

# Provincial Treasury



LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

**POLICY**

**ON**

**BID COMMITTEE**



# LIMPOPO

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**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

Provincial Treasury: Supply Chain Management  
Office

PROVINCIAL

POLICY ON BID COMMITTEES

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## 1. Definitions

- i) **Departmental bid Committees:** Departmental structures established to handle procurement of goods or service.
- ii) **Technical Expert:** Individuals who possess relevant knowledge and skills in a specific field either from within the department or outside.
- iii) **Specific Bid:** The bid under consideration.
- iv) **End-User** : The Unit requiring service or goods to be procured.
- v) **Accounting Officer/ Accounting Authority:** As defined in sections 36 and 49 of the PFMA 1, 1999 as amended by act 29 of 1999.
- vi) **Transversal contracts:** Contracts for goods/services required on repetitive basis by more than one department, where economies of scale consideration is an issue.
- vii) **Declaration of Interest:** Any personal or financial interest which has the possibility of influencing the award.
- viii) **Equity:** The word 'equity' in the context of this policy means the application and observance of government policies which are designed to advance persons or categories of persons disadvantaged by unfair discrimination

## 2. Acronyms and Abbreviations

- a) SCM : Supply Chain Management
- b) PFMA : Public Finance Management Act 1 of 1999
- c) CFO : Chief Financial Officer
- d) PPPFA : Preferential Procurement Policy Framework Act 5 of 2000
- e) NIPP : National Industrial Participation Programme
- f) CPC : Central Procurement Committee
- g) AO : Accounting Officer
- h) AA : Accounting Authority
- i) BAC : Bid Adjudication committee
- j) EXCO : Executive Council

### **3. Scope of application**

- a) The policy applies to the Limpopo provincial administration and public entities enlisted in Schedule 3C and 3D

### **4. The objectives of this policy are;**

- i) To promote uniformity in the establishment and operation of various procurement committees in the province.
- ii) To give effect to the provisions of the PFMA, of 1999 and the PPPFA, of 2000 and its associated regulations of 2001.
- iii) To promote consistency within the provincial procurement system.

### **5. Legislative framework**

The following legislations/policies should guide roles and responsibilities of bid committees

- a) Public Finance Management Act 1 of 1999 as amended by Act 29 of 1999.
- b) Preferential Procurement Regulations of August 2001
- c) Regulations in terms of S76 (4) (c) of the PFMA: Framework for Supply Chain Management.
- d) Supply Chain Management: A guide for Accounting Officer/ Authorities (February 2004).
- e) Constitution of the Republic of South Africa Act 108 of 1996
- f) Promotion of Access to information Act 2000
- g) Promotion of Administrative Justice Act 2000
- h) Prevention and Combating of Corrupt Activities Act 12 of 2004
- i) Relevant National Treasury Practice Notes
- k) Provincial Treasury Instructions on Supply Chain Management, July 2004
- l) Limpopo Preferential Procurement Policy, 2005

- m) Relevant National and Provincial Treasury Practice Notes
- n) Public Service Act in terms of proclamation R103 of 1994.
- o) National Treasury's code of conduct for Bid Adjudication Committees, 13 March 2006

## 6. Delegations

- 6.1 In terms of sections 44 and 56 of the PFMA the AO/AA may delegate and instruct any official in that department, trading entity or constitutional institution to perform any of the duties assigned to the AO/AA in terms of the Act.
- 6.2. With regard to the supply chain management system, Treasury Regulations 16A6.2, *inter-alia*, makes provision for the establishment, composition and functioning of bid specification, evaluation and adjudication committees, the selection of bid adjudication members and the adjudication of bids through a bid adjudication committee
- 6.3. Every accounting officer / authority should, therefore delegate officials within his / her SCM unit, to deal with SCM processes.
- 6.4 The following should apply to acquisition of goods and / or services and the disposal and letting of assets;
  - a) All delegations must be in writing to the individual officials;
  - b) The accounting officer /authority should decide whether he/she delegates decision-making powers regarding the final award of bids to the adjudication committee and what the threshold values in this regard should be.
  - c) Should the accounting officer / authority resolve that the adjudication committee awards bids only up to a specified threshold value, bids above that threshold value should be referred to the accounting officer / authority for finality.
  - d) The principle should be vested such that no individual official should be in a position to take a decision in isolation regarding the award of a bid.

