means a Section 56 manager directly reporting to the Accounting Officer.

National Treasury-means the National Treasury established by section 5 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

People with disabilities-In terms of the Code of Good Practice on the Employment of Persons with disabilities: it is persons who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in employment.

Price- means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts

Panel of service providers- pre-qualified list of service providers appointed through a competitive bidding process and engaged on a rotational basis.

SMMEs-means small businesses; as defined in section 1 of the National Small Business Act, 1996 (Act No 102 of 1996) a separate and distinct business entity, including co-operative enterprises and non-governmental organisations, managed by one owner or more which, including its branches or subsidiaries, if any, is predominantly carried on in any sector or sub sector of the economy mentioned in Column I of the Schedule and which can be classified as a micro-, a very small, a small or a medium enterprise by satisfying the criteria 40 mentioned in columns 3; 4 and 5 of the ' Schedule opposite the smallest relevant size or class as mentioned in column 2 of the Schedule.

Specific goals- means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in *Government Gazette* No. 16085 dated 23 November 1994;

Tender- means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

Tender for income-generating contracts- means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions



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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 MFMA (Act No. 56 of 2003);

The Regulations - means the Municipal Supply Chain Management Regulations published by Government Notice 868 of 2005;

Written or verbal quotations - means quotations referred to in paragraph 12(1)(b) of this Policy.

Youth-means persons between the ages of 14 and 35 as the National Youth Development Agency Act 54 of 2008





CHAPTER 1

ESTABLISHMENT AND IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT POLICY

Supply chain management policy

- (1) All officials and other role players in the supply chain management system of the municipality must implement this policy in a way 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 Regulations; and
 - (ii) any minimum norms and standards that may be prescribed in terms of section 168 of the Act;
 - (a) is consistent with other applicable legislation;
 - (b) does not undermine the objective for uniformity in supply chain management systems between organs of state in the national, provincial and local government spheres; and
 - (c) is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.
- (2) This policy applies when the municipality –
 - (a) procures goods or services;
 - (b) disposes of goods no longer needed;
 - (c) selects contractors to provide assistance in the provision of municipal services otherwise than in circumstances where Chapter 8 of the Municipal Systems Act applies; or
 - (d) selects external mechanisms 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.



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- (3) This policy, except where provided otherwise, 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 or a municipal entity; and
 - (b) electricity from Eskom or another public entity, another municipality or a municipal entity.

Amendment of the supply chain management policy

- (1) The accounting officer must –
- (a) at least annually review the implementation of this policy; and
 - (b) when the accounting officer considers it necessary, submit proposals for the amendment of this policy to the council.
- (c) If the accounting officer submits proposed amendments to the council that differs from the model policy issued by the National Treasury, the accounting officer must –
- (a) ensure that such proposed amendments comply with the Regulations; and
 - (b) report any deviation from the model policy to the National Treasury and the relevant provincial treasury.
- (d) When amending this supply chain management policy the need for uniformity in supply chain practices, procedures and forms between organs of state in all spheres, particularly to promote accessibility of supply chain management systems for small businesses must be taken into account.

Delegation of supply chain management powers and duties

- (1) The council hereby delegates all powers and duties to the accounting officer which are necessary to enable the accounting officer –
- (a) to discharge the supply chain management responsibilities conferred on accounting officers in terms of –



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- (i) Chapter 8 or 10 of the Act; and
 - (ii) this policy;
- (b) to maximise administrative and operational efficiency in the implementation of this policy;
- I. to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favoritism and unfair and irregular practices in the implementation of this policy; and
 - II. to comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Act.
- (c) 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).
- (d) The accounting officer may not subdelegate any supply chain management powers or duties to a person who is not an official of municipality or to a committee which is not exclusively composed of officials of the municipality.
- (e) 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.



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) of this paragraph and paragraph 4 of this policy.
- (2) The power to make a final award –
 - a. above R10 million (all applicable taxes) may not be sub-delegated by the accounting officer;
 - b. above R200 000 (all applicable taxes), but not exceeding R10 million (all applicable taxes), may be sub-delegated but only to –
 - (i) a bid adjudication committee of which the Chief financial officer or a senior manager is a member
 - c. to Managers on the Staff Establishment of the Municipality up to a value of R200 000,00 (all applicable taxes)
- (3) An official or bid adjudication committee to which the power to make final awards has been subdelegated in accordance with subparagraph (2) must within five days of the end of each month submit to the accounting officer 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) Subparagraph (3) of this paragraph does not apply to procurements out of petty cash.
- (5) This paragraph may not be interpreted as permitting an official to whom the power to make final awards has been subdelegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 26 of this policy.



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- (6) No supply chain management decision-making powers may be delegated to an advisor or consultant.

