

EMAKHAZENI LOCAL MUNICIPALITY



SUPPLY CHAIN MANAGEMENT POLICY

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1 Introduction

1.1 Vision and value statement

It is the vision of Council to “create a secure environmental and sustainable development to promote service excellence and unity” Council is committed to its mission creating conducive institutional environment within which communities can thrive economically and socially.

The Values of the Council are:

Transparency
High Quality Service Delivery
Accountability
Serving Communities with Integrity
Efficiency
Professionalism

1.2 Vision

"A secure environment with sustainable development to promote service excellence, unity and community participation resulting in a caring society."

1.3 Mission

Emakhazeni Local Municipality is a category B municipality and a tourist destination within the Nkangala District, existing to provide sustainable basic municipal services to the local community and the visitors, creating a conducive environment for socio-economic development and promoting democracy, accountability and participation in our affairs.

2 Definitions

Definitions:

“accounting officer” means the municipal manager appointed in terms of Section 60 of the Act

“chief financial officer” means a person designated in terms of section 80(2)(a) of the Municipal Finance Management Act

“competitive bidding process” means a competitive bidding process referred to in paragraph 11.3.2 (a) (iv) 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 to accept;

“formal written price quotation” means quotations referred to in paragraph 11.3.2 (a) (iii) of this policy;

“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 a municipality or municipal entity 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

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(c) the Construction Industry Development Board Act, 2000 (Act No.38 of 2000);

“**Regulation**” means the Local Government: Municipal Supply Chain Management Regulations;

“**the Act**” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“**the municipality**” means Emakhazeni Municipality

“**Treasury guidelines**” means any guidelines on supply chain management issued by the Minister in terms of section 168 of the Act;

“**written quotations**” means quotations referred to in paragraph 11.3.2(a)(ii) of this policy.

3 Purpose of the Policy

The purpose of this manual is to prescribe the policies and procedures relating to Supply Chain Management of the Emakhazeni Municipality. **This policy is based on the Model Supply Chain Management Policy issued by National Treasury.**

The Municipality should perform the procedures set out in this manual to ensure the effective planning and management of receipts.

4 Scope of Application

Accounting Officer

Chief Financial Officer

All heads of departments (Senior Managers and Managers)

Any other officials designated by the accounting officer

5 Legislative Framework

The Municipality operations are governed by an array of different acts and this manual should be understood within that context.

The following Acts and prescripts are central in defining municipal boundaries and areas of influence:

- ◆ Municipal Finance Management Act, 2003 (Act 56 of 2003)
- ◆ Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

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Thus not only is Emakhazeni Municipality responsive to national government legislation, it has to comply with all the local government regulations and acts.

6 Supply Chain Management Policy

- 6.1 The 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 state in all spheres; and
 - (f) is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.
- 6.2 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 Systems Act applies; or
 - (d) in the case of a municipality, selecting 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.
- 6.3 Subparagraphs 6.1 and 6.2 of this policy do not apply in the circumstances described in section 110 (2) of the Act except where specifically provided otherwise in this policy.

7 Adoption and amendment of the Policy

7.1 Review and amendment

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.

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7.2 Model policy issued by National Treasury

If the accounting officer submits a draft policy to the 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.

7.3 Amendment of policy

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.

7.4 Implementing the policy

The accounting officer of a municipality must in terms of section 62(1)(f)(iv) of the Act, take all reasonable steps to ensure that the municipality has and implements this supply chain management policy.

8 Delegation

- 8.1 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;
 - (b) to maximise administrative and operational efficiency in the implementation of the supply chain management policy;
 - (c) to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favouritism and unfair and irregular practices in the implementation of the supply chain management policy; and
 - (d) to comply with his or her responsibilities in terms of section 115 and other applicable provisions of the Act.
- 8.2 Sections 79 and 106 of the Act apply to the subdelegation of powers and duties delegated to an accounting officer in terms of subparagraph 8.1 of this policy.
- 8.3 The council or accounting officer may not delegate or subdelegate any supply chain management powers or duties to a person who is not an official of the municipality or to a committee which is not exclusively composed of officials of the municipality.
- 8.4 In terms of section 117 of the Act and the Regulations, no councillor of any municipality may be a member of a municipal bid committee or any other committee

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evaluating or approving tenders, quotations, contracts or other bids, nor attend any such meeting as an observer.

- 8.5 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 11.3.16 of this policy.

9 Sub-delegations

- 9.1 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 9.2 and paragraph 8 of this policy.
- 9.2 The power to make a final award –
- (a) above R500 000 (VAT included) may not be sub-delegated by the accounting officer;
 - (b) above R200 000 (VAT included), but not exceeding R500 000 (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 R 200 000 (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.
- 9.3 An official or bid adjudication committee to which the power to make final awards has been sub-delegated in accordance with subparagraph 9.2 of this policy must within five days of the end of each month submit to the official referred to in subparagraph 9.4 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.
- 9.4 A written report referred to in subparagraph 9.3 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

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- (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 9.2 (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.
- 9.5 Subparagraphs 9.3 and 9.4 of this policy do not apply to procurements out of petty cash.
- 9.6 This paragraph may not be interpreted as permitting an official to whom the power to make final awards has been sub-delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 11.3.16 of this policy.
- 9.7 No supply chain management decision-making powers may be delegated to an advisor or consultant.