## 7. CORE PRINCIPLES

- 7.1. In terms of section 38 (1) (a) (iii) of the Act, the Accounting officer must ensure that the department has and maintains an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective.
- 7.2 Proper and successful government procurement rests upon certain core principles of behavior - the Five Pillars of Procurement. They are best described as pillars because if any one of them is broken the procurement system falls down and they are:

### a) Value for money

Price alone is often not a reliable indicator and departments/Entities will not necessarily obtain the best value for money by accepting the lowest price offer that meets mandatory requirements. Best value for money means the best available outcome when all relevant costs and benefits over the procurement cycle are considered.

The procurement function itself must also provide value for money and must be carried out in a cost-effective way. Procurement organizations, whether centrally located or devolved to districts, should:

- (i) avoid any unnecessary costs and delays for themselves or suppliers;
- (ii) monitor the supply arrangements and reconsider them if they cease to provide the expected benefits; and
- (iii) ensure continuous improvement in the efficiency of internal processes and systems.

### b) Open and effective competition

All procurement laws, policies, practices and procedures must be readily accessible to all parties. Procurement process must be transparent. Effective competition through procurement methods suitable for market circumstances must be practiced.

This requires:

- (i) a framework of procurement laws, policies, practices and procedures that is transparent, i.e. they must be readily accessible to all parties;
- (ii) openness in the procurement process;
- (iii) encouragement of effective competition through procurement methods suited to market circumstances; and
- (iv) observance of the provisions of the Preferential Procurement Policy Framework Act.

Departments need to apply effort and research to get the best possible outcome from the market by ensuring that,

- i) potential suppliers have reasonable access to procurement opportunities and that available opportunities are notified at least in the Government Tender Bulletin;
  - ii) where market circumstances limit competition departments recognize that fact and use procurement methods that take account; of it;
  - iii) adequate and timely information is provided to suppliers to enable them to bid;
  - (v) bias and favouritizm are eliminated;
  - (iv) the costs of bidding for opportunities do not deter competent suppliers; and
  - (vi) costs incurred in promoting competition are at least commensurate with the benefits received.
- c) Ethics and fair dealing
- i) Parties involved in procurement must comply with ethical standards and must conduct business in a fair, reasonable manner and with integrity.

In procurement, if all parties comply with ethical standards they can:

- 1) deal with each other on a basis of mutual trust and respect; and
- 2) conduct their business in a fair and reasonable manner and with



integrity.

- ii) All government officials associated with procurement, particularly those dealing direct with suppliers or potential suppliers, are required:
  - 1) to recognize and deal with conflicts of interest or the potential thereof;
  - 2) to deal with suppliers even-handedly;
  - 3) to ensure they do not compromise the standing of the state through acceptance of gifts or hospitality;
  - 4) to be scrupulous in their use of public property; and
  - 5) to provide all assistance in the elimination of fraud and corruption.

d) Accountability and reporting

Parties involved must be answerable for their plans, actions and outcomes.

Openness and transparency in administration, by external scrutiny through public reporting, is an essential element of accountability. Within the procurement framework:

- (i) AO/AAs are accountable to their Executing Authorities for the overall management of procurement activities;
- (ii) Heads of Procurement and senior procurement managers are accountable to AO/AAs for various high-level management and co-ordination activities;
- (iii) individual procurement officers are accountable to Heads of Procurement, and to their clients, for the services they provide;

e) Equity

- i) This fifth pillar is vital to public sector procurement in South Africa. It ensures that government is committed to economic growth by implementing measures to support industry generally, and especially to advance the development of Small, Medium and Micro Enterprises and Historically Disadvantaged Individuals.

- ii) In accordance with the Reconstruction and Development Programme, SMMEs and HDIs need to play a bigger role in the economy. Greater participation in the economy and more diversified representation of blacks and gender in ownership is essential.
- iii) The government has implemented the Preferential Procurement Policy Framework Act as the foundation on which all procurement activities are to be based. Its aim is to;
  - advance the development of SMMEs and HDIs;
  - promote women and physically handicapped people;
  - create new jobs;
  - promote local enterprises in specific provinces, in a particular region, in a specific local authority, or in rural areas; and
  - support the local product.