Oversight role of council

- (1) The council reserves its right to maintain oversight over the implementation of this policy.
- (2) For the purposes of such oversight the accounting officer must –
 - (i) within 30 days of the end of each financial year, submit a report on the implementation of this policy and the supply chain management policy of any municipal entity under the sole or shared control of the municipality, to the council of the municipality; and
 - (ii) whenever there are serious and material problems in the implementation of this policy, immediately submit a report to the council .
- (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.

Supply chain management unit

- (1) A supply chain management unit is hereby established to assist the accounting officer to implement this policy.
- (2) The supply chain management unit operates under 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.



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Training of supply chain management officials

The training of officials involved in implementing this policy should be in accordance with the MFMA section 119 and the Government Gazette 29967: National Treasury: Local Government: Municipal Regulations on Minimum Competency Levels guidelines on supply chain management training.





CHAPTER 2

FRAMEWORK FOR SUPPLY CHAIN MANAGEMENT SYSTEM

Format of supply chain management system

- . This policy provides systems for –
 - (i) demand management;
 - (ii) acquisition management;
 - (iii) logistics management;
 - (iv) disposal management;
 - (v) risk management; and
 - (vi) performance management.

Part 1: Demand management

System of demand management

1. The accounting officer must establish and implement an appropriate demand management system in order to ensure that the resources required by the municipality support its operational commitments and its strategic goals outlined in the Integrated Development Plan.
2. The demand management system must –
 - (a) include timely planning and management processes to ensure that all goods and services required by the municipality are quantified, budgeted for and timely and effectively delivered at the right locations and at the critical delivery dates, and are of the appropriate quality and quantity at a fair cost;
 - (b) take into account any benefits of economies of scale that may be derived in the case of acquisitions of a repetitive nature; and
 - (c) provide for the compilation of the required specifications to ensure that its needs are met.



- (d) To undertake appropriate industry analysis and research to ensure that innovations and technological benefits are maximized.

Part 2: Acquisition management

System of acquisition management

- (1) The accounting officer must implement the system of acquisition management set out in this Part 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 threshold values for the different procurement processes are complied with; that bid documentation, evaluation and adjudication criteria, and general conditions of a contract, are in accordance with any applicable legislation; and
 - d) that any Treasury guidelines on acquisition management are properly taken into account.
- (2) When procuring goods or services contemplated in section 110(2) of the Act, the accounting officer must make public the fact that such goods or services are procured otherwise than through the municipality's supply chain management system, including -
 - (a) the kind of goods or services; and
 - (b) the name of the supplier.

Range of procurement processes

- (1) Goods and services may only be procured by way of –



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- a) petty cash purchases, up to a transaction value of R2000 (All applicable taxes);
 - b) written or verbal quotations for procurements of a transaction value over R2000 up to R10 000 (All applicable taxes);
 - c) formal written price quotations for procurements of a transaction value over R 10 000 up to R200 000 (All applicable taxes); and
 - d) a competitive bidding process for–
 - (i) procurements above a transaction value of R200 000 (All applicable taxes); and
 - (ii) the procurement of long term contracts.
- (2) The accounting officer may, in writing-
- (a) lower, but not increase, the different threshold values specified in subparagraph (1); or
 - (b) direct that –
 - (i) petty cash purchases, up to a transaction value of R2000
 - (ii) written or verbal quotations be obtained for any specific procurement of a transaction value lower than R10 000;
 - (iii) formal written price quotations be obtained for any specific procurement of a transaction value lower than R200 000; or
 - (iv) a competitive bidding process be followed for any specific procurement of a transaction value above 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.
- (4) No competitive bidding shall be utilized for goods or services for;
- (i) training conducted by other organs of state and affiliation fees with professional bodies.



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- (ii) repairs to assets/vehicles and other assets by the original manufacturers in a way that enhances the asset's lifespan

General preconditions for consideration of written quotations or bids

A written quotation or bid may not be considered unless the provider who submitted the 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;
 - (iv) CSD registration number
- (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;
 - II. if the provider is not a natural person, whether any of its directors, managers, principal shareholders or stakeholder is in the 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 of a provider who is a company or closed corporation is in the service of the state, or has been in the service of the state in the previous twelve months..

Lists of accredited prospective providers

- (1) The accounting officer must –



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- a) keep a list of 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 ways, invite prospective providers of goods or services to apply for evaluation and listing as accredited prospective providers;
 - c) specify 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 must be allowed to submit applications for listing at any time.
- (3) The municipality must be registered on Central Supplier Database
- a) **Price quotations are invited and accepted from prospective suppliers listed** on Central Supplier Database
 - b) Accounting Officers must not award any bid for price quotations to a bidder(s) not registered on the Central Supplier Database

Petty cash purchases

The conditions for the procurement of goods by means of petty cash purchases referred to in paragraph 12 (1) (a) of this policy, are as follows –

1. the Chief Financial Officer may delegate responsibility for petty cash to an official reporting to the Accountant: Expenditure on the following terms:



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- (i) Custody of cash and vouchers
 - (ii) Record keeping
 - (iii) Monthly reconciliations and balancing
 - (iv) Recording of petty cash purchases in the general ledger
 - (v) Monthly reporting
2. Each departmental section may make petty cash purchases not exceeding 3 in number each month, and not exceeding R5 000 in amount for the whole municipality in each calendar month
 3. the following types of expenditure from petty cash purchases are excluded, day to day maintenance, stationery, subsistence and traveling claims etc.
 4. a monthly reconciliation report from Accountant: Expenditure must be provided to the chief financial officer, including –
 - (i) the total amount of petty cash purchases for that month; and receipts and appropriate documents for each purchase.