10 Supply Chain Management Unit

10.1 Establishment

The accounting officer must establish a supply chain management unit to implement this supply chain management policy.

A parent municipality and a municipal entity under its sole or shared control may establish a joint supply chain management unit to implement their respective supply chain management policies.

The supply chain management unit must, where possible, operate 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.

10.2 Training

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.

11 Framework

11.1 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;

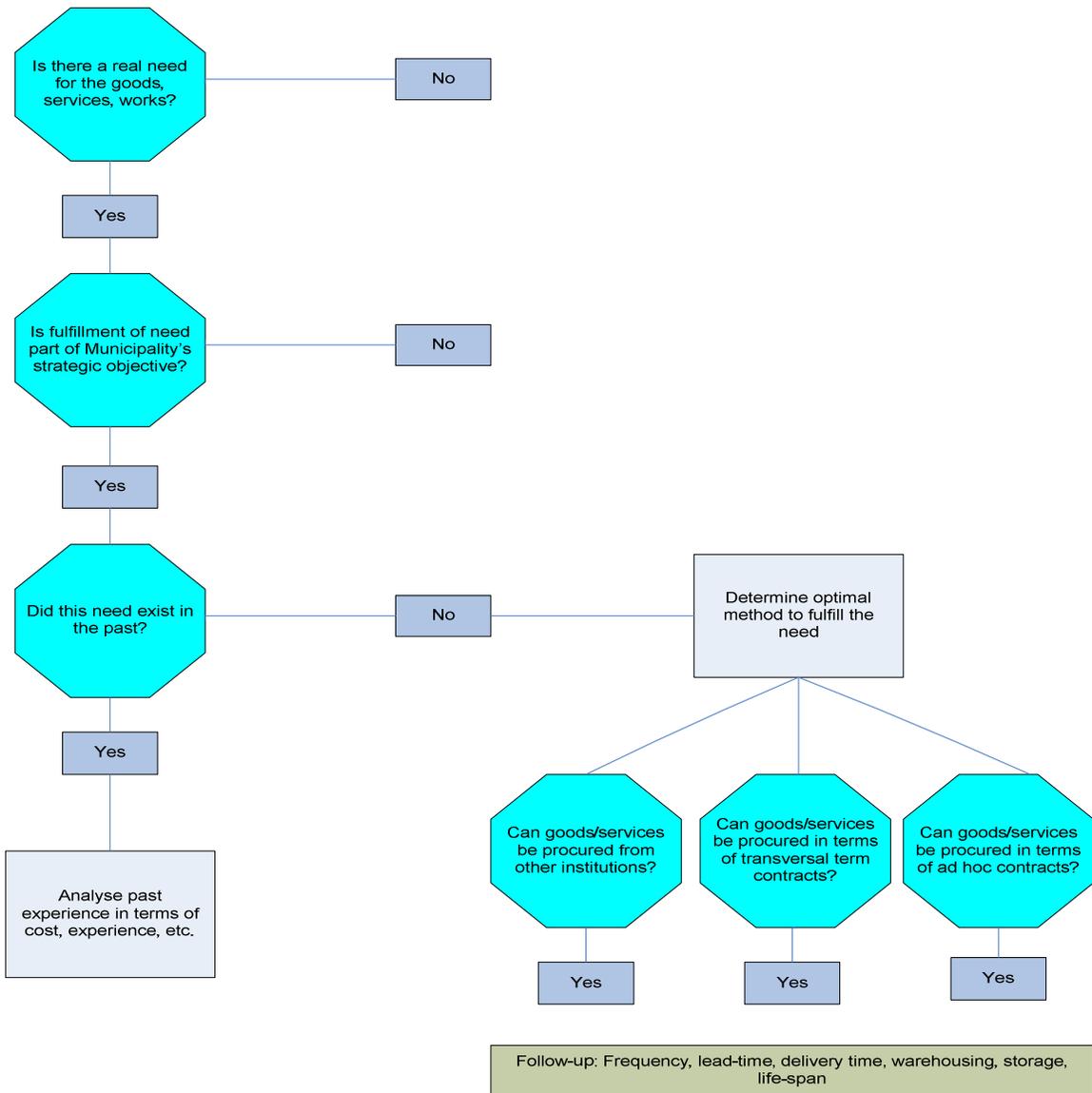
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- (v) risk management; and
- (vi) performance management.

11.2 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.

Demand Management Process flowchart in terms of decisions to be made by Senior Management of the Municipality:



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11.3 Acquisition management

11.3.1 System of acquisition management

- a) The accounting officer must establish, through operational procedures, an effective system of acquisition management in order to ensure –
 - (i) that goods and services are procured by the municipality or municipal entity in accordance with authorised processes only;
 - (ii) that expenditure on goods and services is incurred in terms of an approved budget in terms of section 15 of the Act;
 - (iii) that the threshold values for the different procurement processes are complied with;
 - (iv) that bid documentation, evaluation and adjudication criteria, and general conditions of a contract, are in accordance with any applicable legislation; and
 - (v) that any Treasury guidelines on acquisition management are properly taken into account.

