

DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
5.1.8	Consideration of alternative offers	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	COMMITTEE UP TO R5 000 000-00 - SUB-BID COMMITTEE EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.9	Consideration of a bid, which is not the highest in points but represents an improvement on the specification	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.10	Acceptance of bids	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
5.1.11	The signing of the formal contract (SBD 7.1 to 7.3) after approval has been granted by the relevant Bid Committee for the acceptance of a bid.	NO DELEGATION	UP TO R5 000 000-00 - ASD	UP TO R5 000 000-00 - ASD EXCEEDING R5 000 000-00 - DD
5.1.12	Cancellation of bids or items thereof, in cases where : - due to changed circumstances, there is no longer need for the	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE

AUTHORISED BY :
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COMMISSIONER LM MTI

DATE :

17/08/2004

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	<ul style="list-style-type: none"> goods, works or services that were bidden for; funds are no longer available to cover the total envisaged expenditure; no acceptable bids have been received; if the preference point system stipulated in the bid document turns out not to be applicable as a result of the actual value; errors in the bidding invitations; bid price is certified as being exorbitant; bid was accidentally not advertised in the Government Tender Bulletin. 			EXCEEDING R5 000 000-00 – NATIONAL BID COMMITTEE
5.1.13	Signing of agreements/contract, in addition to a bid and in line with the conditions of the bid.	NO DELEGATION	UP TO R5 000 000-00 – CHAIRPERSON OF THE SUB-BID COMMITTEE	UP TO R5 000 000-00 – CHAIRPERSON OF THE SUB-BID COMMITTEE EXCEEDING R5 000 000-00 – CHAIRPERSON OF THE NATIONAL BID COMMITTEE
5.2	<u>Conditions applicable to the consideration and acceptance of bids</u>			
5.2.1	Consideration of bids will at all times be in accordance with the policy and directives of the Department as contained in the Supply Chain Management User Manual: Directives in respect of Procurement and must be strictly adhered to.			
5.2.2	<p>Where there is communication with a bidder after closing time regarding :</p> <ul style="list-style-type: none"> incomplete offer or lack of clarity confirmation of prices or preference claims in cases where it is obvious that an error or an error in the unit price has been made. <p>Additional information or specific explanations requested in terms of this power can be requested. Such confirmation or information must be furnished in writing and must be attached to the relevant bid. Full particulars of the aspects, regarding which the bidder concerned was approached, must be furnished</p>			

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	in the recommendations for the acceptance of a bid.			
5.2.3	In instances where a single bid was received the bid may be accepted provided that the prices are proved to be and certified as fair and reasonable. Proof of reasonableness must be determined as follows :			
5.2.3.1	Comparison with prices, after discounts, to the supplier's other normal clients and the relative discount that the State enjoys ;			
5.2.3.2	Where this is not possible, profit before tax based on a full statement of relevant costs ; and			
5.2.3.3	Comparison with previous bid prices where these are available.			
5.2.4	Proof of reasonableness of prices where only one bid is received, must be available for audit purposes.			
5.2.5	Bids must be duly scheduled and brought on a comparative basis and submitted together with a motivated recommendation to the relevant Bid Committee for consideration.			
	Note : It is of prime importance that recorded reasons for the acceptance/rejection of a bid are comprehensive and accountable so that they may be conveyed verbatim in writing to the bidder concerned whenever written requests are received. In a court case these reasons will have to be provided and proof will be required that the relevant Bid Committee has taken a reasonable decision on the grounds of the information available to it and that anger or prejudice did not play a role in the decision. Therefore, in the interests of sound administration and accountable decision making, the Department is always prepared to give reasons for its decisions.			
5.2.6	Bids, which qualify for acceptance, that are equal in all respects must be dealt with by the drawing of lots.			
5.2.7	If a supply chain management practitioner or other role player, or any close family member, partner or associate of such official or other role player, has any private or business interest in any contract to be awarded, that official or other role player must –			
	(a) disclose that interest; and			
	(b) withdraw from participating in any manner whatsoever in the process relating to that bid/contract.			
5.2.8	Bids must be accepted, before expiry of validity, by means of a formal contract (SBD 7.1 to 7.3). If this is not possible, extension of validity must be requested timeously. If a bid cannot be finalised within the validity period, the formal contract must be held in abeyance until such time as the extension			

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5.2.9	is confirmed in writing. Bid Committees, in all their proceedings, must comply with the directives and procedures contained in the Supply Chain Management User Manual. : Directives in respect of Procurement. Minutes must be taken and electronically recorded. All the decisions of the bidding committees and the signatures of the chairperson and secretary of the committee must confirm these minutes. Copies of the submissions to committees, their minuted decisions, the electronic recording as well as copies of formal contracts must be placed on record for audit purposes.			
5.2.10	Where further documentation is signed by all partner concerned as an agreement in addition to a bid, the Directorate : Legal Services' /Regional Co-ordinator : Legal Services' approval of the agreement/contract is also required prior to the signing thereof.			