No public procurement system should be operated if it is not founded on this pillar.

## **8. Bid committee system**

- a) The AO/AA or his delegate should appoint bid committees as indicated below:
  - i) Bid specification committee;
  - ii) Bid evaluation committee;
  - iii) Bid adjudication committee; and
  - iv) Central Procurement Committee

### **8.1. Bid Specification committee**

#### **8.1.1. Appointment of Bid specification committee**

- a) The head of the Supply Chain Management Unit must appoint members

of the specification committee in writing. Specification committee should be appointed as and when there is a need, after completion of the drawing of the specification and its approval by the AO/AA, the committee should be disbanded.

### **8.1.2. Composition**

- a) The committee shall comprise of at least 3 officials from the department /institution and may when appropriate, invite an external technical expert;

The composition should be as follows;

- i) The end –user
  - ii) An official responsible for demand management and
  - iii) An official from the Acquisition Unit.
- b) The committee should be chaired by the official responsible for the demand management of the department/institution.

### **8.1.3. Functions of the specification committee**

It is the responsibility of the committee to;

- a) Compile specifications/terms of reference for each bid/quotation procurement of goods or services by the department /institution and to ensure:
- i) that a proper and unbiased specification is compiled for the specific requirement;
  - ii) that proper terms of reference is drawn up for the service required clearly indicating the scope of the requirement, the ratio between price and functionality, the evaluation criteria as well as their weights and values;
  - iii) that strategic sourcing is applied and that the market is properly researched and analyzed;
  - iv) that the necessary funds are available;

- v) that, in addition to the general conditions of contract, appropriate special conditions of contract are specified, if applicable;
  - vi) that in terms of the PPPFA, the correct preference point system is prescribed and that appropriate goals are identified and points allocated for these goals.
- b) It is recommended that specifications should be approved by the AO/AA or his delegate(s) after consultation with the Member of the Executive Authority.

## **8.2. Bid Evaluation Committee**

### **8.2.1. Appointment of Bid Evaluation Committee.**

- a) The head of SCM Unit should appoint members of the Bid Evaluation Committee in writing before the closing of the bid.
- b) Members should declare interest in the bid under consideration up front and such member must automatically recuse himself/herself from participating in the evaluation process.
- c) Members should sign oath of secrecy forms up-front.
- d) This committee should stay on until the bid is awarded and then disband..

### **8.2.2. Composition of Bid Evaluation Committee**

- a) The committee must in so far as it may be possible, be cross functional.
- b) The committee should comprise of at least 3 (three) officials from the department.
- c) The Accounting Officer /Authority may appoint an external technical expert to serve in the committee for that specific bid.
- d) The following officials should serve in the Bid Evaluation Committee;
  - i) The relevant end-user.
  - ii) ( two) 2 SCM Practitioners.

- e) The Committee should be chaired by the SCM Practitioner.

### **8.2.3. Functions of the Bid Evaluation Committee.**

This committee is responsible for the evaluation of bids received, which includes;

- a) Verification of administrative compliance of the bid documents.
- b) Evaluation of bids in accordance with the criteria specified in the bid documents (specification) and the PPPFA Regulations.
- c) Evaluation of each bidder's capacity /ability to execute the contract.
- d) Verification of NIPP requirements if the contract is in excess of ten million rand (R10m);
- e) Submission of evaluation report and recommendation(s) regarding the award of the bid to the Adjudication Committee.

## **8.3. Bid Adjudication Committee**

### **8.3.1. Functions of the Bid Adjudication Committee**

The bid adjudication committee is therefore established to:

- a) Consider the reports and recommendations made by the bid evaluation committee.
- b) Depending on the delegations granted by the accounting officer/authority the adjudication committee could make the final award of the bid, or make a recommendation to the accounting officer to make the final award.
- c) Adjudicate bids and award contracts on behalf of the department
- d) /institution for the procurement of goods or services, the disposal of goods or the granting of rights.

- e) Recommend to the Accounting Officer/Authority the extensions of contracts and deviations if reasonable and justifiable grounds exist.
- f) In performing their functions: -
  - i) Committee members should be guided by all the applicable SCM, procurement legislations, policies and directives.
  - ii) Members must declare interest in any specific bid/point on the agenda up front and such member must automatically recuse him/herself from participating in discussions unless the committee decides otherwise.
  - iii) If a bid adjudication committee decides to award a bid to a bidder other than the one recommended by the Evaluation Committee, the Bid adjudication committee must consult with the Accounting Officer before a final decision is taken.
  - iv) Accounting Officer /Authority may confirm or vary a recommendation by an Adjudication Committee. In cases where he/she varies with the BAC recommendations reasons should be furnished in writing and reported to the Provincial Treasury within a prescribed period of seven (7) days.
  - v) Furthermore, AO/AA may refer back in writing any recommendation to the Adjudication Committee to be reworked if there are any material flaws.
- g) Bid adjudication committee must ensure that:
  - i) scoring has been fairly, consistently and correctly calculated and applied;
  - ii) disqualifications are justified;
  - iii) all declarations of interest have been captured;
  - iv) all necessary bid documents have been submitted; and
  - v) that valid and accountable reasons/ motivations were furnished for passing over of bids.
- h) The bid adjudication committee must consider and rule on all recommendations/reports regarding the amendment, variation, extension, cancellation or transfer of contracts awarded.

- i) In order to meet their obligations, committee members must be familiar with and adhere to all relevant legislation, the SCM policy, SCM Guide to Accounting Officers and SCM Practice Notes.
- j) The highest level of professional competence must be maintained. Furthermore, courteous conduct is expected of all committee members.
- k) A declaration form where all members of the committee present at the meeting as well as all officials rendering administrative support during the meeting must be signed to declare that they;
  - i) accept the confidentiality of the contents of the meeting;
  - ii) will not make known anything regarding the meeting, unless officially authorized; and
  - iii) will not purposefully favour or prejudice anybody.

### **8.3.2. Appointment of the Bid Adjudication Committee.**

- a) The Accounting Officer/Authority must constitute one departmental /institutional bid adjudication committee.
- b) Bid adjudication committees are appointed in writing by the AO/AA
- c) Members of the adjudication committee cannot be appointed as members of evaluation committee.
- d) The AO/AA shall determine the term of office for members although the tenure may not exceed two (2) years.
- e) The period of tenure may be renewed if the Accounting Officer deems it necessary.
- f) All members as well as the secretary of bid adjudication committee should be cleared at the level of " Confidential" by the accounting officer and should be required to declare their financial interest annually.
- g) Committee members should be required to sign the code of conduct upon their appointment.
- h) Members may be removed by the Accounting Officer /Accounting Authority if a member's conduct violates the principles of the committee's purpose/mandate or code of

conduct.

- i) The Accounting Officer/ Authority may at any given time replace person for management reasons.
- j) The functions of BAC/CPC should form part of member's performance agreements.

### 8.3.3. Composition of the Bid Adjudication Committee

- a) The committee must consist of at least four (4) senior officials constituted as follows:
  - i) CFO, as the chairperson of the committee (where possible).
  - ii) Deputy Chairperson: an official at least at a senior management level.
  - iii) Members: Cross functional teams consisting of senior officials.
  - iv) Head of the SCM Unit is an EX-Officio member of the committee without voting powers, and serves in an advisory capacity.
  - v) SCM Unit serves as secretariat to the committee.
- b) For the purposes of continuity and not to delay meetings, the AO/ AA may also appoint a "**secundus**" to temporarily replace a member who is absent from meetings due to illness or leave. The AO/AA shall also decide whether or not such "**secundus**" will have the same powers as members.
- c) No external people should serve permanently on the adjudication Committee.

## 8.4. Central Procurement Committee (CPC)

### 8.4.1. Appointment of CPC members

- a) The CPC shall comprise of all Chief Financial Officers representing all Provincial Departments as per EXCO Decision No. 54/2005. In cases where it is impractical for the CFO to serve on the committee, the AO shall nominate a delegate within senior management service as defined in the Public Service Act and Regulations to represent a department.