- b) 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 or a municipal entity; and
 - b. electricity from Eskom or another public entity, another municipality or a municipal entity.

- c) 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 -
 - (i) the kind of goods or services;
 - (ii) the reason for non-compliance; and
 - (iii) the name of the supplier.

11.3.2 Range of procurement processes

- a) The procurement of goods and services through this policy is provided by way of –
 - (i) petty cash purchases, up to a transaction value of R500 (VAT included);
 - (ii) at least two written quotations for procurements of a transaction value over R500 up to R2000 (VAT included);
 - (iii) at least three written quotations for procurements of a transaction value over R2000 up to R30 000 (VAT included);
 - (iv) at least three formal written price quotations for procurements of a transaction value over R30 000 up to R200 000 (VAT included); and
 - (v) a competitive bidding process for–

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- (1) procurements above a transaction value of R200 000 (VAT included); and
 - (2) the procurement of long term contracts.
- b) The accounting officer may, in writing; -
- (i) lower, but not increase, the different threshold values specified; or
 - (ii) direct that –
 - (1) formal written price quotations be obtained for any specific procurement of a transaction value lower than R30 000; or
 - (3) a competitive bidding process be followed for any specific procurement of a transaction value lower than R200 000.
- c) 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.

11.3.3 General preconditions for consideration of written quotations or bids

A formal 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;
- (b) has submitted, with the quotation or bid, the original 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 referred to in subparagraph (ii) is in the service of the state, or has been in the service of the state in the previous twelve months.

11.3.4 Lists of accredited prospective providers

The accounting officer must –

- (a) keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the written 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

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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.

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.

The list must be compiled per commodity and per type of service.

11.3.5 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 11.3.2 (a) (i) 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
- (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.

Purchases must, as far as possible, be consolidated to ensure that the Municipality receives a discount from suppliers.

11.3.6 Written quotations

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

- (a) that quotations must be obtained from at least two different providers (depending on the applicable amount) preferably from, but not limited to, providers whose names appear on the list of accredited prospective providers of the municipality or municipal entity, 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 11.3.4 (b) and (c) of this policy;
- (b) that if it is not possible to obtain at least two 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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- (c) that the accounting officer must record the names of the potential providers requested to provide such quotations with their quoted prices.

11.3.7 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 or municipal entity;
 - (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 11.3.4 (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 subparagraph (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.

11.3.8 Local contractor development

The local Contractors are aimed at being promoted as follows:

1. Incubator Program on all Construction related procurement, wherein 20% of the works would be allocated to Local Emerging Contractors and to be mentored by the main contractor.
2. Sub-Contracting on all Construction related procurement, wherein 20% of the works would be allocated to Local Emerging Contractors and to be mentored by the main contractor.

The following functionality shall apply on all competitive bidding processes follows by the Municipality to cater for the local Contractors.

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Item No.	Description	Points	Evidence (Tick xlor)
1.	Experience on doing a similar work/ services as follows:	30	Attach proof (Orders/ letters of completion)
2.	Service providers` competency (Qualifications)	30	Attach proof (CV and Qualifications, Accreditations)
3.	Plant and Equipments	20	Attach proof (Plant registration documents)
4.	Local Contractors	20	Attach proof (Water and Lights/ utility bill)

The following criteria are used to evaluate bids for the rendering of consultancy services to the council:

Description of quality criteria and sub- criteria		Maximum number of bid evaluation points	
Specific project applicable expertise			20
*	Infrastructure of firm	10	
	Specific project experience by proposed team	10	
Approach and methodology (Work Plan)			20
	Understanding of the terms of Reference / Brief	5	
*	Approach and Work Plan	15	
Track Record (Average of previous three projects of Company where proposed Project Team Manager was involved)			30
*	Completion of assignment on time	8	
	Quality of work and accuracy reports submitted	6	
*	Response and attendance of meetings	6	
*	Communication with stakeholders	5	
	Application & adherence of conditions of contract	5	
Local consulting Firms		20	20

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

The accounting officer must determine the operational procedure for the procurement of goods or services through written quotations or formal 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 11.3.7, be advertised for at least seven days on the website and an official notice board of the municipality or municipal entity;
- (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 or formal written price 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 accepted by an official acting in terms of a subdelegation, and;
- (e) requirements for proper record keeping.

11.3.10 Competitive bidding process

- (a) Goods or services above a transaction value of R200 000 (VAT included) and long term contracts may only be procured through a competitive bidding process, subject to paragraph 11.3.1 (b) of this policy; and
- (b) No requirement for 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.

11.3.11 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 public invitation;
- (e) the evaluation of bids;
- (f) the award of contracts;
- (g) the administration of contracts; and
- (h) proper record keeping.

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11.3.12 CXC 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 11.3.3 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 R2 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 statements –
 - (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 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;
 - (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 or municipal entity is expected to be transferred out of the Republic; and
- (e) 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.

11.3.13 Public invitation for competitive bids

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

- (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 municipal entity 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 –

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- (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 (b) of this policy; and
- (ii) a statement that bids may only be submitted on the bid documentation provided by the municipality or municipal entity.
- (b) 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.
- (c) Bids submitted must be sealed.
- (d) Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies.

