

**ITEM NUMBER: SPC 24/06/20**

***RECOMMENDATION FROM THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE: 2 JUNE 2020***

**MC 07/06/20 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 31 MARCH 2020**

It is **RECOMMENDED** that the minor breach of the procurement for the period 1 - 31 March 2020 as set out in Annexure A to the report on the agenda, as ratified by the Bid Adjudication Committee, be noted.

**1. ITEM NUMBER MC 07/06/20**

**2. SUBJECT**

**REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 31 MARCH 2020**

**ONDERWERP**

**VERSLAGDOENINGOORGERINGE VERBREKINGS VAN  
VERKRYGINGSPROSESSE GOEDGEKEUR DEUR DIE  
BODBEOORDELINGSKOMITEE OOR VOORSIENINGSKANAALBESTUUR VIR  
DIE PERIODE 01 - 31 MAART 2020**

**ISIHLOKO**

**INGXELO EMALUNGA NEMIBANDELA ENGEPHI EFUNA UKUGCITYWA  
KWIINKQUBO EZINGOKUTHENGWA NOKUTHENGISWA KWEZINTO  
EZIPHUNYEZWE YIKOMITI EJONGENE NOLAWULO LOGQATSO  
LEZOKUTHENGA NOKUTHENGISWA KWEZINTO UKUSUKA KUMHLA WOKU-  
01 - 31 EYOKWINDLA 2020**

**[LSUG0392]**

**3. DELEGATED AUTHORITY**

In terms of delegation

This report is

- Committee name:
- The Executive Mayor ito Delegated authority
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Council

**4. FOR NOTING BY COUNCIL**

- This report is for noting only/information only.

This report is for consideration/decision by:

- The Portfolio Committee
- The Executive Mayor
- The Executive Mayor together with the Mayoral Committee
- Council

## 5. EXECUTIVE SUMMARY

The authority to ratify minor breaches of the procurement process, purely of a technical nature, has been sub delegated by the Accounting Officer to the Chairperson of the Bid Adjudication Committee (BAC). Further Supply Chain Management (SCM) Regulation 36 (2) requires the Accounting Officer to report the ratified breaches to Council and for this reason herewith submitted.

### 5.1. Sustainability Implications

Does the activity in this report have any sustainability implications for the City?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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### 5.2. Legal Implications

Local Government: Municipal Finance Management Act (56/2003):                      Municipal  
Supply Chain Management Regulations

### 5.3. Staff Implications

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No                     

Yes                     

### 5.4 Other Services Consulted

**None**

## 6. DISCUSSION:

Clause 328 of the City's current Supply Chain Management Policy approved by Council 30 May 2019 (C18/05/19) makes provision as follows:

The City Manager may ratify any minor breaches of the procurement process, by an Official or Committee acting in terms of delegated powers or duties, which are purely of a technical nature.

The City Manager is also authorised in terms of the Municipal Supply Chain Management Regulations (Regulation 36) to dispense with the official procurement processes established by the City's Supply Chain Management Policy and to procure any required goods and services through any convenient process. Further also ratify any minor breaches of the procurement processes by an Official or Committee acting in terms of delegated powers. (Section 328 of the Supply Chain Management Policy).

The City Manager has *inter alia* sub-delegated the authority to ratify minor breaches of procurement processes by an Official or Committee acting in terms of delegated powers, to the Chairperson of the Bid Adjudication Committee. Subject to said person acting in consultation with the members of the committee.

For the period 01 – 31 March 2020 one minor breach was referred to the Supply Chain Management Bid Adjudication Committee for ratification and is now herewith detailed in Annexure A to this submission.

- 6.1  Financial implications     None     Opex     Capex
- Capex: New Projects
  - Capex: Existing projects requiring additional funding
  - Capex: Existing projects with no additional funding requirements
- Legal Compliance
- Staff Implications             Yes     No

## 7. RECOMMENDATIONS

For noting by Council:

It is recommended that the report and annexed list of minor breaches for 1 - 31 March 2020 as ratified by the Bid Adjudication Committee be noted.

### **AANBEVELINGS**

Vir kennisname deur die Raad:

Daar word aanbeveel dat daar kennis geneem word van die verslag en lys van geringe onderbrekings vir 1 - 31 Maart 2020 in die bylae, soos deur die bodbeoordelingskomitee oor voorsieningskanaalbestuur bekragtig.

### **IZINDULULO**

Isiqqibo seseBhunga:

Kundululwe ukuba makuqwalaselwe ingxelo noluhlu oluqhotyoshelweyo olumalunga nemibandela engephi ekufaneleke ingcityiwe njengoko ilungiswe yiKomiti ejongene noGqatso olungokuthenga nokuthengiswa kwezinto ukusuka kumhla woku 1 – 31 EyoKwindla 2020.

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## **ANNEXURES**

**ANNEXURE 1: MINOR BREACHES FOR THE PERIOD 01 -31 MARCH 2020**

**FOR FURTHER DETAILS CONTACT**

NAME	Basil Chinasamy-Director	CONTACT NUMBER	021 400 4761
E-MAIL ADDRESS	<a href="mailto:Basil.Chinasamy@capetown.gov.za">Basil.Chinasamy@capetown.gov.za</a>		
DIRECTORATE	<u>Finance-SCM</u>	FILE REF NO	
SIGNATURE : DIRECTOR	Basil Chinasamy	Digitally signed by Basil Chinasamy Date: 2020.05.12 10:44:35 +02'00'	

**CHIEF FINANCIAL OFFICER**


NAME		COMMENT:
DATE		
SIGNATURE	Digitally signed by Kevin Jacoby Date: 2020.05.13 19:23:18 +02'00'	

**LEGAL COMPLIANCE**

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.
- NON-COMPLIANT

NAME	Joan-	COMMENT:
DATE	Mari Holt	
SIGNATURE	Digitally signed by Joan-Mari Holt Date: 2020.05.14 18:44:59 +02'00'	

**CITY MANAGER**

NAME		COMMENT:
DATE		
SIGNATURE	Digitally signed by Lungelo Mbandazayo Date: 2020.05.15 11:34:57 +02'00'	

Making progress possible. Together.

**Joan-Mari Holt**

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**Subject:** REPORT ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE  
SCM BAC FOR JAN - MARCH 2020

The following comment is made regarding legal compliance:

For information.

Kind regards

**Joan-Mari Holt**

Legal Advisor

Office of the City Manager

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**CITY OF CAPE TOWN**  
**ISIXEKO SASEKAPA**  
**STAD KAAPSTAD**

*Making progress possible. Together.*