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6.	URGENT AND EMERGENCY CASES			
6.1	<u>Urgent cases to an estimated value of R500 000,00 per case</u> Goods, works or services may be procured by preferably making use of the list of prospective suppliers in cases where early delivery is of critical importance and the invitation of competitive bids is either impossible or impractical.	UP TO R200 000-00 – SCO/SPAO	UP TO R200 000-00 – SCO/SPAO UP TO R500 000-00 – ASD	UP TO R200 000-00 – SCO/SPAO UP TO R500 000-00 – ASD
6.2	<u>Emergency cases up to an estimated value of R1 000 000,00 per case</u> Goods, works or services may be procured by preferably making use of the list of prospective suppliers in cases of emergency where immediate action is necessary in order to avoid a dangerous or risky situation/ misery.	UP TO R200 000-00 – SCO/SPAO	UP TO R200 000-00 – SCO/SPAO UP TO R500 000-00 – ASD UP TO R1 000 000-00 – DD	UP TO R100 000-00 – SCO/SPAO UP TO R500 000-00 – ASD UP TO R1 000 000-00 – DD
6.3	<u>Conditions applicable to urgent and emergency cases</u>			
6.3.1	In these cases it is permissible to deviate from the bid process and to invite price quotations. The relevant parties must confirm their offers in writing as soon as possible. The General Conditions of Contract (GCC) must be made applicable to the purchase.			
6.3.2	Depending on circumstances, all attempts should be made to obtain an original Tax Clearance Certificate before acceptance. Proof of all such attempts must be placed on record.			
6.3.3	The reasons for the urgency or emergency and the losses or consequences that will follow if action was not taken must be certified by at least a Director in the line function and placed on record for audit purposes. However, a lack of proper planning should not be constituted as an urgent case and therefore, it must also be certified that the case is not a result of a lack of proper planning.			
6.3.4	Where only one price quotation is received and accepted, and taking the circumstances into account, all reasonable steps must be taken to ensure that a fair price is obtained.			

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6.3.5	The PPPFA and its Regulations must be applicable in all price quotations.			
6.3.6	The principle of competition should be adhered to as far as possible.			
6.3.7	Statistics of all urgent and emergency cases, must be recorded and placed on file in order to make them available upon request thereof.			

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7.	CONTRACT ADMINISTRATION			
7.1	<p><u>Increase/decrease in quantities for contracts</u></p> <p>In cases where the estimated value of the envisaged change in purchases does not exceed 20% of the total value of the original contract, the contractor may be approached to increase/decrease the quantities and to reduce the unit price, and such offers may be accepted provided that there is no escalation in price and on condition that the total value of the original contract plus the additional purchases, does not exceed the relevant delegated powers</p> <p>NB: This authority may be exercised only if the commodity is already available on a contract. A contract may under no circumstances be increased by the addition of commodities not already provided for on a contract.</p>	NO DELEGATION	UP TO R5 000 000-00 - ASD	UP TO R5 000 000-00 - ASD EXCEEDING R5 000 000-00 - DD
7.2	<p>Large over-deliveries (initiated by supplier), but still not exceeding 20 % of the total value of the original contract, may be accepted provided that a discount for the larger quantities has been satisfactorily negotiated with the supplier and the value of the original contract plus the over-delivery does not exceed the relevant delegated powers</p> <p>NB: This authority may be exercised only if the commodity is already available on a contract. A contract may under no circumstances be increased by the addition of commodities not already provided for on a contract.</p>	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE

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7.3	<u>Price and exchange rate adjustments</u>			
7.3.1	<u>Contractual price adjustments</u> Subject to the conditions of a contract, price adjustments may, with the exception of transversal contracts or contracts not arranged at the relevant office, be approved in accordance with contract conditions.	NO DELEGATION	UP TO R3 000 000-00 - ASD UP TO R5 000 000-00 - DD	UP TO R3 000 000-00 - ASD UNLIMITED - DD
7.3.2	<u>Non-contractual price adjustments</u> Consideration of requests for price adjustments which are not according to contract conditions.	NO DELEGATION	NO DELEGATION	UNLIMITED - NATIONAL BID COMMITTEE
7.4	<u>Extension of delivery periods</u> Requests received from contractors for the extension of delivery periods may be approved provided the price remains unchanged.	UP TO R1 000 000-00 - CO1/PAO	UP TO R1 000 000-00 - CO1/PAO UP TO R5 000 000-00 - SCO/SPAO	UP TO R1 000 000-00 - CO1/PAO UP TO R5 000 000-00 - SCO/SPAO UNLIMITED - ASD
7.5	<u>Transfer of contracts</u> A transfer of a contract may be allowed provided that the conditions below are adhered to.	NO DELEGATION	UP TO R5 000 000-00 SUB-BID COMMITTEE	UP TO R5 000 000-00 SUB-BID COMMITTEE EXCEEDING R5 000 000-00 - NATIONAL BID COMMITTEE
7.5.1	the contract has been arranged by the relevant Bid Committee within delegated powers;			
7.5.2	The transfer is not to the detriment of the State			
7.5.3	If a contract was awarded as a result of the application of the point preference system for equity ownership, etc, the transferee should also similarly qualify under the same principle, to obtain such a contract. (This is to prevent fronting)			