Written or verbal quotations

The conditions for the procurement of goods or services through written or verbal quotations, are as follows:

1. 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 Harry Gwala District municipality and Central Supplier Database, provided that if quotations are obtained from providers who are not listed, such providers must meet the listing criteria set out in paragraph 14(1)(b) and (c) of this policy;
2. to the extent feasible, providers must be requested to submit such quotations in writing;
3. if it is not possible to obtain at least three quotations, the reasons must be recorded and reported quarterly to the accounting officer or another official designated by the accounting officer;



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4. the accounting officer must record the names of the potential providers requested to provide such quotations with their quoted prices; and
5. if a quotation was submitted verbally, the order may be placed only against written confirmation by the selected provider.

Formal written price quotations

- (1) The conditions for the procurement of goods or services through formal written price quotations, are as follows:
 - a) 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 and CSD;
 - b) quotations may be obtained from providers who are not listed, provided that such providers meet the listing criteria set out in paragraph 14(1)(b) and (c) of this policy;
 - c) 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) the SCM unit must record the names of the potential providers and their written quotations.
- (2) A designated official referred to in subparagraph (1) (c) must within ten 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.

Procedures for procuring goods or services through written or verbal Quotations and formal written price quotations



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The procedure for the procurement of goods or services through written or verbal quotations or formal written price quotations, is as follows:

1. when using the list of accredited prospective providers and CSD the accounting officer must promote ongoing competition amongst providers by inviting providers to submit quotations on a rotation basis;
2. all requirements in excess of R30 000 (All applicable taxes) 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 the website and an official notice board of the municipality;
3. offers received must be evaluated on a comparative basis taking into account unconditional discounts;
4. offers below R30 000 (All applicable taxes) must be awarded based on compliance to specifications and conditions of contract, ability and capability to deliver the goods and services and lowest price and preference;
5. acceptable offers, which are subject to the preference points system (PPPFA and associated regulations), must be awarded to the bidder who scored the highest points;

Competitive bids

- (1) Goods or services above a transaction value of R200 000 (All applicable taxes) and long-term contracts may only be procured through a competitive bidding process, subject to paragraph 11(2) of this policy.
- (2) No requirement for goods or services above an estimated transaction value of R200 000 (All applicable taxes), 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.



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Process for competitive bidding

The procedures for the following stages of a competitive bidding process are as follows:

- a) Compilation of bidding documentation as detailed in paragraph 21;
- b) Public invitation of bids as detailed in paragraph 22;
- c) Site meetings or briefing sessions as detailed in paragraph 22;
- d) Handling of bids submitted in response to public invitation as detailed in paragraph 23;
- e) Evaluation of bids as detailed in paragraph 28;
- f) Award of contracts as detailed in paragraph 29;
- g) Administration of contracts, after approval of a bid, the accounting officer and the bidder must enter into a written agreement.
- h) Proper record keeping
- i) Original / legal copies of written contracts agreements should be kept in a secure place for reference purposes.

Bid documentation for competitive bids

The criteria with which bid documentation for a competitive bidding process must comply, must –

1. Take into account –
 - a) the general conditions of contract and any special conditions of contract, if specified;
 - b) any Treasury guidelines on bid documentation; and
 - c) the requirements of the Construction Industry Development Board, in the case of a bid relating to construction, upgrading or refurbishment of buildings or infrastructure;
2. include the preference points system to be used, goals as contemplated in the Preferential Procurement Regulations and evaluation and adjudication criteria, including any criteria required by other applicable legislation;



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3. compel bidders to declare any conflict of interest they may have in the transaction for which the bid is submitted;
4. if the value of the transaction is expected to exceed R10 million (All applicable taxes), require bidders to furnish–
 - (i) if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements –
 - (a) for the past three years; or
 - (b) since their establishment if established during the past three years;
 - (ii) a certificate signed by the bidder certifying that the bidder 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 state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract;
 - (iii) 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 or municipal entity is expected to be transferred out of the Republic; and
5. 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.

Public invitation for competitive bids

- (1) The procedure for the invitation of competitive bids, is as follows:



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- 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(eTender) and CIDB); and
2. the information contained in a public advertisement, must include –
 - (a) the closure date for the submission of bids, which may not be less than 30 days in the case of transactions over R10 million (All applicable taxes), 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;
 - (b) a statement that bids may only be submitted on the bid documentation provided by the municipality ;and
 - (c) date, time and venue of any proposed site meetings or briefing sessions;
3. The accounting officer may determine a closure date for the 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.
4. Bids submitted must be sealed.
5. Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies.

