

MEMORANDUM

AAN / TO	THE MAYOR		
MEMO #	2 nd QUARTER	DATUM / DATE	08 January 2016
CC	DIRECTOR: FINANCE		
VAN / FROM	SUPPLY CHAIN MANAGEMENT		
NAVRAE / ENQUIRIES	AG HENDRICKS		
ONDERWERP / SUBJECT	Oversight Role of Council over the Implementation of SCM Policy		

PURPOSE OF REPORT

To present the implementation of the SCM Policy report to the Mayor for the second quarter of the 2015/2016 financial year.

BACKGROUND

The Municipal Supply Chain Management Policy and amendments adopted by Council on 29 October 2015 - Regulation 6 (1), (3) & (4) states:

6 OVERSIGHT ROLE OF COUNCIL

- (1) The Theewaterskloof Council reserves its right to maintain oversight over the implementation of this Policy.
- (3) The Accounting Officer must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor.
- (4) The reports must be made public in accordance with section 21A of the Municipal Systems Act.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
3(1)(a)	at least annually review the policy;	Director: Financial Services	Manager: Supply Chain Management	Yes	SCM Policy to be reviewed in January 2016.
3(1)(b)	when considers it necessary, submit proposals for the amendment of the policy to the council	Director: Financial Services	Manager: Supply Chain Management	Yes	Amendments will be submitted to Council during February 2016.
6(2)(a)(i)	Must submit within 30 days of the end of each financial year a report on the implementation of the supply chain management policy to the council	Director: Financial Services	Manager: Supply Chain Management	Yes	The report was tabled and noted by Council on 30 July 2015.
6(2)(a)(ii)	whenever there are serious and material problems in the implementation of this Policy, immediately submit a report to the council.	Director: Financial Services	Manager: Supply Chain Management	N/A	To date no serious or material problems occurred in implementing the SCM Policy.
6(3)	Must submit within 10 days of the end of each quarter a report on the implementation of the supply chain management policy to the mayor	Director: Financial Services	Manager: Supply Chain Management	Yes	This is the second report for this financial year.
14(1)(a)	to keep a list of accredited prospective providers of goods and services that must be used for the procurement	Director: Financial Services	Manager: Supply Chain Management	Yes	The list is updated on a daily basis.

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14(1)(b)	at least once a year through newspapers commonly circulating locally, the website and any other appropriate ways, to invite prospective providers of goods or services to apply for evaluation and listing as accredited prospective providers;	Director: Financial Services	Manager: Supply Chain Management	Yes	The advert was placed in the local newspapers in July 2015.
14(1)(c)	specify the listing criteria for accredited prospective providers	Director: Financial Services	Manager: Supply Chain Management	Yes	The listing criteria are contained within the registration form and in the SCM Policy.
14(1)(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	Director: Financial Services	Manager: Supply Chain Management	Yes	To date none was found as registered on National Treasury's database of defaulters.
15(1)	The Municipality's Petty Cash Policy as approved by the Accounting shall be applicable to all purchases not exceeding R200.00, including VAT, or amount as determined in terms of this Policy, or as may be legislated from time to time.	Power Currently Residing: Accounting Officer	None	Yes	A total amount of R 3,869.84 was spent in the second quarter of 2015.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
16(c)	If it is not possible to obtain at least three written or verbal quotations, the reasons must be recorded and reported quarterly	Director: Financial Services	Manager: Supply Chain Management	Yes	Report was submitted on 04 January 2016.
16(d)	Must record the names of the potential providers requested to provide such quotations with their quoted prices	Director: Financial Services	Manager: Supply Chain Management	Yes	Report was submitted on 04 January 2016.
17(1)(c)	that if it is not possible to obtain at least three formal written price quotations, the reasons must be recorded and approved	Director: Financial Services	Manager: Supply Chain Management	Yes	Report monthly to CFO for approval.
17(1)(d)	Must record the names of the potential providers and their written quotations	Director: Financial Services	Manager: Supply Chain Management		
18(a)	when using the list of accredited prospective providers the <u>accounting officer</u> must promote on going competition amongst providers by inviting providers to submit quotations on a rotation basis;	Director: Financial Services Director: Corporate Services Director: Operational Services Director: Development Director: Technical Services	Manager: Supply Chain Management	Yes	Orders are processed against a rotation basis as all SCM end-users received in-house training for the use of the database system uploaded on the financial system.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
18(d)	The Accounting Officer or Chief Financial Officer must on a monthly basis be notified in writing of all written or verbal quotations and formal written price quotations accepted by an official acting in terms of a sub-delegation;	Director: Financial Services	Manager: Supply Chain Management	Yes	The CFO is notified on a monthly basis. 01 October – 31 October 2015: submitted 03 November 2015. 01 November 2015 – 30 November 2015: submitted 03 December 2015. 01 December – 31 December 2015: submitted 04 January 2016.
22(2)	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.	None	None	N/A	None
23(d)(i) to (iii)	Record in a register all bids received in time; Make the register available for public inspection and publish the entries in the register and the bid results on the website.	Director: Financial Services	Manager: Supply Chain Management	Yes	Implemented and results published on municipal website within 5 days.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
24(1)	To 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 (d) does not lead to a lower price in respect of sale of land / goods	Director: Financial Services Director: Corporate Services Director: Operational Services Director: Development Director: Technical Services	None	Yes	None
26(2)	The appointment of the members of each committee, taking into account section 117 of the Act; and	Power Currently Residing: Accounting Officer	None	Yes	Appointment letters are kept at the SCM office.
26(3)	an attendance or oversight process by a neutral or independent observer appointed when this is appropriate for ensuring fairness and promoting transparency	None	None	N/A	None
26(5)	may apply the committee system to formal written price quotations	None	None	N/A	None

