

**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

**QUESTION NUMBER 2016/299**

**DATE OF PUBLICATION: 19 February 2016**

**Mr I M Ollis (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

(1) Whether the meetings of each metropolitan municipality’s bid adjudication committee are open to the public; if not, why not; if so, (a) when was this implemented and (b) where are the specified meetings advertised;

(2) Whether bid boxes are opened in view of the public; if not, why not; if so, what are the relevant details?

**Reply:**

The processes relating to the supply chain management policies of municipalities including metropolitan municipalities is regulated by chapter 11 of the Local Government Municipal Finance Management Act 56 of 2003. Section 111 this Act requires each municipality to have and implement a supply chain management policy which is in line with a framework that is prescribed in section 112 of the same Act. This section provides the minimum requirements to be covered by the supply chain management policy. Of relevance to this parliamentary question is section 112(h) which prescribed that the policy must provide for procedures and mechanisms for: “(i) Opening, registering and recording of bids in the presence of interested persons” and (ii) “The evaluation of bids to ensure best value for money”

There is no requirement for the evaluation and adjudication of bids in public in the Act nor in any other municipal relevant legal prescript.

1. There is no legal prescript that requires the meetings of a municipality’s bid adjudication committee to be open to the public. Only two metropolitan municipalities; Ekurhuleni and City of Cape Town have adopted this practice as an additional measure to emphasise transparency in procurement.

The following table outlines is the approach elected by each of the eight metropolitan municipalities in this regard; this is according to the information provided by the municipalities:

|  |  |  |  |
| --- | --- | --- | --- |
| **Metropolitan municipality** | **Are the bid adjudication committee meetings open to the public?** | **When was this practice implemented?** | **Where are the meetings advertised?** |
| City of Johannesburg Metro | No | N/A  (Not a legal requirement) | N/A  (Not a legal requirement) |
| Tshwane Metro | No | N/A  (Not a legal requirement) | N/A  (Not a legal requirement) |
| Ekurhuleni Metro | Yes | 1 December 2015 | Local media and municipal notice boards. |
| City of Cape Town Metro | Yes | 1 June 2006 | Local media and municipal notice boards. |
| Nelson Mandela Bay Metro | No | N/A  (Not a legal requirement) | N/A  (Not a legal requirement) |
| Buffalo City Metro | No | N/A  (Not a legal requirement) | N/A  (Not a legal requirement) |
| Ethekwini Metro | No | N/A  (Not a legal requirement) | N/A  (Not a legal requirement) |
| Mangaung Metro | No | N/A  (Not a legal requirement) | N/A  (Not a legal requirement) |

1. The public opening of municipal bids is a legal requirement as prescribed in section 112(h) (i) of the Local Government Municipal Finance Management Act 56 of 2003. This section prescribes that the supply chain management policy must provide for procedures and mechanisms for: “(i) Opening, registering and recording of bids in the presence of interested persons”.

In this regard; all metropolitan supply chain management policies require the public opening of bids and they have all confirmed that the bid boxes are indeed opened in view of the public.