

COUNCIL OF THE CITY OF CAPE TOWN

26 MAY 2016

ITEM NUMBER: C 58/05/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 17 MAY 2016

MC 32/05/16 REPORT IN TERMS OF REGULATION 36 OF THE SUPPLY CHAIN MANAGEMENT REGULATIONS AND PARAGRAPH 311 OF THE SUPPLY CHAIN MANAGEMENT POLICY, FOR APRIL 2016

It is **RECOMMENDED** that the matters as authorised by the City Manager in terms of Regulation 36 of the Supply Chain Management Regulations, and Paragraph 311 of the Supply Chain Management Policy, for April 2016, attached as Annexure A to the report on the agenda, be noted by Council and be included as a note to the Council's annual financial statements.



REPORT TO MAYCO

DATE 2016 -05- 17

1. ITEM NUMBER: MC 32/05/16

2. SUBJECT

REPORT IN TERMS OF THE SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, PARAGRAPH 311, FOR APRIL 2016: FOR INFORMATION PURPOSES

ONDERWERP

VERSLAG INGEVOLGE DIE VOORSIENINGSKANAALBESTUURSREGULASIES, REGULASIE 36, EN DIE BELEID OOR VOORSIENINGSKANAALBESTUUR, PARAGRAAF 311, VIR APRIL 2016: VIR INLIGTINGSDOELEINDES

ISIHLOKO

INGXELO ENGENISWA NGOKWEMIGAQO YOLAWULO LOBONELELO NGOMSEBENZI WEZIKO, UMGGAQO-36 NANGOKOMGAQO-NKQUBO WOLAWULO LOBONELELO NGOMSEBENZI WEZIKO, UMHLATHI 311 YANGO-EPRELI 2016: INGENISELWA IINJONGO ZENGCACISO

LSU: 5496

3. STRATEGIC INTENT

- Opportunity City
- Safe City
- Caring City
- Inclusive City
- Well-run City

4. PURPOSE

This report serves to advise Council of matters authorised by the City Manager in terms of the Supply Chain Management (SCM) Regulations and Policy during the

2015/16 financial year for April 2016. The reasons submitted by the respective business units and/or the Supply Chain Management Bid Adjudication Committee to dispense with the official procurement processes, as approved by the City Manager, which needs to be reported to Council in terms of regulation 36 (2) of the Municipal Supply Chain Management Regulations issued by National Treasury and in terms of paragraph 311 of Council's Supply Chain Management Policy as approved on 31 July 2013. Furthermore, the expenditure related to such deviations is included as a note to the Annual Financial Statements.

5. FOR NOTING BY / FOR DECISION BY

Recommendation for Decision by Council

To be noted by Council in terms of regulation 36 of The Municipal Supply Chain Management Regulations and in terms of paragraph 311 of the Supply Chain Management Policy.

This report is for noting only/information only.

6. EXECUTIVE SUMMARY

This report is in line with providing equitable and effective service delivery to the community by ensuring that the critical goods and services required and to be procured are obtained, due to the exceptional circumstances, emergency of a situation, or when the normal procurement process could not be followed due to it being a sole provider, impractical, impossible or non-feasible as permitted in terms of paragraphs 308 - 310 of the City's SCM policy.

In terms of regulation 36 of the Municipal Supply Chain Management Regulations and in terms of paragraph 311 of the Supply Chain Management Policy any deviations from the Supply Chain Management Policy considered and approved by the City Manager needs to be reported to Council.

The relevant reports received, considered and authorised by the City Manager and the expenditure and reasons for these approvals are herewith reported to Council as per Annexure "A". These matters were all considered on its merits and the reasons provided were clarified or additional information obtained in compliance with the legislative criteria as provided for in terms of the Supply Chain Management Policy.

Furthermore, the expenditure needs to be included as a note to Council's Annual Financial Statements.