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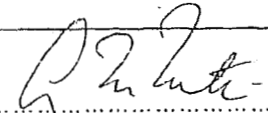
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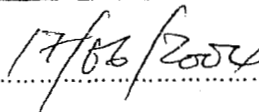
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7.5.4	The transferee is capable of executing the contract and has complied with all initial conditions of the contract.			
7.6	<u>Transfer of contract payments</u> Approval may be granted, that contract payments may be transferred under certain circumstances.	NO DELEGATION	UP TO R5 000 000-00 SUB-BID COMMITTEE	UP TO R5 000 000-00 SUB-BID COMMITTEE UNLIMITED – NATIONAL BID COMMITTEE
7.7	<u>Cancellation of contracts</u> A contract may be cancelled subject to the conditions mentioned below.	NO DELEGATION	UP TO R5 000 000-00 SUB-BID COMMITTEE	UP TO R5 000 000-00 SUB-BID COMMITTEE UNLIMITED – NATIONAL BID COMMITTEE
7.7.1	Transversal contracts arranged by the Common Service Provider and contracts arranged by other Bidding Committees are specifically <u>excluded</u> from these delegated authority.			
7.7.2	In the event of the department requesting the cancellation, the contractor or supplier must certify in writing his willingness to cancel the contract without any cost to the State.			
7.7.3	In the event of the contractor or supplier requesting the cancellation, it must –			
7.7.3.1	be without any cost to the State;			
7.7.3.2	be accepted in writing by the contractor or supplier that responsibility is accepted to reimburse the department for any additional cost, in the event that re-bidding to satisfy the requirement should bring about additional cost; and			
7.7.3.3	not be a case of repeated requests of such nature by the said contractor or supplier.			
7.7.4	The reasons for the cancellation and the losses or consequences that will follow if the contract is not cancelled, must be certified and placed on record for audit purposes.			

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7.7.5	In all cases, the cancellation must not be to the detriment of the State			
7.7.6	The case refers to the total value of the contract or order and not only the part of the contract to be cancelled.			
7.7.7	All cancellations should be reported to the Director : Procurement for verification purposes and in order to identify possible cases where bidders should be restricted.			
7.8	<u>Inspections</u> Subject to the provisions of paragraph 8 of General Conditions of Contract, in cases where it is considered necessary, approval may be granted for an inspection to be carried out.	NO DELEGATION	UP TO R5 000 000-00 - DD	UNLIMITED - DD
7.9	<u>Amendment of specifications</u> Where a binding contract has been concluded, an amendment of the specification, whether initiated by the contractor or the State, can be made but only after negotiation between the contractor and the State and at no additional cost	NO DELEGATION	UP TO R5 000 000-00 - SUB-BID COMMITTEE	UP TO R5 000 000-00 - SUB-BID COMMITTEE UNLIMITED - NATIONAL BID COMMITTEE

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* *Where a power has been delegated to a holder of a specific rank, that power may be executed by the acting official or the holder of an equivalent or any higher rank*

CO III : CORRECTIONAL OFFICER GRADE III

CO II : CORRECTIONAL OFFICER GRADE II

APAO : ASSISTANT PROVISIONING ADMINISTRATION OFFICIAL

CO I : CORRECTIONAL OFFICER GRADE I

PAO : PROVISIONING ADMINISTRATION OFFICIAL

SCO : SENIOR CORRECTIONAL OFFICER

SPAO : SENIOR PROVISIONING ADMINISTRATION OFFICIAL

ASD : ASSISTANT DIRECTOR

DD : DEPUTY DIRECTOR

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17/07/2004

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SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

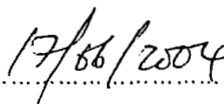
PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

1.	INTRODUCTION
1.1	<p>I, Linda M. Mti, Commissioner of Correctional Services, hereby approve the specific delegated powers contained in this document, in accordance with paragraph 6(4) of the Regulations in terms of the Public Finance Management Act, 1999 : Framework for Supply Chain Management, which reads as follows :</p> <p>"If in a specific case it is impractical to invite competitive bids, the accounting officer or accounting authority may procure the required goods or services by other means, provided that the reasons for deviating from inviting competitive bids must be recorded and approved by the accounting officer or accounting authority"</p>
1.2	By virtue of the authority vested in me in terms of Sections 44(1)(a) and 56 of the Public Finance Management Act, I hereby delegate the powers and duties assigned to me in terms of the Public Finance Management Act (Act 1 of 1999 as amended with Act 29 of 1999) and the Regulations in terms of the Public Finance Management Act : Framework for Supply Chain Management, to the post levels as indicated in this annexure.
1.3	As far as procedures and administrative actions are concerned, all procurement units are bound to comply with the conditions contained in the Government Procurement : General Conditions of Contract (GCC) and the Supply Chain Management User Manual : Directives in respect of Procurement in so far as they are not in conflict with the directives and limitations stipulated herein
1.4	At any time the powers may be withdrawn or the conditions, under which they have been granted, may be amended.
1.5	Where any doubt exists with regard to the interpretation or application of any power or condition, the Directorate : Procurement must be approached through normal service channels for a decision or finalization.
1.6	These powers are granted subject to the provisions of any other Act of Parliament, as amended from time to time.

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 COMMISSIONER L. M. MTI

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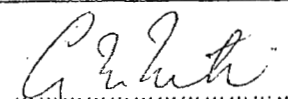
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2.0	SPECIFIC DELEGATED POWERS			
2.1	Invitation of bids for perishable provisions	UP TO R1 000 000-00	UNLIMITED	NOT APPLICABLE
2.2	Purchasing of perishable provisions to an unlimited value per price quotation in cases where the internal source of supply that normally produce this commodity, cannot supply the commodity, and if it is impractical to invite competitive bids.	UP TO R100 000-00 – ASD	UP TO R100 000-00 – ASD UP TO R5 000 000-00 – SUB-BID COMMITTEE	UP TO R100 000-00 – ASD UP TO R5 000 000-00 – SUB-BID COMMITTEE EXCEEDING R5 000 000-00 – NATIONAL BID COMMITTEE
2.2.1	The period may not be longer than three (3) months.			
2.2.2	The General Conditions of Contract must be applied.			
2.2.3	The PPPFA and its Regulations must be applied to all requirements exceeding R30 000-00 per case.			
Note	Before the specific delegation is applied, it should first be ascertained whether the commodity cannot be provided by the nearby internal source of supply and if the item after consultation with the caterer, cannot be replaced with another item for the period.			
2.3	Purchases to an unlimited value per quotation outside contract as a result of unsatisfactory performance by suppliers of perishable provisions, until a new contract is arranged.	UP TO R100 000-00 – ASD	UP TO R100 000-00 – ASD UP TO R5 000 000-00 – SUB-BID COMMITTEE	UP TO R100 000-00 – ASD UP TO R5 000 000-00 – SUB-BID COMMITTEE EXCEEDING R5 000 000-00 –

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				NATIONAL BID COMMITTEE
2.3.1	The General Conditions of Contract must be applied.			
2.3.2	The PPPFA and its Regulations must be applied to all requirements exceeding R30 000-00 per case.			
2.4	Purchases per price quotation outside contract when a transversal contract/general period contract has not been renewed timeously, for the amounts exceeding R100 000-00 per case.	NO DELEGATION	UP TO R1 500 000-00 - SUB-BID COMMITTEE	UP TO R1 500 000-00 - SUB-BID COMMITTEE
2.4.1	Prior to the invitation of price quotations, confirmation must be obtained that such a contract is not yet available.			
2.4.2	The delegation may only be utilized to satisfy immediate needs until such contract is available.			
2.4.3	The General Conditions of Contract must be applied.			
2.4.4	The PPPFA and its Regulations must be applied to all requirements exceeding R30 000-00 per case.			
2.5	Repair of technical equipment of which the defect is not known to the value of R200 000-00 per case by inviting price quotations only from the manufacturer, his agent or a qualified institution on the list of prospective suppliers.	UP TO R30 000-00 – CO IPAO UP TO R60 000-00 – SCO/SPAO UP TO R200 000-00 – ASD	UP TO R30 000-00 – CO IPAO UP TO R60 000-00 – SCO/SPAO UP TO R200 000-00 – ASD	UP TO R30 000-00 – CO IPAO UP TO R60 000-00 – SCO/SPAO UP TO R200 000-00 – ASD
2.5.1	If the machinery is still under guarantee, repair should take place in accordance with the stipulations of the guarantee.			
2.5.2	Should the manufacturer or his agent not be utilised, rotation of qualified institutions on the list of prospective suppliers should take place.			
2.5.3	Reasonableness of price should be determined.			
2.5.4	The General Conditions of Contract must be made applied.			

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2.5.5	It should be determined whether it is economic to repair the equipment.			
2.6	<u>Purchasing of breeding animals up to a financial limit of R100 000-00 per case</u>			
2.6.1	Production Auctions	UP TO R100 000-00 – CO LPAO	NOT APPLICABLE	NOT APPLICABLE
2.6.1.1	The departmental agriculturists, in co-operation with the state veterinarian, should make preliminary surveys of the available breeding animals that comply with the established requirements with a view to purchase. Recommendations must be made to the Director : Agriculture and Production Workshops, for a final decision. A departmental agriculturist, (irrespective of rank), should be delegated to bid on the identified breeding animals, on behalf of the department, with reference to confidential guidelines regarding the estimated value of the livestock			
2.6.2	Dogs and breeding animals that are not available at production auctions	UP TO R30 000-00 – CO LPAO UP TO R60 000-00 – SCO/SPAO UP TO R100 000-00 – ASD	UP TO R30 000-00 – CO LPAO UP TO R60 000-00 – SCO/SPAO UP TO R100 000-00 – ASD	NOT APPLICABLE
2.6.2.1	<u>Breeding Animals</u> Departmental agriculturists, in co-operation with the state veterinarian, should make preliminary surveys of available breeding animals that comply with the stated requirements with a view to purchase. Recommendations are made to the Director : Agriculture and Production Workshops for a final decision. A departmental agriculturist (irrespective of rank) should be delegated to negotiate with the breeders, on behalf of the department, for the purchase of the identified breeding animals, with reference to confidential guidelines regarding the estimated value of the livestock.			
2.6.2.2	<u>Dogs</u> The departmental dog-handlers, in co-operation with the state veterinarian, should make preliminary surveys of available breeding animals that comply with the stated requirements with a view to purchase. In the case of dogs, only the Departmental Head of the Dog Training Centre has the authority to decide on the purchase of dogs and he/she is authorised to negotiate with the breeder, on behalf of the department, for the purchase of the identified dogs, with reference to confidential guidelines regarding the estimated value of the dogs.			

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PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
	In both the above-mentioned cases, the transaction must be formalised by means of price quotations, in which the breeder commits himself/herself to the conditions as contained in the General Conditions of Contract. The PPPFA and its Regulations must be applied to requirements exceeding R30 000-00.			
2.7	Purchasing of medicament up to R100 000-00 per month (each month must be viewed as a case) from wholesalers registered on the list of prospective suppliers without the invitation of price quotations where prescriptions from doctors are received, other identified urgent cases and where no stock is available.	UP TO R15 000-00 – CO I/PAO UP TO R30 000-00 – SCO/SPAO UP TO R100 000-00 – ASD	UP TO R15 000-00 – CO I/PAO UP TO R30 000-00 – SCO/SPAO UP TO R100 000-00 – ASD	NOT APPLICABLE
2.7.1	Only the quantities required to satisfy the immediate need and not to maintain stocklevels must be procured.			
2.7.2	Such requests must be recommended by the Pharmacist.			
2.7.3	Purchases must take place on a rotation basis, per month, by rotating all wholesalers registered on the list of prospective suppliers.			
2.8	Purchasing of medicament for prisoners per prescription without inviting price quotations up to R100 000-00 per month (each month must be viewed as a case)	UP TO R15 000-00 – CO I/PAO UP TO R30 000-00 – SCO/SPAO UP TO R100 000-00 – ASD	UP TO R15 000-00 – CO I/PAO UP TO R30 000-00 – SCO/SPAO UP TO R100 000-00 – ASD	NOT APPLICABLE
2.8.1	Only applicable where no accessible departmental pharmacy is available.			
2.8.2	Purchases to be done on a monthly rotation basis from the different pharmacies registered on the list of prospective suppliers.			
2.8.3	Pharmacies must be approached for discount on items supplied.			

AUTHORISED BY :

(these

COMMISSIONER LM MTI

DATE :

17/06/2004

Only authorized Supply Chain Management Practitioners may execute delegations

SPECIFIC DELEGATED POWERS OF THE DEPARTMENT OF CORRECTIONAL SERVICES

PROCUREMENT AND PROVISIONING OF GOODS, WORKS AND SERVICES

NUMBER	DELEGATION	AREA COMMISSIONER/ CORRECTIONAL CENTRE LEVEL	REGIONAL OFFICE LEVEL	HEAD OFFICE LEVEL
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* Where a power has been delegated to a holder of a specific rank, that power may be executed by the acting official or the holder of an equivalent or any higher rank.

CO III : CORRECTIONAL OFFICER GRADE III
 CO II : CORRECTIONAL OFFICER GRADE II
 APAO : ASSISTANT PROVISIONING ADMINISTRATION OFFICIAL
 CO I : CORRECTIONAL OFFICER GRADE I
 PAO : PROVISIONING ADMINISTRATION OFFICIAL
 SCO : SENIOR CORRECTIONAL OFFICER
 SPAO : SENIOR PROVISIONING ADMINISTRATION OFFICIAL
 ASD : ASSISTANT DIRECTOR
 DD : DEPUTY DIRECTOR

AUTHORISED BY :
these

COMMISSIONER LM MTI

DATE :