Procedure for handling, opening and recording of bids

The procedures for the handling, opening and recording of bids, are as follows:

Bids–

1.
 - (a) must be opened only in public;
 - (b) must be opened at the same time and as soon as possible after the period for the submission of bids has expired; and



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(c) received after the closing time should not be considered and returned unopened immediately.

2. 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;

3. No information, except the provisions in subparagraph (b), relating to the bid should be disclosed to bidders or other persons until the successful bidder is notified of the award; and

4. The accounting officer must –

- (a) record in a register all bids received in time;
- (b) make the register available for public inspection; and
- (c) publish the entries in the register and the bid results on the website.

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) does not lead to a higher price than the bid as submitted.

(2) Minutes of such negotiations must be kept for record purposes.

Two-stage bidding process

(1) A two-stage bidding process is allowed for –

- a) large, complex projects;
- b) projects where it may be undesirable to prepare complete detailed technical specifications; or
- 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.

Limited bidding

1. The categories of limited bidding is permitted only under the following circumstances:
2. Multiple sources: There is limited competition, therefore only a few prospective bidders are allowed to make a proposal. This should be based on a thorough analysis of the market.
3. Single source: This should be based on a thorough analysis of the market and use of a transparent and equitable pre-selection process, to request only one amongst a few prospective bidders to make a proposal.
4. Sole source: There is no competition and only one bidder exists.

Committee system for competitive bids

- (1) A committee system for competitive bids is hereby established, consisting of the following committees for each procurement or cluster of procurements as the accounting officer may determine:
 - (a) a bid specification committee;
 - (b) a bid evaluation committee; and
 - (c) a bid adjudication committee;
- (2) The accounting officer appoints the members of each committee, taking into account section 117 of the Act; and
- (3) A neutral or independent observer, appointed by the accounting officer, must attend or oversee a committee when this is appropriate for ensuring fairness and promoting transparency.



- (4) The committee system must be consistent with –
 - (a) paragraph 27, 28 and 29 of this policy; and
 - (b) any other applicable legislation.

- (5) The accounting officer may apply the committee system to formal written price quotations.

Bid specification committees

- (1) A 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 Africa, the International Standards Organisation, or an authority accredited or recognised by the South African National Accreditation System with which the equipment or material or workmanship should comply;
 - c) must, where possible, be described in terms of performance required rather than in 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 word “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 2022; and



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- 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) A bid specification committee must be composed of at least four officials of the municipality, of which one is from Supply Chain Management Unit, when appropriate, include 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.
 - (5) The accounting officer should appoint a bid specification committee that will compile the specification, determine goals as contemplated in the preferential procurement regulations, the evaluation/functionality criteria and any special conditions of contract

Bid evaluation committees

- 1) The accounting officer should appoint a bid evaluation committee for the evaluation of bids received for goods / works or services.
- 2) The accounting officer, or his delegated authority, shall, taking into account section 117 of the MFMA, appoint the members of the bid evaluation committees.
- 3) The bid evaluation committee shall be comprised of at least four municipality officials, an appointed chairperson, who may be the same person as the chairperson of the bid specification committee, a responsible official and at least one supply chain management practitioner of the municipality.
- 4) A bid evaluation committee must 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)(VI).
 - (a) evaluate each bidder's ability to execute the contract;
 - (b) check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears,



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- (c) if the price offered by the tenderer scoring the highest points is not market related, the Municipality may not award the contract to that tenderer, but after due consultation the bidder has been given a chance to make representations and a decision in writing, the Municipality may –
 - (i) Negotiate a market related price with a tenderer scoring the highest points or cancel the tender
 - (ii) If the tenderer scoring the highest points does not agree to a market related price, negotiate a market related price with the tenderer scoring the second highest points or cancel the tender and;
 - (d) submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.
- 5) A 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.
- 6) It is recommended that the bid evaluation committee be constituted with different members as that of the specification committee, and only where not possible, the bid specification committee and the bid evaluation committee have the same membership.
- 7) Bids should only be evaluated in terms of the criteria stipulated in the bidding documents. Amending the evaluation criteria after closure of the bids should not be allowed, as this would jeopardise the fairness of the system.
- 8) Firstly, the assessment of functionality must be done in terms of the evaluation criteria and the minimum threshold. A bid must be disqualified if it fails to meet the minimum threshold for functionality as per the bid invitation.
- 9) Thereafter, only the qualifying bids are evaluated in terms of the 80/20 or 90/10 preference points systems. The point scored must be added to the points for specific goals to obtain the bidder's total preference points scored out of 100

Bid adjudication committees

- (1) A bid adjudication committee must –



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- (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) A bid adjudication committee must consist of at least four senior managers of the municipality which must include –
- (a) 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
 - (b) at least one senior supply chain management practitioner who is an official of the municipality; and
 - (c) 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 a meeting, the members of the committee who are present must elect one of them to preside at the meeting.
- (4) Neither a member of a bid evaluation committee, nor an advisor or person assisting the evaluation committee, may be a member of a bid adjudication committee.
- (5) 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.