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
27(2)(g)	Specifications must be approved prior to publication of the invitation for bids in terms of paragraph 22	Director: Financial Services Director: Corporate Services Director: Operational Services Director: Development Director: Technical Services		Yes	A Specification Committee is established and functioning consisting of various appointed members and end-user. Minutes are signed per delegations.
29(b)(i)	The Bid Adjudication Committee, depending on its delegations, make a final award or a recommendation to the accounting officer to make the final award; Only for bids below the value of R10 million.	Bid Adjudication Committee	None	Yes	A total of six (6) awards were made by the BAC during this quarter. Tender No's: COR 03/2015/16, ENG 02/2015/16, ENG 07/2015/16, ELEC 01/2015/16, ELEC 02/2015/16 & TRA 02/2015/16
29(b)(ii)	The Bid Adjudication Committee can make another recommendation to the accounting officer how to proceed with the relevant procurement.	Power Currently Residing: Accounting Officer	None	Yes	No such transaction took place.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
29(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.	Power Currently Residing: Accounting Officer	None	Yes	Appointment letters is kept by SCM.
29(7)	The accounting officer must comply with section 114 of the Act within 10 working days	Power Currently Residing: Accounting Officer	None	Yes	No such transaction took place.
31(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.	Director: Corporate Services	None	Yes	ICT section is responsible for the purchasing of IT equipment for the Municipality.
31(3)(a)	The accounting officer must notify SITA together with a motivation of the IT needs if: (a) the transaction value of IT related goods or services required in any financial year will exceed R50 million (VAT included)	Director: Corporate Services	None	Yes	The IT needs did not exceed the threshold.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
32(1)	To 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) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits and (d) that other organ of state and the provider have consented to such procurement in writing.	Power Currently Residing: Accounting Officer	None	Yes	None
33(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.	Director: Financial Services	None	N/A	