17/08/2004

Only authorized Supply Chain Management Practitioners may execute delegations

SPECIFIC DELEGATED POWERS : REASONS FOR DEVIATING FROM INVITING COMPETITIVE BIDS

DELEGATION NUMBER	DESCRIPTION	REASON
2.1	Invitation of bids for perishable provisions	<p>In this specific case competitive bids will be invited in accordance with the prescribed procedure. The only deviation from the delegated powers will be that Regional Offices may invite bids to an unlimited value. The delegation applicable to Regional Offices in respect of the invitation if bids for other goods, works or services, is R5 000 000-00 per case. The main reasons for deviating is the following :</p> <ul style="list-style-type: none"> ▪ Bid documents are more easily available to the local community at these offices. ▪ Bidders can attend advisory sessions without any cost ▪ The National Office does not have the capacity to handle bids of this magnitude. <p>Although invited by the Regional Offices, bids exceeding the amount of R5 000 000-00 are still referred to the National Bid Committee for consideration and approval.</p>
2.2	Purchasing of perishable provisions to an unlimited value per price quotation in cases where the internal source of supply that normally produce this commodity, cannot supply the commodity, and if it is impractical to invite competitive bids.	<p>During the arrangement of contracts for perishable provisions for the various Area Commissioners/Correctional Centres, certain Area Commissioners/Correctional Centres, where the requirements for example meat, vegetables and eggs, are produced and provided internally at prison farms, are excluded.</p> <p>As a result of unforeseen circumstances for example, continuous increase in prison population, drought conditions, failure of crops, mortalities of livestock, etc., it sometimes occurs that prison farms cannot generally provide self-produced products to prisons for certain periods.</p> <p>Since the periods for which the prison farms cannot provide supplies, varies between one (1) and three (3) months, it is impractical to arrange contracts for such short periods in accordance with the prescribed bidding process.</p> <p>In view of the afore-mentioned, price quotations should be invited by those Area Commissioners/ Correctional Centres for whom contracts have not been arranged, irrespective the limit per case, in cases where self produced products cannot be provided for periods shorter than three (3) months.</p> <p>In cases where the internal provisioning of self-produced products cannot be provided for periods longer than three (3) months, contracts will be arranged in accordance with the prescribed bidding procedures.</p>

SPECIFIC DELEGATED POWERS : REASONS FOR DEVIATING FROM INVITING COMPETITIVE BIDS

DELEGATION NUMBER	DESCRIPTION	REASON
2.3	Purchases to an unlimited value per quotation outside contract as a result of unsatisfactory performance by suppliers of perishable provisions, until a new contract is arranged.	<p>Perishable provision contracts for prisons in this Department were predominantly awarded to upcoming Entrepreneurs out of the historically disadvantaged group.</p> <p>These companies, who are not always acquainted with the practice of business, sometimes experience execution problems and are left in breach of contract.</p> <p>When delivery cannot be effected, commodities necessary for daily rations of prisoners have to be purchased per price quotation in order to ensure continuity. The value to procure the requirement often exceeds R100 000-00 per case per month, especially at larger Area Commissioners/ Correctional Centres.</p> <p>In view of the above-mentioned, specific powers are an absolute necessity to purchase perishable provisions per price quotations to an unlimited value in cases where a buy-out transaction is in process and a new contract has not been finalised yet.</p>
2.4	Purchases per price quotation up to a value of R1 500 000-00 per case outside contract when a transversal contract/general period contract has not been renewed timeously, for the amounts exceeding R100 000-00 per case.	<p>It happens continuously that transversal contracts/general period contracts are not renewed timeously, whether by the Common Service Provider or other institutions. As a result, for the interim, specific commodities (foodstuff, animal feed, fertilizer, etc.) must be purchased accordingly within delegated powers (R100 000-00 per case) in accordance with price quotations.</p> <p>Seeing that R100 000-00 is not in all cases sufficient to satisfy the need, it is not practical and cost-effective to handle these needs for goods, works or services within the R100 000-00 limit.</p>
2.5	Repair of technical equipment of which the defect is not known to the value of R200 000-00 per case by inviting price quotations only from the manufacturer, his agent or a qualified institution on the list of prospective suppliers.	<p>Various problems are experienced in practice when price quotations need to be invited for the repair of technical equipment such as television sets, water pumps, large machinery, etc. Should the normal procedures be followed, the following problems will be experienced :</p> <ul style="list-style-type: none"> When equipment is defective, full particulars of the defect are normally not known and competitive price quotations/bids cannot be invited. As a result it is necessary to take the item to various possible suppliers, who need to take the item apart in order to determine the defect, put the item back together, after which the repair cost can be determined. All these actions normally take place at a cost. <p>In order to ensure competitiveness, and to remain within the parameters of the prescripts, the item also needs to be taken to other possible suppliers, with the involved transport cost, where the process needs to be repeated.</p>