11.3.14 Procedure for handling, opening and recording of bids

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

- (a) Bids–
 - (i) may 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 (this must be stipulated in the tender specifications to make potential tenders aware of possible requests in this regard); and
- (c) The accounting officer must –
 - (i) record in a register all bids received in time;
 - (ii) make the register available for public inspection; and
 - (iii) publish the entries in the register and the bid results on the website.

11.3.14 Acquisition evaluation process

11.3.14.1 Evaluation criteria

- (a) The decision of awarding a contract to a prospective provider must be based on a determination of which bidder has the best likelihood of successfully completing the contract at the best value to the ELM. Proposal evaluation is the process of evaluating both the proposal and the bidder to determine whether the bidder by means of that proposal can successfully accomplish the contract. It forms the basis of choosing between competing offers.

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- (b) Evaluation factors (criteria) are those aspects of a proposal that will be measured, quantitatively and qualitatively, to arrive at an integrated assessment as to which proposal is likely to best meet the needs as described in the RFP. (This naturally means that the evaluation factors must be a true reflection of the requirements expressed in the RFP). Evaluation factors can be divided into two categories:
- (c) Critical factors (criteria) are the essential characteristics that a bidder and/or the proposal must possess. If a proposal does not satisfy any of the critical factors (criteria), then it can immediately be rejected. This can also be referred to as minimum requirements.
- (d) Relevant non-critical factors (criteria) allow for trade-off between proposals (for ones that meet critical factors).
- (e) To compensate for important differences between evaluation criteria, weights are allocated to the criteria. For each proposal, each evaluator individually assigns a score to each evaluation factor. These scores are weighted according to the relative importance of the evaluation criterion. The subtotal of the weighted scores is an indication of the degree to which that proposal satisfies the RFP. Weighted score ranking is not a decision; it is merely a consistent and defensible method of arriving at a comparative judgment point.
- (f) The criteria according to which the bid proposals will be evaluated will depend on what is required in the proposal and will be specifically noted in the Terms of Reference. The weighting attached to each criterion will also be indicated in the TOR.
 - Price.
 - Small, medium and micro enterprises
 - HDI and RDP preference
 - BBBEE preference
 - Local business should receive preference
 - Technical requirements of personnel.
 - Perceived ability to render the services required.
 - Flexibility (to adapt to client requirements).
 - Availability to meet deadlines.

11.3.14.2 Preference point system and broad-based black economic empowerment

- (a) In the acquisition of local goods and services this policy will provide for categories of preference in terms of Section 5 of the Preferential Procurement Policy Framework Act 2000 (Act No.5 of 2000) and applicable Preferential Procurement Regulations of 2011.

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- (b) The preference point system as detailed below will be followed. No system will be applied in respect of bids/acquisitioning with a Rand value of less than R30 000 per legislation.

11.3.14.3 The 80/20 preference point system for acquisitioning of goods and/or services up to a rand value of R1 000 000.00

- (a) The following formula must be used to calculate the points for price in respect of competitive bids/price quotations with a Rand value equal to, or above R30 000 and up to a Rand value of R1 000 000.00

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

Where:

P_s = Points scored for comparative price bid / offer under consideration

P_t = Comparative price of bid / offer under consideration

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

- (b) The balanced scorecard measuring Broad-Based Black Economic Empowerment prescribed by the National Treasury must form part of the evaluation criteria of all bids. **(See Annexure B)**
- (c) A maximum of 20 points may be awarded to a bidder for achieving Governments procurement related socio-economic objectives. The total percentage scored for Broad-Based Black Economic Empowerment will be converted to a point out of a maximum of 20 points. No points will be awarded for achieving Governments Broad-Based Black Economic Empowerment objectives if the total percentage scored for Broad-Based Black Economic Empowerment is less than the prescribed minimum.
- (d) The points scored by a bidder in respect of the objectives above on Broad-Based Black Economic Empowerment must be added to the points scored for price.
- (e) Only the bid with the highest number of points scored may be selected.

11.3.14.3 The 90/10 preference point system for acquisitioning of goods and/or services with a rand value above R1 000 000.00

- (a) The following formula must be used to calculate the points for price in respect of competitive bids with a Rand value above R 1 000 000.

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

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Where:

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid.

- (b) Bidders are required to, together with their bids, submit original and valid BBBEE status level verification certificate or certified copies thereof to substantiate their BBBEE rating claims.

Bidders who do not submit BBBEE status level verification certificates do not qualify for preference points for BBBEE but should not be disqualified from the bidding process.

- (c) Confirmation of the valid BBBEE status level verification certificate can be done by tracing the name of the issuing verification agency to the list of all SANAS accredited agencies.

All valid BBBEE status level verification certificate should have the following information detailed on the face of the certificate:

- The name and the physical location of the measured entity
- The registration number and where applicable the VAT number of the measured entity
- The date of issue and date of expiry
- The certificate number for identification and reference
- The scorecard that was used
- The name and / or logo of the verification
- The SANAS logo
- The certificate must be signed by the authorized person from the verification agency
- The BBBEE status level of contribution obtained by the measured entity

- (d) The points earned by a bidder in respect of the objectives above on Broad-Based Black Economic Empowerment must be added to the points scored for price.