- b) All AOs shall submit the names of CFOs/Delegates to the Head of Provincial Treasury (MEC) for official appointment and designation of a chairperson and deputy chairperson.
- c) The committee may co-opt technical/expert advice from departments or private sector if necessary with the approval of the Head of Provincial Treasury in cases of external experts. Such a co-opted member shall not have voting rights.
- d) Membership for CPC shall be reviewed by Head of Provincial Treasury in every two (2) years.
- e) The secretary of the CPC, shall be appointed in writing by the Head of Department of Provincial Treasury.
- f) For the purposes of continuity and not to delay meetings, the Head of Provincial Treasury after consultation with the relevant AO/ AA may appoint a '*secundus*' to temporarily replace a member who is absent from meetings due to illness or leave.
- g) Members may be removed by the Head of Provincial Treasury if a member's conduct violates the principles of the CPC's purpose /mandate or code of ethics or if the head of a departments wishes to replace a person for management reasons.

#### **8.4.2. CPC Sub-committees**

##### **8.4.2.1 Specification committee for CPC**

###### **(a) Composition**

- (i) The committee shall comprise of eleven Supply Chain Management Practitioners from all provincial departments.
- (ii) The committee shall be chaired by the Provincial Supply Chain Management Office.
- (iii) The Provincial Supply Chain Management Office shall render secretariat services.
- (iv) Members shall be appointed in writing per bid.

**(b) Appointment**

- (i) Provincial Treasury shall request for nominations of members of the Specification Committee from all Provincial Departments at least thirty (30) days prior the scheduled meeting in writing.
- (ii) AOs shall within seven (7) days of receipt of the letter referred to in (i) above, submit to Treasury the name of an official to represent the department.
- (iii) Members of the specification committee shall be appointed fourteen (14) days prior a scheduled date of the specification committee meeting for a specific transversal bid.
- (iv) Should an AO fail to appoint a representative as required, the committee shall continue without that particular department being represented.
- (v) All departments shall be bound by the decisions of the committee irrespective of their representation in the meetings.
- (vi) The specification committee shall be chaired by the provincial supply chain management office.
- (vii) The appointed members of the specification committee must be released from their official duties for the time during which they will be drafting the specifications.

**8.4.2.2 Evaluation Committee for CPC****(a) Composition**

- (i) The committee shall be cross functional and comprise of supply chain practitioners, representing all provincial departments.
- (i)

- (ii) The Provincial Supply CHAIN Management Office shall render secretariat services.
- (iii) Members should be appointed in writing per bid.

**(b) Appointment**

- (i) Provincial Treasury shall request for nominations of members of the evaluation committee from all Provincial Departments thirty (30) working days prior closure of a specific bid.
- (ii) AOs shall within seven (7) days of receipt of the letter referred to in (i) above, submit to Treasury the name of an official to represent the department.
- (iii) Members of the evaluation committee shall be appointed fourteen (14) days prior a scheduled date of the specification committee meeting for a specific transversal bid.
- (iv) Should an AO fail to appoint a representative as required, the committee shall continue without that particular department being represented.
- (v) All departments shall be bound by the decisions of the committee irrespective of their representation in the meetings.
- (vi) The evaluation committee shall be chaired by the Provincial Supply Chain Management Office.
- (vii) The appointed members of the evaluation committee must be released from their official duties for the time during which they will be evaluating bids.

**(c) Functions of the specification and evaluation committees for CPC**

- (i) The specification and evaluation committees shall perform similar functions outlined in paragraph 7.1.3 and 7.2.3 above respectively.

- (ii) The specifications drafted by the specification committee for CPC, shall be approved by the Head of Department for Provincial Treasury or his/her delegate .
- (iii) The evaluation committee should evaluate all the bids received and submit a report and recommendations regarding the award of the bid (s) to the CPC.

#### **8.4.3. Functions of the CPC**

- a) Subject to the national and provincial legislation and acting within the Supply Chain Management policies, the CPC shall procure centrally, common goods and services (transversal contracts) for provincial departments.
- b) CPC must not re-evaluate actual bid documents but shall adjudicate, based on the recommendations made by SCM Office evaluation committee.
- c) Members must declare interest in any specific bid/point on the agenda up front and such member must automatically recuse himself / herself from participating in discussions unless the Committee decides otherwise.
- d) If the CPC is of the opinion that a bidder-
  - i) Has amended or withdrawn an offer after the closing time for receipt of offers but before he has been notified of its acceptance ;or
  - ii) Has failed to sign a contract or to provide security within the period stipulated in the conditions of a bid, or such extended period as the CPC may allow, when required to do so ;or
  - iii) Has failed to comply with any of the conditions of an agreement, or performs or has performed unsatisfactorily under an agreement ;or
  - iv) Who has offered or given a bribe, or has acted in respect thereof in a fraudulent manner or in bad faith or in any other improper manner, the CPC may, in addition to any other legal remedies it may have, resolve that no offer, from the person concerned must be considered during such period as the CPC may stipulate.