The breakdown of the deviations for April 2016 is as follows:

- Exceptional Circumstances - 11 matters: Where there were no alternatives, where it was impractical or impossible to follow the normal process or being an emergency;
- Single Provider - 3 matters, sole provider and registered owner of the rights;

7. RECOMMENDATIONS

Not delegated: for noting by Council:

It is recommended that the matters as authorised by the City Manager in terms of the Supply Chain Management Regulations, regulation 36, and the Supply Chain Management Policy, paragraph 311, for April 2016, attached as annexure A, be noted by Council and be included as a note to the Council's annual financial statements.

AANBEVELINGS

Nie gedelegeer nie: vir kennisname deur die Raad:

Daar word aanbeveel dat die Raad kennis neem van die sake soos deur die stadsbestuurder gemagtig ingevolge die voorsieningskanaalbestuursregulasies, regulasie 36, en die beleid oor voorsieningskanaalbestuur, paragraaf 311, vir April 2016, hierby aangeheg as bylae A, en dat dit as 'n nota by die Raad se finansiële jaarstate ingesluit word.

IZINDULULO

Azigunyaziswanga: zingeniselwa ukuqwalaselwa liBhunga:

Kundululwe ukuba imibandela egunyaziswe nguMphathi weSixeko, ngokweMigaqo yoLawulo loBonelelo ngoMsebenzi weZiko, umgaqo-36 nangokoMgaqo-nkqubo woLawulo loBonelelo ngoMsebenzi weZiko, umhlathi-311, yango-Epreli 2016 neqhotyoshelwe njengesihlomelo-A, mayiqwalaselwe liBhunga kwaye mayibandakanywe kwiingxelo ezibhaliweyo zezimali zeBhunga zonyaka.

DISCUSSION/CONTENTS

7.1. Constitutional and Policy Implications

The Municipal Supply Chain Management Regulations, General Notice 868, Government Gazette 27636 of 30 May 2005, Regulation 36 - Deviation from, and ratification of minor breaches of procurement processes refers.

The City of Cape Town's Supply Chain Management Policy - adopted by Council, 31 July 2013, Clause 308 – 310 and 311 – Deviation from the Procurement Process.

7.2. Legal Implications

To be noted by Council in terms of regulation 36 of The Municipal Supply Chain Management Regulations and in terms of paragraph 311 of the Supply Chain Management Policy. Furthermore, the expenditure needs to be included as a note to Council's Annual Financial Statements.

7.3. Other Services Consulted


In general, all deviations are submitted to the City Manager for approval after due consideration by the Supply Chain Management Bid Adjudication Committee

ANNEXURES

Annexure "A" – Deviations for the period 1 – 30 April 2016

FOR FURTHER DETAILS CONTACT:

NAME	Arno Vorster, Specialist Advisor: Office of the City Manager
CONTACT NUMBERS	021 400 1268 / 0844445823
E-MAIL ADDRESS	arno.vorster@capetown.gov.za
DIRECTORATE	Office of the City Manager
FILE REF No	HO 9/7
SIGNATURE	 29/4/16



CITY MANAGER

ACHMAT EBRAHIM

NAME

DATE

29. 04. 2016

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

[Handwritten Signature]

LEGAL COMPLIANCE

NON-COMPLIANT

NAME CHARLYNNE ARGOSE

Comment:

TEL 021 400 1265

Certified as legally compliant: *[Signature]*

DATE 03 MAY 2016

Based on the contents of the report.

[Handwritten Signature]

EXECUTIVE DIRECTOR: EXECUTIVE DIRECTOR: CORPORATE SERVICE & COMPLIANCE (ED: CORC)

SUPPORTED FOR ONWARD SUBMISSION TO MAYOR / MAYCO / COUNCIL

DATE 5/5/2016

NOT SUPPORTED

REFERRED BACK

COMMENT:



MAYORAL COMMITTEE MEMBER
Ald Ian Neilson

COMMENT:

NAME

DATE

6/5/16



EXECUTIVE MAYOR (ACTING)

- SUPPORTED FOR ONWARD SUBMISSION TO MAYCO COUNCIL
- PC RECOMMENDATION
- RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT
- ALTERNATIVE RECOMMENDATION TO BE REFLECTED BELOW
- APPROVED I.T.O. DELEGATED AUTHORITY
- NOTED
- REFUSED
- REFERRED BACK

DATE

6/5/16

COMMENT: