



MUNISIPALITEIT **BERGRIVIER** MUNICIPALITY

REPORT TO THE MUNICIPAL COUNCIL

SUBJECT: OVERSIGHT ROLE OF COUNCIL: IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT POLICY IN TERMS OF SECTION 6(1)(3) OF THE MUNICIPAL REGULATIONS FOR THE FIRST QUARTER OF THE FINANCIAL YEAR 2023/2024

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1. INTRODUCTION

In terms of clause 6(1) (3) of the Municipal Supply Chain Regulations, 2005, which deals with the Oversight role of council of a municipality or board of directors of a municipal entity:

- (1) The Council of a Municipality and board of directors of a Municipal Entity must maintain oversight over the implementation of its supply chain management policy.
- (2) 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 of the municipality or the board of directors of the municipal entity, as the case may be.

2. SCM POLICY AND PROCEDURES

- (1) Review and adoption of Supply Chain Management Policy by Council In terms of Regulation 3(1)(b) of the Supply Chain Management Policy the policy must be reviewed annually, submitted to Council and be adopted. The Supply Chain Management Policy was reviewed and adopted by Council on 31 May 2022.
- (2) The Municipality applied and obtained an exemption from the Minister of Finance that was valid until 30 May 2023 and also amended the PPPFA Policy that was approved by Council.
- (3) All SCM delegations are being followed.
- (4) Further Regulation 106: Implementation of Local Government Framework for Infrastructure Delivery and Procurement Management (LGFIPDM) does bring another burden on the SCM unit – all capital projects have to comply with this regulation from 1 July 2021. This reform is over the whole Municipality but with little assistance the SCM unit is the implementer and the responsible person to

implement the project is the Project Manager. This is to ensure that proper planning is done for projects over R50 million, but for best practice the Municipality can use this tool on all projects not depending on the amount.

3. FUNCTIONING OF THE SCM UNIT

3.1 All staff in the Unit declared their interest for the 2023/2024 financial year.

3.2 All SCM staff signed the Code of Conduct.

3.3 Capacity of SCM unit

The SCM unit comprises of:

- Manager: Supply Chain Management & Expenditure (N. Bothma)
- Head: Supply Chain Management & Assets (Vacant)
- Accountant: Supply Chain and Assets (E Scholtz)
- Assistant Accountant: Assets – J Coetzee
- Administrator: Bid Administration (R Hendricks)
- 1X Clerk: SCM Clerk Gr 2 (C Smit)
- 1x Principle Clerk SCM (**vacant**) (**WOULD COMBINE THIS POSITION WITH THE ADMINISTRATOR POSITION AND GET IT RE-EVALUATED**)
- 1X Senior Clerk: Assets and Insurance (U van Wyk)
- 1X Administrator for Supplier/Contract Management /Risk (Vacant)- **critical position.**
- 1 Clerk: Logistics, Insurance, Assets (K Klaase)
- 2 x Interns - We currently have a shortfall of two financial interns.
- 2 positions in stores – Advertised 30 September 2023 (Supervisor and Buyer)
- Two vacancy was funded for the year and the appointment of officials should be considered that the asset function can be fully operational. The approved organogram makes provision for unfunded posts. It is critical that Council should make funds available to fund the Supplier/Contract Management Clerk position due to the fact that this is a focus area of the AG. Cognisance should be taken that all though two additional posts were funded, the organogram must be reviewed on an annual basis to build the SCM unit to full capacity to ensure:
 - (i) A clean audit in terms of compliance in terms of the Regulations;
 - (ii) To comply with Section 115(1) (b) Local Government: Municipal Finance Management Act (Act no 56 of 2003) with regards to segregation of duties in the SCM system to minimize the likelihood of fraud, corruption, favouritism and unfair and irregular practices; and
 - (iii) To put the necessary levels of control in place (auditing of documents and authorization of orders, etc.)

Centralization of functions must still take place and this puts an additional burden on existing structure to comply with the following SCM regulations. The following aspects must be addressed with the appointment of officials during 2024/2025;

- (i) Regulation 10 (Demand Management) – this will be addressed with the filling of the vacancies, but not to a point where centralization can take place;
- (ii) Regulation 41 (Risk Management) – this will be addressed with the filling of the

Vacancies; and

- (iii) Regulation 42 (Performance Management) - this will be addressed with the filling of the vacancies.

Provision was made for additional capacity during the annual review of the approval of the Organogram for the 2023/2024 to appoint officials to perform the following functions:

(i) Regulation 39 (Logistics Management);

(ii) Regulation 40 (Disposal Management);

(iii) Critical additional officials must be appointed to perform functions regarding new best governance practices implemented such as “local content and production”, irregular- Fruitless- and wasteful expenditure as well as unauthorized expenditure, and we are currently rolling out the electronic requisition system to all Department. This process is being phased out department by department.