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
35(1)	To procure consulting services provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made	Director: Financial Services Director: Corporate Services Director: Operational Services Director: Development Director: Technical Services	None	Yes	No such transaction took place.
35(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.	Director: Financial Services Director: Corporate Services Director: Operational Services Director: Development Director: Technical Services	All Managers	Yes	Stated in all quotations and tenders.
36(1)(a)	To dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –	Director: Financial Services, Up to a value of R 500 000 VAT Incl.	Deputy Director : Financial Services, Up to value of R 100 000 Vat Incl.	Yes	Second Quarter Report will be tabled at the next Council Meeting, taking place on 25 January 2016.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
36(1)(a) (i)	in an emergency				
36(1)(a) (ii)	if such goods or services are produced or available from a single provider only				
36(1)(a) (iii)	for the acquisition of special works of art or historical objects where specifications are difficult to compile;	Director: Financial Services, Up to a value of R 200 000 VAT Incl.	Deputy Director : Financial Services, Up to value of R 100 000 Vat Incl.	Yes	Second Quarter Report will be tabled at the next Council Meeting, taking place on 25 January 2016.
36(1)(a) (iv)	acquisition of animals for zoos				
36(1)(a) (v)	in any other exceptional case where it is impractical or impossible to follow the official procurement processes				
36(1)(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.	Power Currently Residing: Accounting Officer	None	Yes	No such transactions took place.
36(2)	Must record the reasons for any deviations in terms of paragraph 36(1)(a) and (b) and report them to the next meeting of the council and include as a note to the annual financial statements	Director: Financial Services	Manager: Supply Chain Management	Yes	Second Quarter Report will be tabled at the next Council Meeting, taking place on 25 January 2016.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
37(2)	<p>may decide in terms of section 113(2) of the Act to consider an unsolicited bid, only if –</p> <p>(a) the product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;</p> <p>(b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages;</p> <p>(c) the person who made the bid is the sole provider of the product or service; and</p> <p>(d) the reasons for not going through the normal bidding processes are found to be sound.</p>	Power Currently Residing: Accounting Officer	None	Yes	No such transactions took place.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
37(3)	<p>If decides to consider an unsolicited bid that complies with subparagraph 37(2) of this policy, the decision must be made public in accordance with section 21A of the Municipal Systems Act, together with –</p> <p>(a) reasons as to why the bid should not be open to other competitors;</p> <p>(b) an explanation of the potential benefits if the unsolicited bid were accepted; and</p> <p>(c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.</p>	Power Currently Residing: Accounting Officer	None	Yes	N/A
37(4)	<p>must submit all written comments received pursuant to subparagraph 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.</p>	Power Currently Residing: Accounting Officer	None	Yes	N/A

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
37(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	Power Currently Residing: Accounting Officer	None	Yes	N/A
37(8)	If any recommendations of the National Treasury or provincial treasury are rejected or not followed, the reasons for rejecting or not following those recommendations must be submitted to the Auditor General, the relevant provincial treasury and the National Treasury.	Power Currently Residing: Accounting Officer	None	Yes	N/A
38(1)(a)	to take all reasonable steps to prevent abuse of the SCM system.	Power Currently Residing: Accounting Officer	None	Yes	The National Treasury Code of Conduct has been communicated to municipal staff and various SOP's, Directives and SLA's was implemented.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
38(1)(b)	to investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified - (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service	Director: Financial Services Director: Corporate Services Director: Operational Services Director: Development Director: Technical Services	None	Yes	This office did not receive allegations with respect to an official's code of conduct.
38(1)(c)	to 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;	Director: Financial Services	Manager: Supply Chain Management	Yes	SCM includes the list of tender defaulters in the evaluation report. SCM also uses the TransUnion system to verify the successful bidder's information.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
38(1)(d)	to 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 or to any other municipality are in arrears for more than three months; or (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory;	Director: Financial Services	Manager: Supply Chain Management	Yes	No such transactions took place.
38(1)(e)	to 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;	Power Currently Residing: Accounting Officer	None	Yes	None

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
38(1)(f)	to cancel a contract awarded to a person if - (i) to cancel a contract awarded to a person if - 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.	Power Currently Residing: Accounting Officer	None	Yes	None

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
38(1)(g)	to reject the bid of any bidder if that bidder or any of its directors – (i) has abused the supply chain management system or has committed any improper conduct in relation to such system (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 (iv) 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).	Power Currently Residing: Accounting Officer	None	Yes	None
38(2)	Must inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of paragraph 38 (1)(b)(ii), (e) or (f).	Power Currently Residing: Accounting Officer	None	Yes	None

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
39	<p>must establish and implement an effective system of logistics management, which must include -</p> <p>(a) 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;</p> <p>(b) the setting of inventory levels that includes minimum and maximum levels and lead times wherever goods are placed in stock;</p> <p>(c) the placing of manual or electronic orders for all acquisitions other than those from petty cash;</p>	Director: Financial Services	Manager: Supply Chain Management	Yes	