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- (b) The accounting officer may –
 - (i) 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, 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
- (8) After approval of a bid, both parties should sign a written contract or, if (8) necessary, a service level agreement.
- (9) Original/legal copies of contracts should be kept in a secure location for judicial reference

Procurement of banking services

- (1) A contract for 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.
- (2) The process for procuring a contract for banking services must commence at least nine months before the end of an existing contract.
- (3) 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



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terms of paragraph 22(1). Bids must be restricted to banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990).

Procurement of IT related goods or services

- (1) The accounting officer may request the State Information Technology Agency (SITA) to assist with the acquisition of IT related goods or services through a competitive bidding process.
- (2) Both parties must enter into a written agreement to regulate the services 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 (All applicable taxes); or
 - (b) the transaction value of a contract to be procured whether for one or more years exceeds R50 million (All applicable taxes).
- (4) If SITA comments on the submission and the municipality disagree with such comments, the 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.

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 validly procured;



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- (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.
- (2) Subparagraphs (1)(c) and (d) do not apply if –
- (a) a municipal entity procures goods or services through a contract secured by its parent municipality; or
 - (b) a municipality procures goods or services through a contract secured by a municipal entity of which it is the parent municipality.
 - (c) a municipality procures goods or services through a transversal contract secured by National Treasury

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.

Proudly SA Campaign

The municipality supports the Proudly SA Campaign.



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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
 - d. the value of the contract exceeds R200 000 (All applicable taxes); or
 - e. the 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.
- (5) Inviting expression of interest to enter into a suitable framework agreement for the required work, using stringent eligibility and evaluation criteria to ensure that contracts are entered into with only those contractors who have the capability and capacity to provide the required goods, services or works.

UTILISATION OF APPROVED PANELS OF SERVICE PROVIDERS

The District's established panel of service providers will be utilized as follows:

- (1) The appointment of service providers drawn from existing panels must be dealt with in terms of the delegation of Supply Chain Management powers and duties.



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(2) Depending on the nature of work, as outlined in the appointment of consultant's policy and other guidelines, all providers on the panel of service providers shall, as far as possible, be used on a rotational or quotation basis (or both) to allow all providers on the panel fair and equal opportunity to compete for the District's business.

(3) In the event of predetermined rates that are standardized, allocation of work will be on a rotational basis to ensure fair and equitable distribution of work to the respective service providers.

(4) Preferential Points system shall apply when a service provider appointed onto the panel is requested to submit quotations. In the case where a fixed or standardized rates are agreed upon by all members of the Panel no further preferential elimination shall apply and service providers shall be utilized on a rotational basis

(5) All quotations solicited from the respective panels, will be deposited into the quotation box, in a sealed envelope clearly identifiable in terms of the panel number and the item being procured from that panel. Where functionality is key to the requirements, the requirements of MFMA Circular 53 shall apply.

(6) This means rotation on these types of contracts must be precisely to ensure that there is no favoritism and / irregularity in the selection process.

(8) The process for the allocation of suppliers and service provider under these contracts will also depend on the nature of panel, amount and the capacity suppliers and service provider however the Municipality will endeavor to allocate work equally as far as possible

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;



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- (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 annual financial statements.
- (3) Subparagraph (2) does not apply to the procurement of goods and services contemplated in paragraph 11(2) of this policy.
- (4) In the event of regulation 36 (1)(i) application of section 36 must be done within 7 days from date of incident. Poor planning does not constitute an emergency. In cases where it is impractical or impossible to follow the official procurement process it must be shown where and how the market was tested, why it is impractical to go to tender, the provider chosen was undertaken in a fair manner so as not to prejudice other potential providers, etc. where it would be against the Municipality's best interest to follow the proper procurement process.

Unsolicited bids

- (1) In accordance with section 113 of the Act there 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) The accounting officer must submit all written comments received pursuant to subparagraph (3), including any responses from the unsolicited bidder, 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 a recommendation to the accounting officer, depending on its delegations.
- (6) A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.