4 FUNCTIONING OF THE BID COMMITTEES

Formal Tenders Awarded: Competitive Bidding for all Contracts valued more than R30 000

The competitive bidding process and bid committee structures are functioning effectively. The Bid Committees are composed of the following members:

#	Committee	Composition & Function
1.	Bid Specification Committee- BSC	The project manager and a Senior SCM Practitioner- Considers tender specifications and approve and recommend for approval to the HOD
2.	Bid Evaluation Committee- BEC	The project manager, a Senior SCM Practitioner and any other Manager- Considers tender evaluation reports and makes recommendations to the BAC
3.	Bid Adjudication Committee- BAC	At least 4 directors and a Senior SCM Practitioner, with the CFO as Chairperson. (Not the same SCM Practitioner as BEC)- Considers recommendations from the BEC and make awards or recommend to the MM to award the tender. The Municipality follows the principle of a quorum 50% plus 1 to consider tenders.

4.1 Members of the bid committees are required to declare to undertake the following:

4.2 That all information, documentation and decisions regarding any matter before the committee is confidential and undertakes not to make known anything in this regard;

4.3 To treat all service providers and potential service providers equitably and will not purposefully favour or prejudice anybody; and

4.4 To make known details of any private or business interest he or she or any close family member, partner or associate may have in any proposed procurement or disposal of, or in any award or contract that they will immediately withdraw from participating in any matter whatsoever.

4.5 The members of the Bid Committees have duly undertaken to uphold the confidentiality, to be fair in all dealings and to declare their personal interests, if any. None of the members had conflicts of interest to declare.

The awards made by bid committees or the delegated officials are valued to the amount of **R1 202 231.20** formal tenders awarded, excluding the rates tenders.

0 objections was received.

10 Tenders Awarded between 01 July 2023 and 30 September 2023 were awards to the amount of **R 1 202 231.20** with seven (7) rates-based tenders.

2 award to Piketberg service providers and 0 to Porterville. 0 to Velddrif 0 to Eendekuil, 0 to Redelinghuis, 0 to Aurora for to service provider inside Bergrivier Municipality.

9 Formal Quotations awarded between July 2022 and 30 September 2022 and were inclusive of 1 awards to Piketberg, 0 to Porterville. 0 to Velddrif, 0 to Goedverwacht, 0 to Eendekuil service providers and 1 rate-based Quotations to service providers inside Bergrivier Municipality. The value of the Formal Quotations was **R 46 000.00 excluding 8 rates-based quotations.**

All tenders are opened in public, and the results of the opening are recorded in a Bid Opening Register and placed on the Municipal Website.

4.6 Council also requires statistical information regarding the time taken to process a tender in terms of the SCM Policy in in line with the following criteria:

Description of Measurement Criteria per Tender	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Average Calendar Days from Bid Specification Committee (BSC) to Bid Adjudication Committee (BAC)- Full Procurement Cycle	103.5			
Average Calendar Days from Tender Advertisement Date to BAC	96.8			
Average Calendar Days from Tender Closing Date to BAC	70			
Average Calendar Days from Tender Closing Date to BEC- Tender Evaluation	53.3			
Tender with Fastest Procurement Process: BSC to BAC	65			
Tender with Longest Procurement Process: BSC to BAC	184			

The timing of the above process was due to a few tenders - Tender 8/3/48/2022 and I hereby I am giving all the reasons for the delay:-

The specification date was:- 1st meeting was the 24 January 2023 second specification meeting was held on 13 March 2023.

Advert date:- 17 March 2023

Closing date of tender:- 21 April 2023 (Tender at the consulting engineers ACE Consultant Engineers since April to July

The evaluation date:- 1st evaluation meeting 3 July 2023 send back to Ace Consulting Engineers for correctness and completeness 2nd evaluation meeting 21 July 2023 and the 3rd meeting was on 16 August 2023

Extension of validity was required 16 August 2023 – back to user department for clarification

Adjudication date:- 13 September 2023

Objection close date:- Tenders forfeit the objection period

Reason for the delay:- The tender documents was with the Ace Consulting Engineers for more than 2 months – Mr. Jan Erasmus still needs to report on their poor performance.

The timing of the above process was due to one tender :- Tender 8/3/12-2023

The specification date was:- 17 April 2023

Advert Date:- 21 April 2023

Closing date of tender:- 26 May 2023

The evaluation date:- 11 August 2023

Adjudication date:- 28 August 2023

Objection close date:- Tenders forfeit the objection period

*Reason for the delay:- The user department evaluated the tender documents for more than 2 Months (26 May 2023 till 11 August 2023) expected SCM to do all verification and reports in less than 2 weeks – **31 Offers** was received*

The timing of the above process was due to one tender :- Tender 8/3/9-2023

The specification date was:- 3 April 2023

Advert date:- 14 April 2023

Closing date of tender:- 15 May 2023

The evaluation date:- 10 July 2023

Adjudication date:- 26 July 2023

Objection close date:- 10 August 2023

Reason for the delay:- The user department evaluated the tender documents for all most 2 months.

The time to process tenders needs to improve, but due to administrative problems, tenders were returned to user Departments to compile the evaluation reports properly after mistakes were detected by SCM.

A proper bid committee system with relevant terms of reference and delegations is implemented and fully functional.

The tender processes are less in numbers due to the fact that better planning is been put in place to streamline the processes. The annual tenders are done for three year periods on material.

4.7 Challenges faced during the 2023/2024 first quarter of the book year:

- (i) Incomplete specifications are still a challenge (The relevant Director and Manager must sign off the specifications, Before a procurement process can start a request must be completed and signed with the relevant information for example confirming the budget, the type of procurement etc.
- (ii) Buy-in to finalize bids timely to ensure capital spending; and
- (iii) The turnover rate as indicated in paragraph 3.5 above is a good indication.
- (iv) **Some departments wait until the adjustment budget in February of the financial year to start a SCM process and then it is normally too late to ensure timely spending.**
- (v) The cut-off date for procurement will be **10 May 2024** and no more tenders or formal quotes will be done for the financial year. Only emergency service delivery matters will be dealt with. Departments must ensure that vehicles and equipment are services before this due date. The last financial year we encountered problems to receive invoices in good time due to late procurement.
- (vi) Timelines have already been missed on the procurement plan and the relevant departments did indicate the reasons for the deviation, this was reported to Council.

4. DEVIATIONS FROM THE SCM POLICY

Section 36(1) of Council’s Supply Chain Management Policy allows the Accounting Officer to dispense with the official procurement processes under certain circumstances. During the 1 July 2023 and 30 September 2023, **1** deviation to the total amount of **R54 538.01** was considered as per **delegation provided by the SCM Policy**. Deviations are considered and approved in line with Section 36(1) (a) (i), (ii) & (v) of the Bergrivier SCM Policy.

Month	Total	Emergency	Impossible / Impractical / Exceptional Case	Sole Provider	
July	Zero				

August	Zero				
September	R54 538.01	R54 538.01	0	0	
TOTAL	R54 538.01	R54 538.01	0	0	
Departments	Community	Finance	Corporate	Technical	<i>Municipal Manager</i>
July	N/a	N/a	N/a	N/a	N/a
August	N/a	N/a	N/a	N/a	N/a
September	N/a	N/a	N/a	R54 538.01	N/a
TOTALS	N/a	N/a	N/a	N/A	

6. REPORTING ON REGULATION 32

There were no section 32 appointments

7. REPORTING ON THE CENTRAL SUPPLIER DATABASE (CSD)

The CSD is sometimes off line, and will hamper the SCM Unit to do an order, or Suppliers do not update their information regularly. The SCM unit did place an advertisement to request Suppliers to regularly update their information on CSD.

The unit does also provide assistance to Suppliers that struggle to register.

8. REPORTING ON REGULATION 33

The bid documentation, evaluation and adjudication criteria and general conditions of a contract must be in accordance with applicable legislation. There were no section 33 applications for the year from July 2023 to September 2023.

9. REPORTING ON THE PROCUREMENT PLAN

The Procurement Plan is a challenge due to the fact that Procurement Plans are not submitted with the Budget Process. Departments do not follow the due dates submitted, but for the 2023/2024 financial year the Procurement Plan will be submitted monthly to the Chairpersons of the different Standing Committees of Council.

Another suggestion is that all capital projects should be linked to the SDBIP.

19 projects on the Procurement Plan was not met by the following departments and reported to the Directors and Council as at 30 September 2023.

The relevant departments gave the dates to SCM on the Procurement Plan when processes will start, but did not adhere to the dates.

Department	Number not met
Municipal Managers Office	Zero
Corporate Services	Zero
Financial Services	Zero
Community Services	Two
Technical Services	Nine (Elec) Four (Civil)
TOTAL	Fifteen

10. VARIATION ORDERS WITHIN 1 to 20%

No variation orders for the period was approved:-

11. MUNICIPAL WEBSITE

All Bids, formal written quotations awarded and purchases above R100 000 are published monthly on the Bergrivier website.

The Service Level Agreement Register is published monthly on the Bergrivier website.

The Contract Register is published monthly on the Bergrivier website.

The monthly Supply Chain Management report is published on the Bergrivier website.