SPECIFIC DELEGATED POWERS : REASONS FOR DEVIATING FROM INVITING COMPETITIVE BIDS

DELEGATION NUMBER	DESCRIPTION	REASON
		<p>After the afore-mentioned process has been completed, a lot of time will have lapsed and cost incurred.</p> <p>In view of the afore-mentioned, it is evident that this is a cumbersome process and definitely not cost-effective and at time impractical to execute. It is also impractical to invite competitive bids.</p>
2.6	<u>Purchasing of breeding animals up to a financial limit of R100 000-00 per case</u>	
2.6.1	Production Auctions	It happens from time to time that the Departmental Agriculturist request to procure especial breeding animals on production auctions. As a result, a Departmental Agriculturist is delegated to bid on identified breeding animals on behalf of the Department. It is therefore impossible to invite bids in accordance with the prescribed bidding process.
2.6.2	Dogs and breeding animals that are not available at production auctions	The requirement sometimes exists to procure breeding animals and dogs (patrol dogs) that need to comply with certain requirements. Seeing that it is impractical to invite competitive price quotations/bids, the Agriculturist will beforehand make a survey of the available breeding animals/dogs that comply with the requirements. After making a decision on which supplier the animals will be procured from, the transaction is formatted by means of a price quotation in which the supplier commits himself to the General Conditions of Contract.
2.7	Purchasing of medicament up to R100 000-00 per month (each month must be viewed as a case) from wholesalers registered on the list of prospective suppliers without the invitation of price quotations where prescriptions from doctors are received, other identified urgent cases and where no stock is available.	Notwithstanding the fact that the department procure medicine in accordance with transversal contracts at the larger Area Commissioners and take this medicine into stock (departmental pharmacies for issuance to inmates), it sometimes happens that an inmate urgently needs medicament that is normally not kept in stock or is not in stock at that specific moment. Seeing that immediate dispensing is necessary, there is not sufficient time to invite price quotations and is it also impractical and not cost-effective to issue an order for a single item. In order not to favour one supplier, to avoid prejudice against other suppliers and to receive maximum advantage, suppliers are used on a rotation basis without the invitation of price quotations.
2.8	Purchasing of medicament for prisoners per prescription without inviting price quotations up to R100 000-00 per month (each month must be viewed as a case)	No departmental pharmacies are situated at the smaller Correctional Centres. With the result that should a doctor issue the inmate with a prescription, such medicine needs to be obtained from another source. Seeing that this department is not aware of what will be prescribed, price quotations cannot be invited prescriptively beforehand, and medicine needs to be issued to the inmate immediately. It is therefore impractical to invite price quotations and not cost-effective to issue an order for each prescription. The pharmacies within the area that are listed on the list of prospective suppliers will be used on a rotation basis in order not to favour any pharmacy.

UNDER THE POWERS VESTED IN ME IN TERMS OF SECTION 17 (3) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT 2 OF 2000), I LINDA MORRIS MTI, COMMISSIONER OF CORRECTIONAL SERVICES, APPOINTED AS INFORMATION OFFICER IN TERMS OF THE ACT HEREBY DELEGATE THE UNDER MENTIONED COMPETENCY TO THE PERSON IN THE POST INDICATED AGAINST THE APPLICABLE COMPETENCY, PROVIDED THAT:

- (a) The Information Officer (the Commissioner) has direction and control over every Deputy Information Officer.
- (b) Any delegation does not prohibit the Information officer (Commissioner) from exercising the power concerned or performing the duty concerned himself or herself.
- (c) Any delegation may at any time be withdrawn or amended in writing by the Information Officer.
- (d) Any right or privilege acquired, or any obligation or liability incurred, as a result of a decision in terms of a delegation of this Act is not affected by any subsequent withdrawal or amendment of that decision.
- (e) The delegation indicated hereunder, remains in force should a section of the Promotion of Access Act be renumbered in terms of an amendment, precluding any amendments to the competency itself, and the number of the new section is considered to be the number of the relevant provision of the Act;
- (f) The exercise of a delegated authority is at all times subject to the provisions of the Correctional Services Act and Regulations, the Departmental Orders and any directives issued in this regard; and;
- (g) Levels of delegation indicated with Head Office, refer only to post structures which exist at the Correctional Services, Head Office, Pretoria.

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Section 9	<p>9 Objects of Act</p> <p>The objects of this Act are-</p> <ul style="list-style-type: none">(a) to give effect to the constitutional right of access to-<ul style="list-style-type: none">(i) any information held by the State; and(ii) any information that is held by another person and that is	

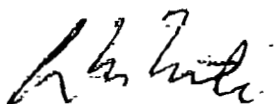

LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2006

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
	<p>required for the exercise or protection of any rights;</p> <p>(b) to give effect to that right-</p> <p>(i) subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and</p> <p>(ii) in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;</p> <p>(c) to give effect to the constitutional obligations of the State of promoting a human rights culture and social justice, by including public bodies in the definition of 'requester', allowing them, amongst others, to access information from private bodies upon compliance with the four requirements in this Act, including an additional obligation for certain public bodies in certain instances to act in the public interest;</p> <p>(d) to establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and</p> <p>(e) generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone-</p>	

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
	<p>(i) to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;</p> <p>(ii) to understand the functions and operation of public bodies; and</p> <p>(iii) to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.</p> <p><u>All authority and competencies provided for in terms of the Promotion of Access to Information Act 2 of 2000</u></p>	<p>Dir. Legal Services and all Legal administration officers (All Deputy Information officers)</p>