- e) CPC will submit bi-annual reports to the Provincial Treasury summarizing the CPC's adjudications during that period.

## **9. Role of secretariat**

- a) Executes procurement support function for the department and a secretariat function for the Bid Adjudication Committee.
- b) The Head of the SCM Unit is an EX-Officio member of the committee without voting powers. He/she serves in an advisory capacity.
- c) Convenes BAC meetings and prepares an agenda for each meeting.
- d) Ensures that all submissions and reports are of good quality and well presented to the committee.
- e) Ensures that the evaluation process is done in a fair and transparent manner.
- f) Ensures that the agenda is dispatched in time.
- g) Takes minutes of all the meetings.
- h) Ensures that proceedings are recorded electronically.
- i) Keeps the attendance register.
- j) Keeps a register of all approved submissions ,disapproved, deferred and withheld as well as deviations condoned.
- k) Ensures that the chairperson signs all adopted minutes.
- l) Files all the minutes / documents that served before the committee.

## **10. Submissions to be served before the BAC/CPC**

### **10.1 Evaluation report per bid should contain the following;**

- a) Date of meeting, bid number and descriptions.

- b) Date of advertisement.
- c) Date of closure.
- d) List and number of bids received on closing date.
- e) List of qualifying bids.
- f) List of disqualified/rejected bids and reasons thereof.
- g) Recommendable bid (s) and reasons thereof.
- h) Spread sheet (Indicating points obtained)
- i) Inspection reports if any.
- j) Should reference be made to a specific document or legislation, copies thereof must be attached to enable members to take an informed decision.
- k) Recommendations of the Secretariat must be clear and to the point.

#### **10.2. Other documents to be served before CPC/BAC.**

- a) Written apologies.
- b) Agenda.
- c) Minutes of the previous meeting.
- d) Written reports on matters arising (outstanding matters which need secretariat's attention).

#### **11. Procedures for bid committees**

11.1. Every person attending the meeting owes reference to the Chairperson and may be disciplined if he/she does not respect the authority of the chairperson.

11.2 Quorum: a bid adjudication committee should only consider awards if at least 50% plus 1 (chairperson's casting vote ) of its members are present. In cases where the committee does not quorate, members may continue as ad-hoc committee.

- 11.3. Decisions taken by an ad-hoc committee must be ratified by a full committee meeting prior implementation.
- 11.4. If the committee does not quorate for two (2) consecutive meetings, round robin may be done to ratify decisions of the ad-hoc committee meetings. In cases where immediate action is necessary to avoid a dangerous or a risky situation or misery (urgent and emergencies), round robin may be resorted to after failure to quorate in the first meeting. Reasons for the emergency should be clearly recorded and approved by the AO/AA.

## **12. Duties and powers of various office bearers.**

### **12.1. The Chairperson-**

- a) has a casting vote as well as a deliberate vote;
- b) retains all his /her rights as a member;
- c) may adjourn a meeting;
- d) may rule on points of order which will be final;
- e) may withdraw any proposal or other matters under discussion before it is put to the vote; and
- f) may convene meetings on request.

### **12.2. The Chairperson shall:-**

- a) Maintain order during meetings and ensure that business is conducted in an orderly manner;
- b) Before opening the meeting, ensure that it is properly constituted;
- c) Protect the rights of every member;
- d) Vacate his/her seat to the Deputy Chairperson should he/she wishes to partake in a discussion in a partial manner;
- e) Control participation in discussions;
- f) Deal with items in sequence of the agenda and ensure that members do

not indulge in irrelevant discussions/ tedious repetition;

- g) Ensure that only one member holds the floor;
- h) Provide guidance by directing the meeting but shall not dominate;
- i) Address members in a formal manner;
- j) Formulate the decisions to be minuted clearly and sign and approve the minutes after they have been verified for correctness;
- k) Preside on all meetings including ad-hoc meetings.