12. UNSOLICITED BIDS

There were no unsolicited bids for the period July 2023 to 30 September 2023.

13 E-TENDER PORTAL

The e-tender portal is from time to time off line, but due to resource constrains no tenders are published on the e-portal.

14. IRREGULAR, FRUITLESS AND WASTEFULL EXPENDITURE

Section 32(1) (c) of the Municipal Finance Management Act (MFMA) determines that any political office-bearer or official of a municipality who deliberately or negligently committed, made or authorised an irregular expenditure, is liable for that expenditure. Section 32(2)(b) of the MFMA further determines that a municipality must recover irregular expenditure from the person liable for that irregular expenditure unless the irregular expenditure, after investigation by a committee of council, is certified by the council as irrecoverable and to be written-off.

Bergrivier SCM Policy section 36(3) prescribes that all identified possible unauthorised, irregular, fruitless and wasteful expenditure (UJFWE) must be referred to Municipal Public Accounts Committee (MPAC) for investigation and MPAC must make recommendations with exceptions of minor breaches ratified by the Accounting

Officer. Thus, by legislation irregular expenditure has to be disclosed in Annual Financial Statements (AFS). If not certified by Council to be written-off the closing balance will lead to an audit exception, that if material in nature. Further it could lead To a qualified audit outcome.

For the period July 2023 to September 2023 there was no matters to report.

15. AWARDS TO PERSONS IN SERVICE OF THE STATE

The Auditor General has identified businesses that have directors, etc. who are currently in service of the state. Monthly the Payroll is submitted to National Treasury in regard to update the employees in service of the state. All Councillors and Staff must declare all their businesses and relationships with businesses.

16. VIREMENTS

Reporting of virements for the financial year 2023-2024 for the months from 1 July 2023 to 30 September 2023 below is a total of R193 000.00 The high virement in September 2023 is due to the Finance Management Grant that was allocated according to the business plan.

Month	Total
July 2023	0
August 2023	R193 000.00
September 2023	0
TOTAAL	R193 000.00

On the housing project a shift was done just to allocate the funds to the correct towns and in the budget the amount stays the same – this was R19 276 079.00.

An estimate was made according to different services per town, and is now under the housing project per town – and will be allocated after the project is completed according to the bill of quantities.

17. ESTABLISHMENT OF A FUNCTIONAL SCM UNIT

The establishment of a functional SCM unit (centralized or decentralized) will most certainly assist with compliance to legislative requirements, however, the following needs to be considered to ensure effective service delivery to operational departments:

17.1. Establishment or assigning procurement responsibilities to appropriate persons. Operational departments will then only submit their resource requirements as per an approved requisition.

17.2. Refining of supplier database to include primary and secondary business portfolios.

17.3. Utilization of the current Central Supplier database of National Treasury – all requisitions submitted is being verified.

17.4. Use current item prices as standard prices and refine to align with market related prices.

17.5. Vendor performance criteria should be part of standard SCM documentation highlighting the sanctions for non-compliance. This is done by the User Departments, if a Service Level Agreement is in place. The invoice submitted is accompanied with an evaluation sheet that is completed with the confirmation of goods/services received and submitted to the SCM Unit to monitor the performance of Suppliers. **This is still a challenge to receive the evaluations from the user departments, but has improved.**

17.6. Assist with reporting templates to ensure synergy in dealing with same matters by difference directorates and/or departments.

17.7. Developing standardized specifications for day-to-day material and/or service provider usage.

18. PROBLEM STATEMENT

In terms of this report, it can assume that there are challenges in the Supply Chain Management processes which are in many instances similar to the previous financial year.

Many of the previous year's recommendations have not been implemented i.e., Logistic, Assets and Contract Management and measuring of the Suppliers/Contractors performance.

Currently the supply chain functions are fragmented through the various departments and not all officials are conversant with the latest legislation and directives of National Treasury.

It was recommended that the responsibility and accountability of the supply chain function of logistics be under the Supply Chain Management Unit to ensure uniform compliance as well as effective delivery, but currently we encounter problems of change management, and some items are budgeted under the various departments, and we cannot procure the items. A proper secured store is being set up and will be equipped with the necessary shelves and storage space before December 2023.

The biggest concern is that SCM is not in control of contract management on projects, but the User Departments – and we require normally at year end information and then it is time consuming to collect all information.

20. COST CONTAINMENT

In terms of Regulation 15(2) of the Municipal Cost Containment the Municipality does report in the Section 52 quarterly report on the savings due to cost containment measures.

RECOMMENDATION

1. That Council consider and take note of the Supply Chain Management implementation report for the period 1 July 2023 to 30 September 2023 representing the first quarter of the 2023/2024 financial year.

2. That the report be made public in accordance with section 21A of the Municipal Systems Act.