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- (7) When considering the matter, the adjudication committee must take into account that -
 - 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.
- (10) Direct negotiations with suppliers

Direct negotiations with suppliers will only be permitted if:

- a) There is an urgent need for the goods, works or services, and engaging in bidding proceedings would be impractical, provided that the circumstances giving rise to the urgency were neither foreseeable by the procuring entity nor the result of dilatory conduct on its part;
- b) Owing to a catastrophic event, there is an urgent need for the goods, works or services, making it impractical to use other methods of procurement because of the time involved in using those methods; or
- c) Bidders have been identified as preferred bidders through a competitive bidding process

Combating of abuse of supply chain management system

- (1) The accounting officer must–



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- f. take all reasonable steps to prevent abuse of the supply chain management system;
- g. investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with this 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 and taxes or municipal service charges owed by that bidder or any of its directors to the municipality, or to any other municipality or municipal entity, 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 the bidding 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;



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- (ii) has been convicted for fraud or corruption during the past five years;
- (iii) has willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- (iii) has been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

(h) Where any of the conditions of the contract have not been fulfilled, the Municipality must take action against a contractor; and in addition to any other contractual or other remedy that it may have against the contractor, the Municipality may:

- (i) disqualify the contractor from the tendering process;
- (ii) recover all costs, losses or damages it has incurred or suffered as a result of that contractor's performance; 48
- (iii) cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation;
- (iv) restrict the contractor, its shareholders and directors from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (v) forward the matter for criminal prosecution
- (vi) That the municipality must comply with MFMA Circular 43 to invoke the above.

(i) All actions taken in terms of (h) above may be shared with all organs of state within the Republic.

- (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

Logistics management

The accounting officer must establish and implement an effective system of logistics management, which must include -

- 1) the monitoring of spending patterns on types or classes of goods and services incorporating, where practical, the coding of items to ensure that each item has a unique number;
- 2) the setting of inventory levels that includes minimum and maximum levels and lead times wherever goods are placed in stock;
- 3) the placing of manual or electronic orders for all acquisitions other than those from petty cash;
- 4) before payment is approved, certification by the responsible officer that the goods and services are received or rendered on time and is in accordance with the order, the general conditions of contract and specifications where applicable and that the price charged is as quoted in terms of a contract;
- 5) appropriate standards of internal control and warehouse management to ensure that goods placed in stores are secure and only used for the purpose for which they were purchased;
- 6) regular checking to ensure that all assets including official vehicles are properly managed, appropriately maintained and only used for official purposes; and
- 7) monitoring and review of the supply vendor performance to ensure compliance with specifications and contract conditions for particular goods or services.

Disposal management



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- (1) The criteria for the disposal or letting of assets, including unserviceable, redundant, or obsolete assets, subject to sections 14 and 90 of the Act are as follows:

Assets may be disposed of by –

- (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.

- (2) The accounting officer must ensure that –

- (i) immovable property is sold only at market related prices except when the public interest or the plight of the poor demands otherwise;
- (ii) movable assets are sold either by way of written price quotations, a competitive bidding process, auction or at market related prices, whichever is the most advantageous;
- (iii) firearms are not sold or donated to any person or institution within or outside the Republic unless approved by the National Conventional Arms Control Committee;
- (iv) immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise;
- (v) all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed;
- (vi) where assets are traded in for other assets, the highest possible trade-in price is negotiated; and
- (vii) in the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate



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within 30 days whether any of the local schools are interested in the equipment.

Risk management

- (1) The criteria for the identification, consideration and avoidance of potential risks in the supply chain management system, are as follows:

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 in a pro-active manner and the provision of adequate cover for residual risks; and
- (e) the assignment of relative risks to the contracting parties through clear and unambiguous contract documentation.

Performance management

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

Part 4: Other matters



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

- (1) No award above R30 000 may be made in terms of this policy to a person whose tax matters have not been declared by the South African Revenue Service to be in order.
- (2) Before making an award to a person the accounting officer 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.
- (4) The CSD or tax compliance status PIN are the approved methods to be used to prove tax compliance.
- (5) Where the recommended bidder is not tax compliant, the bidder should be notified of their non-compliant status and the bidder must be requested to submit to the municipality, within 7 working days, written proof from SARS of their tax compliance status or proof from SARS that they have made an arrangement to meet their outstanding tax obligations.
- (6) The accounting officer should reject a bid submitted by the bidder if such a bidder fails to provide proof of tax compliance status within the timeframe stated above

Prohibition on awards to persons in the service of the state

Irrespective of the procurement process followed, no award may be made to a person in terms of this policy –

- e) who is in the service of the state;
- f) 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



- g) a person who is an advisor or consultant contracted with the municipality.

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

The accounting officer must ensure that the notes to the annual financial statements 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 state in the previous twelve months, including –

- h) the name of that person;
- i) the capacity in which that person is in the service of the state; and
- j) the amount of the award.

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.

(2) 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



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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 or 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, favoritism 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 –
 - (i) any alleged fraud, corruption, favoritism or unfair conduct;
 - (ii) any alleged contravention of paragraph 47(1) of this policy; or
 - (iii) 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



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who must ensure that such declarations are recorded in the register.

(4) The National Treasury's code of conduct will be taken into account by supply chain management practitioners and other role players involved in supply chain management.

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 inducement or reward to the municipality for or in connection with the award of a contract; or
 - b) any reward, gift, favour or hospitality to –
 - (i) any official; or
 - (ii) any other role player involved in the implementation of this 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.

Sponsorship



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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 or 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.

Objections and Complaints

Persons aggrieved by decisions 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 complaint against the decision or action.

- 1) If the objection or complaint is against the procurement process, submit a written objection or complaint against the decision or action to the accounting officer of the municipality who shall, in turn, within 24 hours refer the written objection or complaint to the independent and impartial person referred to in paragraph 50 for resolution or
- 2) If such complaint or objection is against the award of a bid, lodge a written appeal with the Municipal Bid Appeals Tribunal in accordance with the provisions of paragraph 50A

Resolution of disputes, objections, complaints and queries

- (1) The accounting officer must appoint an independent and impartial person, not directly involved in the supply chain management processes –
 - k) to assist in the resolution of disputes between the municipality and other persons regarding -
 - (i) any decisions or actions taken in the implementation of the supply chain management system; or
 - (ii) any matter arising from a contract awarded in the course of the supply chain management system;



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- (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) If the independent and impartial person referred to in paragraph 50.1 is of the view that a matter which should be dealt with in terms of paragraph 50A, he or she shall forthwith referred the matter to the Municipal Bid Tribunals and that Tribunal shall then hear and determine the matter in accordance with the provisions of paragraph 50A
- (5) A dispute, objection, complaint or query may be referred to the relevant provincial treasury if –
 - h. the dispute, objection, complaint or query is not resolved within 60 days; or
 - i. no response is forthcoming within 60 days.
- (6) 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.

50A. Municipal Bid Appeals Tribunal

1. The municipality shall establish a Municipal Bid Appeals Tribunal for its area of jurisdiction to hear and determine an appeal against the award of a bid
2. The accounting officer of the municipality, in consultation with the Provincial Treasury shall appoint the Chairperson, Deputy Chairperson and Members of the Municipal Bid Appeals Tribunal



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3. The powers, duties and functions of the Municipal Bid Appeals Tribunal and matters incidental thereto, are set out in the Rules which are appended to this Supply Chain Management policy
4. The administrative and secretarial work involved in the performance of the duties and functions of the Provincial Treasury as set out in the Rules
5. There shall be no further appeal against a decision of the Municipal Bid Appeals Tribunal

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 –

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

Preference Point Systems

- 1) The 80/20 preference point system is applicable for acquisition of goods and services with Rand value equal to or below R50 Million.
- 2) The 90/10 preference point system is applicable for acquisition of goods and services with a Rand value above R50 million .
- 3) Calculation of points for price:

The PPPFA prescribes that the lowest acceptable bid will score 80 or 90 points for price. Bidders that quoted higher prices will score lower points for price on a pro-rata basis.



The formulae to be utilised in calculating points scored for price are as follows:

80/20 Preference point system for acquisition of services, works or goods up to a Rand value of R50million (all applicable taxes included)

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid or offer under consideration

P_t = Comparative price of bid or offer under consideration

P_{\min} = Comparative price of lowest acceptable bid or offer.

90/10 Preference point system for acquisition of services, works or goods with a Rand value above R50million (all applicable taxes included)

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid or offer under consideration

P_t = Comparative price of bid or offer under consideration

P_{\min} = Comparative price of lowest acceptable bid or offer.

Points scored must be rounded off to the nearest 2 decimal places.

80/20 preference points system for tenders for income-generating contracts with Rand value equal to or below R50 million



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The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value equal to or below R50 million, inclusive of all applicable taxes

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{max} = Price of highest acceptable tender.

90/10 preference point system for tenders for income-generating contracts with Rand value above R50 million

The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

$$P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where- P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{max} = Price of highest acceptable tender

Calculation of total points scored for price and specific goals.

The points scored for price must be added to the points scored for specific goals to obtain the bidder's total points scored out of 100.



4. Calculation of total points scored for specific goals

- 1) The basket of preference goals as contained in the relevant legislation are listed hereunder and the Municipality is at liberty to apply specific goals in any combination format depending on their preference targets.
- 2) The municipality will promote these specific goals in the procurement of goods and services which will be allocated points per individual service or goods required by the municipality:

Preference Goal 1: Ownership as specific goal

1. A maximum of 20 points (80/20 preference points system) or 10 (90/10 preference points system), may be allocated. Bidder may score preference points based on company ownership.

2. If the Municipality applies ownership as specific goal, the Municipality must advertise the tender with a specific tendering preferential procurement requirement that in order for a tenderer to claim 10 / 20 points for specific goals, bidder must have the following ownership structure:

- a) business enterprise which is at least 51% owned by black people.
 - b) business enterprise which is at least 51% owned by black people who are youth
 - c) business enterprise which is at least 51% owned by black people who are women
 - d) business enterprise which is at least 51% owned by black with disabilities
 - e) a co-operative which is at least 51% owned by black people which is at least 51% owned by black people who are military veterans
2. Ownership verification may be conducted through the Companies and Intellectual Property Commission (CIPC) and CSD.