- (e) Only the bid with the highest number of points scored may be selected.

11.3.14.4 The 80/20 preference point system for the sale and letting of assets up to a rand value of R 1 000 000

- (a) The following formula must be used to calculate the points for price in respect of competitive bids / price quotations with a Rand value equal to, or above R30 000 and up to a Rand value of R 1000 000 and which relate to the sale and letting of assets.

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$$Ps = 80 \left\{ 1 + \frac{Pt - Ph}{Ph} \right\}$$

Where:

Ps = Points scored for price of bid / offer under consideration

Pt = Price of bid / offer under consideration

Ph = Price of highest acceptable offer

- (b) The points earned by a bidder in respect of the objectives above on Broad-Based Black Economic Empowerment must be added to the points scored for price.
- (e) Only the bid with the highest number of points scored may be selected.

11.3.14.5 The 90/10 preference point system for sale and letting of assets with a rand value above R1 000 000.00

- (a) The following formula must be used to calculate the points for price in respect of bids with a Rand value above R 1 000 000.00 and which relate to the sale and letting of assets.

$$Ps = 90 \left\{ 1 + \frac{Pt - Ph}{Ph} \right\}$$

Where:

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Ph = Price of highest acceptable bid

- (d) The points scored by a bidder in respect of the objectives above on Broad-Based Black Economic Empowerment must be added to the points scored for price.
- (e) Only the bid with the highest number of points scored may be selected.

11.3.14.6 Evaluation of consultants or other professional services on functionality.

- (a) the following formula shall be used to evaluate consultants based on functionality

$$Ps = \frac{SQ}{MS} \times AP$$

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Where:

Ps = Points scored for functionality

SO= points awarded by a panel member

MS= Maximum weight

AP = Percentage points for functionality

- (b) the following formula shall be used to evaluate points scored for price for consultants

$$Ps = \frac{P_{min}}{P_t} \times AP$$

Where:

Ps = points scored for price

Pmin= lowest acceptable bid price

Pt = bid price under consideration

AP = Total score for functionality

11.3.14.7 80/20 Point system for evaluation of consultants

- (a) the following formula shall be used to determine the points scored by bidders through 80/20 system

$$Ps = 80 \left(1 - \frac{HS - RS}{RS} \right)$$

Where:

Ps = Points scored

HS = sum of points scored for price and functionality for bid under consideration

RS = lowest acceptable points for sum of points for price and functionality.

11.3.14.8 Stipulation of preference point system to be used

- (a) The Emakhazeni
(b) Local Municipality must, in the bid documents, stipulate the preference point system which will be applied in the adjudication of bids.

11.3.14.9 Evaluation of bids on functionality (quality) and price, including when consultants are appointed

- (a) The municipality must, in bid documents, indicate if, in respect of a particular bid invitation, bids will be evaluated on functionality and price.

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- (b) The total combined points allowed for functionality and price may, in respect of bids / offers with an estimated Rand value equal to or below, R 1 000 000,00 not exceed 80 points.
- (c) The total combined points allowed for functionality and price may, in respect of bids / offers with an estimated Rand value above, R1000 000,00 not exceed 90 points.
- (d) When evaluating the bids contemplated in this item, the points for functionality must be calculated for each individual bidder,
- (e) The conditions of bid may stipulate that a bidder must score a specified number of points for functionality to qualify for further adjudication
- (f) The points for price, in respect of a bid which has scored the specified minimum number of points contemplated above must, subject to the application of the evaluation system for functionality and price, be established separately and be calculated in accordance with the other provisions in this section 9.4
- (g) The number of points earned for achieving Governments Broad-Based Black Economic Empowerment objectives must be added to the points scored for functionality and price.
- (h) Only the bid with the highest number of points scored may be selected.

11.3.15 Negotiations with preferred bidders

- (a) 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 –
 - (i) does not allow any preferred bidder a second or unfair opportunity;
 - (ii) is not to the detriment of any other bidder; and
 - (iii) does not lead to a higher price than the bid as submitted.
- (b) Minutes of such negotiations must be kept for record purposes.

11.3.15 Two-stage bidding process

- (a) A two-stage bidding process is allowed for –
 - (i) large complex projects;
 - (ii) projects where it may be undesirable to prepare complete detailed technical specifications; or
 - (iii) long term projects with a duration period exceeding three years.

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

11.3.16 Committee system for competitive bids

- (a) The accounting officer is required to –
 - (i) establish a committee system for competitive bids consisting of at least
 - (1) a bid specification committee;
 - (2) a bid evaluation committee; and
 - (3) a bid adjudication committee;
 - (ii) appoint the members of each committee, taking into account section 117 of the Act; and
 - (iii) 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.
- (b) The committee system must be consistent with –
 - (i) paragraph 11.3.17, 11.3.18 and 11.3.18 of this policy; and
 - (ii) any other applicable legislation.
- (c) The accounting officer may apply the committee system to formal written price quotations.