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE

29/7/2006

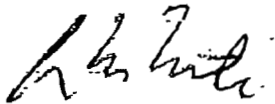
ASSIGNMENT IN TERMS OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, 1993

By virtue of the authority vested in me in terms of section 16 (2) of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), as amended, I Linda Morris Mti, Commissioner of Correctional Services, hereby assign the duties imposed on me in terms of the Occupational Health and Safety Act, to the person serving in the posts as indicated below. The assignment is to the person occupying the relevant post and will include a person serving in that post in an acting capacity:

Please note:

- (a) "Area Commissioner" means "Area Manager" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (b) "Correctional centre" means "prison" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (c) "Offender" means "prisoner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998)
- (d) "Regional Commissioner" means "Provincial Commissioner" as contemplated in section 1 of the Correctional Services Act, 1998 (Act 111 of 1998).
- (e) The following abbreviations are used:

CO	=	Correctional Officer
SCO	=	Senior Correctional Officer
ASD	=	Assistant Director
DIR	=	Director
DC	=	Deputy Commissioner
CDC	=	Chief Deputy Commissioner
HO	=	Head Office



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE

29/7/2006

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
8 (1)	<p>Provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of employees:</p> <p>A Draft Policy and coordinate application thereof.</p> <p>B Functional provision and maintenance of working environment that is safe and without risk.</p>	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>
8 (2) (a)	Provisioning and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u></p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<p>Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>
8 (2) (b)	Taking such steps as may be reasonably practicable to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment.	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
8 (2) (c)	Making arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to health in connection with the production, processing, use, handling, storage or transport of articles or substances.	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>
8 (2) (d)	Establishing, as far as is reasonably practicable, what hazards to the health or safety of persons are attached to any work which is performed, any article or substance which is produced, processed, used, handled, stored or transported and any plant or machinery, which is used in the Department, and as far as is reasonably practicable further establish what precautionary measures should be taken with respect to such work, article, substance, plant or machinery in order to protect the health and safety of	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
	persons, and to provide the necessary means to apply such precautionary measures.	<u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
8 (2) (e)	Providing such information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety of employees at work.	<u>A Policy:</u> CDC Corporate Services <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
8 (2) (f)	As far as is reasonably practicable, not permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in items prescribed, have been taken.	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>
8 (2) (g)	Taking all necessary measures to ensure that the requirements of the Occupational Health and Safety Act are complied with by every person in the employment of the Department or on premises under departmental control where plant or machinery is used.	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
8 (2) (h)	Enforcing such measures as may be necessary in the interest of health and safety.	<u>A Policy:</u> CDC Corporate Services <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
8 (2) (i)	Ensuring that work is performed and that plant or machinery is used under the general	<u>A Policy:</u>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
	supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the Department are implemented.	<p>CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u> Regional Commissioner</p> <p><u>Head Office Level:</u> DD Auxiliary services</p>
8 (2) (j)	Causing all employees to be informed regarding the scope of their authority as contemplated in section 37 (1) (b) of the Occupational Health and Safety Act.	<p><u>A Policy:</u> CDC Corporate Services</p> <p><u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner</p> <p><u>Regional Level:</u></p>

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
9 (1)	Conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who are directly affected by his activities are not thereby exposed to hazards to their health or safety.	<u>A Policy:</u> CDC Corporate Services <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
12 (a)	Identify the hazards and evaluate the risks associated with such work constituting a hazard to the health of such employees, and the steps to be taken to comply with the	<u>A Policy:</u> CDC Corporate Services

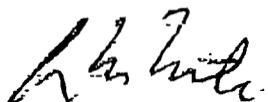
STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
	provisions of the Act.	<u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
12 (b)	As far as is reasonably practicable, prevent the exposure of such employees to the hazards concerned or, where prevention is not practicable, and minimize such exposure.	<u>A Policy:</u> CDC Corporate Services <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<u>Head Office Level:</u> DD Auxiliary services
12 (c)	Carry out an Occupational Hygiene Programme and biological monitoring and subject such employees to medical surveillance.	<u>A Policy:</u> CDC Corporate Services <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
13	Duty to inform	<u>A Policy:</u> CDC Corporate Services

STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner <u>Head Office Level:</u> DD Auxiliary services
13 (a)	Cause every employee to be made conversant with the hazards to his health and safety attached to any work which he has to perform.	<u>A Policy:</u> CDC Corporate Services <u>B Functional:</u> <u>Management Area Level:</u> Area Commissioner <u>Regional Level:</u> Regional Commissioner



STATUTORY PROVISION	AUTHORITY ASSIGNED	LEVEL OF EXECUTION
		<u>Head Office Level:</u> DD Auxiliary services



LINDA MORRIS MTI

COMMISSIONER: CORRECTIONAL SERVICES

DATE: 29/7/2006