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
	<p>(d) 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;</p> <p>(e) 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;</p> <p>(f) regular checking to ensure that all assets including official vehicles are properly managed, appropriately maintained and only used for official purposes; and</p>	Director: Financial Services	Manager: Supply Chain Management	Yes	
	g) monitoring and review of the supply vendor performance to ensure compliance with specifications and contract conditions for particular goods or services.	Director: Financial Services	Manager: Supply Chain Management	Yes	

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
40(3)(a)	Must insure that immovable property is sold only at market related prices except when the public interest or the plight of the poor demands otherwise.	Power Currently Residing: Accounting Officer	None	Yes	
40(3)(b)	Must insure that 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.	Power Currently Residing: Accounting Officer	None	Yes	
40(3)(c)	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.	Power Currently Residing: Accounting Officer	None	Yes	
40(3)(d)	immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise.	Power Currently Residing: Accounting Officer	None	Yes	
40(3)(e)	all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed.	Director: Development	None	Yes	This is done annually in conjunction with the Assets Department.
40(3)(f)	where assets are traded in for other assets, the highest possible trade-in price is negotiated	Power Currently Residing: Accounting Officer	None	Yes	

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
40(3)(g)	in the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate within 30 days whether any of the local schools are interested in the equipment.	Power Currently Residing: Accounting Officer	None	Yes	
41(1)	must establish an effective system of risk management for the identification, consideration and avoidance of potential risks in the Supply Chain Management System.	Director: Financial Services	Manager: Assets and Risk Management	Yes	A generic project risk analysis template has been developed and implemented. This template has to be completed at the specification committee meeting.
42	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.	Director: Financial Services	Manager: Supply Chain Management	Yes	Project Reporting Templates was circulated to all end-users for monthly reporting. Deviation Report is done on a monthly basis for the reason stated.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
45	<p>must ensure that the notes to the annual financial statements disclose particulars of any award 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 –</p> <p>(a) the name of that person;</p> <p>(b) the capacity in which that person is in the service of the state; and</p> <p>(c) the amount of the award.</p>	Director: Financial Services	Manager: Supply Chain Management	Yes	<p>This information was disclosed within the 2014/2015 financial statements.</p> <p>SCM is in the possession of various declarations made.</p>
46(2)(d)	<p>notwithstanding sub paragraph (2)(c), must declare to the accounting officer details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to that person or any close family member, partner or associate of that person;</p>	<p>Director: Financial Services</p> <p>Director: Corporate Services</p> <p>Director: Operational Services</p> <p>Director: Development</p> <p>Director: Technical Services</p>	None	Yes	<p>End-users are to declare all gifts on the Payday System after which SCM will draft an audited report to the AO on a quarterly basis.</p>

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
46(2)(e)	must declare to the accounting officer details of any private of 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;	Power Currently Residing: Accounting Officer	None	Yes	
47(2)	Must promptly report any alleged contravention of Paragraph (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	Power Currently Residing: Accounting Officer	None	Yes	

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
48	<p>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 –</p> <p>(a) a provider or prospective provider of goods or services</p> <p>(b) a recipient or prospective recipient of goods disposed or to be disposed</p>	Power Currently Residing: Accounting Officer	None	Yes	
49	Bidders are allowed the opportunity to lodge an objection or complaint against the decisions or actions of the Municipality within a period of 14 (<i>working</i>) days of the Municipal decision or action.	Power Currently Residing: Accounting Officer	None	Yes	None received.
50(1)	1) Bidders are allowed to appeal against a decision or action of the Municipality, but only after exhausting the provisions of SCM TR 21(e), 49 and 50.	Power Currently Residing: Accounting Officer	None	Yes	None received.

Section	Cryptic Description of Power or Duty	Delegated to	Lowest Level Sub-delegated to	Implemented	Comments
52(1)	may expand or vary orders against the original contract by - (a) not more than 20% for construction related goods, services and/or infrastructure projects; and; (b) by not more than 15% for all other goods and/or services of the original value of the contract.	Director: Financial Services	Deputy Director : Financial Services	Yes	None

Yours faithfully


A HENDRICKS
MANAGER: SCM

Yours faithfully


D LOUW
CHIEF FINANCIAL OFFICER