### **12.3. Deputy Chairperson**

- a) The deputy- chairperson has the same powers and duties as those of members and in addition, where necessary, shall-
- b) in the absence of the chairperson, preside as chairperson; and
- c) take the seat of and act as chairperson, should the chairperson wishes to partake in partial discussions.
- d) If both the chairperson and deputy chairperson are not present, members present may elect one of their members to preside at such meeting.

### **12.4. Secretary**

The secretary shall-

- a) in conjunction with the chairperson/deputy chairperson compile an agenda and determine dates of meetings.
- b) give notice of proposed meetings to committee members;
- c) process and distribute all submissions/reports together with the agenda to committee members at least three working days before the actual meeting takes place;
- d) minute all decisions taken at meetings;
- e) adhere strictly to the stipulations of the National Archives of South Africa Act, No. 43 of 1996 and accompanying directives;
- f) Attend all the bid committee meetings.



- g) ensure that the proceedings at meetings are recorded mechanically;
- h) give written feedback of all decisions taken by the committee; and
- i) be responsible for all the administrative tasks of the committee.

### **13. Rights of the bid committee members**

#### **13.1. A member has the right to;**

- a) have advance knowledge of the agenda;
- b) submit proposals and participate in discussions;
- c) vote.

#### **13.2. It is each member's responsibility to;**

- a) be fully conversant with the powers and limitations of the Bid Committee.
- b) have a working knowledge of all relevant Supply Chain Management, procurement legislations, policies and directives.
- c) attend at least 70% of all meetings per annum, unless exceptional circumstances arise.
- d) in advance, furnish a written apology to the secretariat of his/her absence, at least 24 hours prior to any scheduled meeting.
- e) be punctual for meetings and stay for the duration of the meeting. Should a member leave during the proceedings of the meeting, his/her early departure should be recorded.
- f) declare any potential or existing conflict of interest and recuse himself /herself from the proceedings.
- g) familiarize him/ herself with meeting procedures to enable Him/her to make contribution in a correct manner.
- h) prepare properly for each meeting by studying the agenda and submissions/reports.

**13.3. Members must also be sensitive to the following rules;**

- a) Do not disturb meetings by whispering or moving about.
- b) No cell-phones should be allowed in meetings.
- c) Do not read unrelated documents during proceedings.
- d) Do not interrupt unless on a valid point of order.
- e) Do not make wild allegations, as any allegations made should be substantiated by evidence.
- f) Do not become personal by questioning the motives of other members.

**13.4. Decisions**

13.4.1 Members are obliged to reveal to Bid Committees any information that may affect the decision made or to be made by the Bid Committee.

13.4.2 Decisions will be determined by the adjudication criteria. In the event where two or more bidders have scored equal total points, the successful bidder must be the one scoring the highest number of preference points for specified goals. Should two or more bidders still be equal in all respect, the award shall be decided by the drawing of lots.

13.4.3 Confidentiality of information and documentation must be maintained. All documents/memoranda must remain on the table after the Bid Committee meetings, unless the Chairperson grants permission to Members to keep certain documents.

**14. Participation of advisors**

14.1 The accounting officer/authority may procure the services of advisors to assist in the execution of the supply chain management function. These services should be obtained through competitive bidding process. No advisor may, however, form part of the final decision making process regarding the award of bids, as this will counter the principle of vesting accountability with the accounting officer/ authority. The AO/AA cannot delegate decision –making authority to a person other than a public service official.

## 15. General

- 15.1 In performing their functions, the Committee should be guided by all the applicable SCM, Procurement Legislations, Policies and Directives
- 15.2 No lobbying in Bid Committees or from interested outside parties is allowed.
- 15.3 Any allegations against members must be in writing, substantiated and channeled through the procedure as determined by the Accounting Officer/Authority as prescribed in the Departmental /Institutional SCM System.
- 15.4 No press release should be made without the approval of the AO/AA.
- 15.5 All the proceedings shall be recorded electronically and decisions must be minuted.



**MEC FOR PROVINCIAL TREASURY**  
**THE HON. MEC SAAD CACHALIA**

07 / 05 / 07  
DATE