Preference Goal 2: RDP Goals

1. The following activities may be regarded as a contribution towards achieving the goals of the RDP (published in Government Gazette No. 16085 dated 23 November 1994):

- (a) The promotion of South African owned enterprises;
- (b) The promotion of export orientated production to create jobs;
- (c) The promotion of SMMEs;
- (d) The creation of new jobs or the intensification of labour absorption;
- (e) The promotion of enterprises located in a specific province for work to be done or services to be rendered in that province;
- (f) The promotion of enterprises located in a specific region for work to be done or services to be rendered in that region;
- (g) The promotion of enterprises located in a specific municipal area for work to be done or services to be rendered;
- (h) The promotion of enterprises located in rural areas;
- (i) The empowerment of the work force by standardising the level of skill and knowledge of workers;
- (j) The development of human resources, including by assisting in tertiary and other advanced training programmes, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills; and
- (k) The upliftment of communities through, but not limited to, housing, transport, schools, infrastructure donations, and charity organisations

2. Address declared by the prospective bidder in the National Treasury Central Supplier Database (CSD) or in the Harry Gwala Municipal supplier database shall be used to determine the location of a business enterprise for the purposes of allocating preference points for (e), (f), (g) and (h) above.



Preference Goal 3: Combinations of any other Goals

- 1) The municipality may also combine any specific goals above in a manner that will help them evaluate and apply preference points to tenders
- 2) The municipality shall set appropriate Local Economic Development Targets in the form of Contract Participation Goals and or Targeted Procurement objectives which must form part of the invitation to tender, set as performance criteria within contracts.

5.EVALUATION OF BIDS THAT SCORED EQUAL POINTS

- a. In the event that two or more bids have scored equal total points, the successful bid must be the one that scored the highest points for specific goals.
- b. If two or more bids have equal points, including equal preference points for specific goals, the successful bid must be the one scoring the highest score for functionality, if functionality is part of the evaluation process.
- c. In the event that two or more bids are equal in all respects, the award must be decided by the drawing of lots.

6. CANCELLATION AND RE-INVITATION OF BIDS

1. The Accounting Officer may, prior to the award of a bid, cancel the bid if:
 - a) Due to changed circumstances, there is no longer a need for the services, works or goods requested. [AOs / AAs must ensure that



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only goods, services or works that are required to fulfil the needs of the institution are procured]; or

- b) Funds are no longer available to cover the total envisaged expenditure. [AOs / AAs must ensure that the budgetary provisions exist]; or
- c) No acceptable bids are received. [If all bids received are rejected, the institution must review the reasons justifying the rejection and consider making revisions to the specific conditions of contract, design and specifications, scope of the contract, or a combination of these, before inviting new bids].

AWARD OF CONTRACTS

- 1) A contract must be awarded to the bidder who scored the highest total number of points in terms of the preference point systems.
- 2) Contracts may be expanded or varied by not more than 20% for construction related goods, services and infrastructure projects and 15% for all other goods or services of the original value of contract. Anything the above mentioned thresholds must be reported to council. Any expansion or variation on excess of these thresholds must be dealt with in terms of the provisions of Section 116(3) of the MFMA which would be regarded as an amendment to the contract.

Subcontracting after award

- (1) If feasible to subcontract for a contract, an organ of state must apply subcontracting to advance designated groups.



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(2) If an organ of state applies subcontracting, the successful tenderer must subcontract a minimum of threshold of the value of the contract must exclude contingencies, provisional sums and value added taxes as follows follows:

- I. If a tender exceeding R5 million (VAT Incl.) is awarded to a main contractor as determined by the complexity of the project. A minimum 5% to one subcontractor being appointed.
 - II. If a tender exceeding R10 million (VAT Incl.) is awarded to a main contractor as determined by the complexity of the project. A minimum of 10% to one subcontractor being appointed.
 - III. If a tender exceeding R20 million (VAT Incl.) is awarded to a main contractor as determined by the complexity of the project, A minimum 15% to at least two subcontractors being appointed.
 - IV. If a tender exceeding R30 million (VAT Incl.) is awarded to a main contractor as determined by the complexity of the project, A minimum 30% to at least three subcontractors being appointed.
- 3) The subcontracting will only cater for local businesses who will be appointed by the Main contractor on a rotational basis from a roster to be maintained by the municipality per local.

Remedies

1.If the municipality is of the view that a tenderer submitted false information regarding a specific goal, it must—

- a) inform the tenderer accordingly; and
- b) give the tenderer an opportunity to make representations within 14 days as to why the tender may not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part.



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2. After considering the representations referred to in subparagraph (1)(b) above, the municipality may, if it concludes that such information is false—
 - (a) Disqualify the tenderer or terminate the contract in whole or in part;
 - (b) if applicable, claim damages from the tenderer.

(a) APPROVAL AND IMPLEMENTATION OF POLICY

This policy shall be implemented once approved by council and effective from 01 July 2024