11.3.17 Bid specification committees

- (a) The bid specification committee must compile the specifications for each procurement of goods or services by the municipality or municipal entity.
- (b) Specifications –
 - (i) must be drafted in an unbiased manner to allow all potential suppliers to offer their goods or services;
 - (ii) 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;
 - (iii) where possible, be described in terms of performance required rather than in terms of descriptive characteristics for design;
 - (iv) 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;
 - (v) 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”;

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- (vi) must indicate each specific goal for which points may be awarded in terms of the points system set out in the Preferential Procurement Regulations 2001; and
- (vii) must be approved by the accounting officer prior to publication of the invitation for bids in terms of paragraph 11.3.12 of this policy.
- (c) The bid specification committee must be composed of one or more officials of the municipality or municipal entity, preferably the manager responsible for the function involved, and may, when appropriate, include external specialist advisors.
- (d) 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.

11.3.18 Bid evaluation committees

- (a) The bid evaluation committee must –
 - (i) evaluate bids in accordance with –
 - (1) the specifications for a specific procurement; and
 - (2) the points system set out in terms of paragraph 11.3.17(b)(vi).
 - (ii) evaluate each bidder's ability to execute the contract;
 - (iii) check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears, and;
 - (iv) submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.
- (b) The bid evaluation committee must as far as possible be composed of –
 - (i) officials from departments requiring the goods or services; and
 - (ii) at least one supply chain management practitioner of the municipality.

11.3.19 Bid adjudication committees

- (a) The bid adjudication committee must –
 - (i) consider the report and recommendations of the bid evaluation committee; and
 - (ii) either –
 - (1) depending on its delegations, make a final award or a recommendation to the accounting officer to make the final award; or
 - (2) make another recommendation to the accounting officer how to proceed with the relevant procurement.
- (b) The bid adjudication committee must consist of at least four senior managers of the municipality or municipal entity 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

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- (iii) a technical expert in the relevant field who is an official, if such an expert exists.
- (c) 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.
- (d) 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.
- (e) (i) 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 –
 - (1) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears, and;
 - (2) notify the accounting officer.
- (ii) The accounting officer may –
 - (1) after due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in paragraph (i); and
 - (2) if the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.
- (f) 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.
- (g) The accounting officer must comply with section 114 of the Act within 10 working days

11.3.20 Procurement of banking services

- (a) Banking services –
 - (i) must be procured through competitive bids;
 - (ii) must be consistent with section 7 or 85 of the Act; and
 - (iii) may not be for a period of more than five years at a time.
- (b) The process for procuring a contract for banking services must commence at least **nine months before** the end of an existing contract.
- (c) 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 11.3.12(a). Bids must be restricted to banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990).

11.3.21 Procurement of IT related goods or services

- (a) 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.

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- (b) Both parties must enter into a written agreement to regulate the services rendered by, and the payments to be made to, SITA.
- (c) The accounting officer must notify SITA together with a motivation of the IT needs if –
 - (i) the transaction value of IT related goods or services required in any financial year will exceed R50 million (VAT included); or
 - (ii) the transaction value of a contract to be procured whether for one or more years exceeds R50 million (VAT included).
- (d) If SITA comments on the submission and the municipality disagrees 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.

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

- (a) The accounting officer may procure goods or services under a contract secured by another organ of state, but only if –
 - (i) the contract has been secured by that other organ of state by means of a competitive bidding process applicable to that organ of state;
 - (ii) there is no reason to believe that such contract was not validly procured;
 - (iii) there are demonstrable discounts or benefits to do so; and
 - (iv) that other organ of state and the provider have consented to such procurement in writing.
- (b) Subparagraph (a)(iii) and (iv) do not apply if –
 - (i) a municipal entity procures goods or services through a contract secured by its parent municipality; or
 - (ii) a municipality procures goods or services through a contract secured by a municipal entity of which it is the parent municipality.

11.3.23 Procurement of goods necessitating special safety arrangements

- (a) 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.
- (b) 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.

11.3.24 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 procuring local goods and services from:

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- Firstly – suppliers and businesses within the municipality;
- Secondly – suppliers and businesses within the district;
- Thirdly – suppliers and businesses within the relevant province;
- Fourthly – suppliers and businesses within the Republic of South Africa

11.3.25 Appointment of consultants

- (a) 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.
- (b) Consultancy services must be procured through competitive bids if –
 - (i) the value of the contract exceeds R200 000 (VAT included); or
 - (ii) the duration period of the contract exceeds one year.
- (c) In addition to any requirements prescribed by this policy for competitive bids, bidders must furnish particulars of –
 - (i) all consultancy services provided to an organ of state in the last five years; and
 - (ii) any similar consultancy services provided to an organ of state in the last five years.
- (d) 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.
- (e) ELM has accepted as a fact the appointment of consultants where the in-house skills are in short supply. In order to do work on contract, it is necessary that the planning, contract documentation and site supervision be done in an absolute professional manner, maintaining a very high standard and completed in a minimum time and within budget.
- (f) The consultants are to be appointed by applying these guidelines on a rotating roster system and will be grouped together in the different disciplines.

11.3.26 Professional registration and indemnity insurance

- (a) In order to maintain such a high standard of work and keeping in mind the possible risk Council is exposed to, as well as the relevant legislation regarding the professions; it is of utmost importance that only firms registered with their relevant professional bodies be allowed to be appointed by ELM. Furthermore, all such firms must have a valid and current Professional Indemnity insurance policy in place. The purpose of such a policy is to provide protection for any loss, damage, death liability or take-over of a third party or a loss sustained by the ELM, related to an oversight, omission or negligence pertaining to the non-adherence of professional duties for which the consultant is responsible.
- (b) In keeping with the principles of the RDP as well as procurement and

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delivery reform, it is essential that a certain margin of preference should be applied, targeting historically disadvantaged consultants.

11.3.27 Deviation from, and ratification of minor breaches of, procurement processes

- (a) The accounting officer may –
 - (i) 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 –
 - (1) in an emergency;
 - (2) if such goods or services are produced or available from a single provider only;
 - (3) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (4) acquisition of animals for zoos and/or nature and game reserves; or
 - (5) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
 - (ii) 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.
- (b) The accounting officer must record the reasons for any deviations in terms of subparagraphs (a)(i) and (ii) of this policy and report them to the next meeting of the council and include as a note to the annual financial statements.
- (c) Subparagraph (b) does not apply to the procurement of goods and services contemplated in paragraph 11.3.1 of this policy.
- (d) Emergency procurement process (as per section 11.3.27(i)(1):**
 - 1. All emergency related procurement must be pre-approved by the Municipal Manager.
 - 2. All emergency repairs sourcing occurred over the after hours/weekends/ holidays are to be reported to Supply Chain Management within 48 hours; or the next working day.
 - 3. Failure to adhere to the above (1), a penalty of 20% of the works amount suffered by Emakhazeni shall be imposed and deducted on the salaries of the Municipal Employees who sourced for the service concern on the next pay date (salary).

11.3.28 Unsolicited bids

- (a) In accordance with section 113 of the Act there is no obligation to consider unsolicited bids received outside a normal bidding process.
- (b) The accounting officer may decide in terms of section 113(2) of the Act to consider an unsolicited bid, only if –

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- (i) the product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;
 - (ii) the product or service will be exceptionally beneficial to, or have exceptional cost advantages;
 - (iii) the person who made the bid is the sole provider of the product or service; and
 - (iv) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.
- (c) If the accounting officer decides to consider an unsolicited bid that complies with subparagraph (b) of this policy, the decision must be made public in accordance with section 21A of the Municipal Systems Act, together with –
- (i) reasons as to why the bid should not be open to other competitors;
 - (ii) an explanation of the potential benefits if the unsolicited bid were accepted; and
 - (iii) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.
- (d) All written comments received pursuant to subparagraph (c), including any responses from the unsolicited bidder, must be submitted to the National Treasury and the relevant provincial treasury for comment.
- (e) 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.
- (f) A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.
- (g) When considering the matter, the adjudication committee must take into account–
- (i) any comments submitted by the public; and
 - (ii) any written comments and recommendations of the National Treasury or the relevant provincial treasury.
- (h) 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.
- (i) 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.

11.3.29 Combating of abuse of supply chain management system

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

- (a) The accounting officer must–
- (i) take all reasonable steps to prevent abuse of the supply chain management system;

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- (ii) investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with this supply chain management policy, and when justified–
 - (1) take appropriate steps against such official or other role player; or
 - (2) report any alleged criminal conduct to the South African Police Service;
 - (iii) 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;
 - (iv) reject any bid from a bidder–
 - (1) 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
 - (2) 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;
 - (v) 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;
 - (vi) cancel a contract awarded to a person if –
 - (1) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or
 - (2) 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
 - (vii) reject the bid of any bidder if that bidder or any of its directors –
 - (1) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;
 - (2) has been convicted for fraud or corruption during the past five years;
 - (3) has willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - (4) has been listed in the Register for Tender Defaulters In terms section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- (b) The accounting officer must inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of subparagraphs (a)(ii)(2), (v) or (vi) of this policy.

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11.4 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, maintenance and contract administration.

11.5 Disposal management

- 11.5.1** (1) The accounting officer must establish an effective system of disposal management 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 the plight of the poor demands otherwise;
 - (ii) 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;
 - (iii) 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 the equipment; and
 - (iv) in the case of the 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, charges, 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.

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11.5.2 Disposal committee

- (1) Functions of a disposal committee
 - a) inspect all items that appear on the disposal certificate.
 - b) all members of the Committee must objectively evaluate the items that are submitted for disposal.
 - c) make recommendations on the following issues:
 - Whether items should be disposed of.
 - The appropriate disposal method.
- (2) Establishment of a Disposal Committee
 - a) the Accounting Officer or delegate must establish and appoint one or more Disposal Committees and a chairperson on an ad hoc basis, as necessary.
- (3) Composition of a Disposal Committee
 - a) a disposal Committee should consist of at least three officials.
 - b) the following must be represented on the Committee for movable assets. The Accounting Officer must appoint the chairperson:
 - The relevant commodity manager.
 - An official proficient in logistics management.
 - The relevant end user of the commodity considered for disposal.
 - c) The following must be represented on the Committee for immovable assets:
 - CFO
 - Manager Planning and Development
 - Deputy Manager Legal
 - An official proficient in logistics management.
 - The relevant end user/commodity manager of the commodity considered for disposal.
 - Deputy Manager Supply Chain Management.
 - d) An official who is in direct control of stores/equipment, is to be evaluated may not serve as a member of the Disposal Committee, but can assist the Disposal Committee in the evaluation process

11.6 Risk management

- (1) The accounting officer must establish an effective system of risk management for the identification, consideration and 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 in a pro-active manner and the provision of adequate cover for residual risks; and

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

11.7 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 authorised supply chain management processes were followed and whether the desired objectives were achieved.

11.8 Other matters

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

- (a) 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 Service to be in order.
- (b) Before making an award to a person the accounting person must first check whether the tax clearance certificate has been submitted with the quotation or tender.

11.8.2 Prohibition on awards to persons 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 or municipal entity.

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

The notes to the annual financial statements must disclose particulars of any award of more than R2 000 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 –

- (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.

11.8.4 Ethical standards

- (a) A code of ethical standards is hereby established, in accordance with subparagraph (b), for officials and other role players in the supply chain management system in order to promote –
 - (i) mutual trust and respect; and

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- (ii) an environment where business can be conducted with integrity and in a fair and reasonable manner.
- (b) An official or other role player involved in the implementation of the supply chain management policy –
 - (i) must treat all providers and potential providers equitably;
 - (ii) may not use his or her position for private gain or to improperly benefit another person;
 - (iii) 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;
 - (iv) notwithstanding subparagraph (b)(iii), 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;
 - (v) 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
 - (vi) 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;
 - (vii) must be scrupulous in his or her use of property belonging to the municipality;
 - (viii) must assist the accounting officer in combating fraud, corruption, favouritism and unfair and irregular practices in the supply chain management system; and
 - (ix) must report to the accounting officer any alleged irregular conduct in the supply chain management system which that person may become aware of, including –
 - (1) any alleged fraud, corruption, favouritism or unfair conduct;
 - (2) any alleged contravention of paragraph 11.8.5 (a) of this policy;
 - or
 - (3) any alleged breach of this code of ethical standards.
- (c) Declarations in terms of subparagraphs (b)(iv) and (v) -
 - (i) must be recorded in a register which the accounting officer must keep for this purpose;
 - (ii) by the accounting officer must be made to the mayor of the municipality who must ensure that such declarations are recorded in the register.
- (d) The Municipality's code of conduct for SCM (Addendum A), must also be taken into account by supply chain management practitioners and other role players involved in supply chain management.
- (e) The above code of conduct must be adopted by council and when adopted, such code of conduct becomes binding on all officials and other role players

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involved in the implementation of the supply chain management policy of the municipality..

- (f) A breach of the code of conduct adopted by the municipality must be dealt with in accordance with schedule 2 of the Systems Act.

11.8.5 Inducements, rewards, gifts and favours to municipalities, officials and other role players

- (a) 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–
 - (i) any inducement or reward to the municipality for or in connection with the award of a contract; or
 - (ii) any reward, gift, favour or hospitality to –
 - (1) any official; or
 - (2) any other role player involved in the implementation of the supply chain management policy.
- (b) The accounting officer must promptly report any alleged contravention of subparagraph (a) 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.
- (c) Subparagraph (a) does not apply to gifts less than R350 in value.

11.8.6 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 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.

11.8.7 Objections and complaints

- (b) 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 in terms of paragraph 11.8.8.

11.8.8 Resolution of disputes, objections, complaints and queries

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- (a) The accounting officer must appoint an independent and impartial person, not directly involved in the supply chain management processes –
 - (i) to assist in the resolution of disputes between the municipality and other persons regarding –
 - (1) any decisions or actions taken in the implementation of the supply chain management system; or
 - (2) any matter arising from a contract awarded in the course 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.
- (b) 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.
- (c) The person appointed must –
 - (i) strive to resolve promptly all disputes, objections, complaints or queries received; and
 - (ii) submit monthly reports to the accounting officer on all disputes, objections, complaints or queries received, attended to or resolved.
- (d) A dispute, objection, complaint or query may be referred to the relevant provincial treasury if –
 - (i) the dispute, objection, complaint or query is not resolved within 60 days; or
 - (ii) no response is forthcoming within 60 days.
- (e) 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.
- (f) This paragraph must not be read as affecting a person's rights to approach a court at any time.

11.8.9 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.

12 Roles and Responsibilities

12.1 Oversight role of Council

The council must maintain oversight over the implementation of this supply chain management policy.

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For the purposes of such oversight the accounting officer must –

- (a) 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 and of any municipal entity under its sole or shared control, to the council of the municipality,
- (b) whenever there are serious and material problems in the implementation of the supply chain management policy, immediately submit a report to the council

13 Monitoring, Evaluation and Reporting

The accounting officer must establish an effective 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 desired objectives were achieved.

14 Implementation

The Supply Chain Management Policy will be implemented and adopted after approval thereof by the Council.

15 Annexure

- 15.1 Annexure A: Code of Conduct
- 15.2 Annexure B: Code of Conduct

16 Implementation

This Supply Chain Management Policy will be adopted and implemented at the start of the financial year after Council approval.

Approved on: 2015/06/23

Council Resolution nr: S01/06/2015