

**MINISTRY**

**PUBLIC WORKS**

**REPUBLIC OF SOUTH AFRICA**

Department of Public Works l Central Government Offices l 256 Madiba Street l Pretoria l Contact: +27 (0)12 406 2034 l +27 (0)12 406 1224

Private Bag X9155 l CAPE TOWN, 8001 l RSA 4th Floor Parliament Building l 120 Plain Street l CAPE TOWN l Tel: +27 21 468 6900 Fax: +27 21 462 4592

[www.publicworks.gov.za](http://www.publicworks.gov.za)

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 746 [NW950E]**

**INTERNAL QUESTION PAPER NO.: 13**

**DATE OF PUBLICATION: 1 MAY 2020**

**DATE OF REPLY: 1 JUNE 2020**

**746. Ms N W A Mazzone (DA) to ask the Minister of Public Works and Infrastructure:**

(a) What regulations did her Department rely on to bypass the normal adjudication process to appoint a certain company (details furnished) to do work on the Beit Bridge border post, (b) on what criteria was the decision made to appoint the specified service provider, (c) what were the specific skills and/or prior experience that identified the service provider as the preferred contractor, (d) what is the contractor’s track record with her Department, (e) is the contractor a preferred supplier, (f) was the contractor requested to scope and price the project before or after the appointment and (g) against what terms of reference were the scoping and pricing done?

**NW950E**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**REPLY:**

**The Minister of Public Works and Infrastructure:**

**Background**

The Department of Public Works and Infrastructure (DPWI) has informed me that it was in the early stages in the process of appointing a service provider prior to the Covid-19 Pandemic, after the SANDF stated that their strategic borderline infrastructure is in a bad condition.

Following President Cyril Ramaphosa’s address to the nation on 15 March 2020 on the Covid-19 pandemic and the simultaneous declaration of a National State of Disaster

In accordance with Section 27(2) (L) of the Disaster Management Act, No 57 of 2002, I, issued a directive on 16 March 2020 for the emergency securing of the South African Border Posts.

Recognising the Ministerial Directive a site visit was held by DPWI and DOD officials on the 17 March 2020 at the Beitbridge Land Port of Entry resolved that:

* The borderline fence was surveyed and it was evident that there entire fence line is won and parts are not structurally sound
* The focus area for the borderline infrastructure installation will be 40kms (20kms on either side of Beitbridge)
* Consideration that the existing service provider had a BOQ activities of a fence line and scheduled rates.

DPWI informed me that several options to meet the set deadline were discussed under emergency criteria.

The National Treasury’s Instruction Note No. 08 of 2019/2020 Emergency Procurement Covid-19 in paragraph 3.5.1 (i) provides for the invocation of emergency procedures.

The Department informed me the emergency procurement process that entails the appointment of the required service providers through a negotiated procedure that was approved by National Bid Adjudication Committee (NBAC).

As the Minister, I have requested the Auditor-General to investigate whether due process was followed.

To reply to your question, see the refly below

1. The Department informed me that the DPWI’s emergency procurement process to appoint the service provider was used as indicated above.

(b), (c) The motivation or reasons for appointment are as follows:

* + - Recognising the declaration of the National State of Disaster, and the subsequent Ministerial Directive on this matter it was deemed prudent to invoke the Departmental Emergency Procurement processes that entail the appointment of the required service provider through a negotiated procedure that has prior approval of the duly Accounting Officers’ delegated authority being the NBAC
    - The service provider is currently appointed at the Beitbridge Land Port of Entry (LPOE), which is closest to the proposed Beitbridge borderline fence project
    - The contractor is experienced and holds a CIDB grading of 8CE
    - The contractor is already established onsite, and there will be no financial implications for establishment.
    - The consideration that the existing service provider had scheduled rates.

1. The Department informed that the contractor’s track record is as follows:

| WCS No | Client Description | Project Description | Status Description |
| --- | --- | --- | --- |
| 048176 | DPW – LPOE | Department Of Public Works: Land Ports Of Entry: Ramatlabama Bray And Makgobistad: Maintainance And Servicing Of Civil Mechanical And Electrical Installations. | Service Completed |
| 048182 | DPW-LPOE | Swartkopfontein Gate Port Of Entry: Maintenance And Servicing Of Buildings, Civil, Mechanical And Electrical Installations. | Service Completed |
| 048183 | DPW-LPOE | Dpw: Kosi Bay Port Of Entry: Appointment Of Contractors: Maintenance And Servicing Of Buildings, Civil, Mechanical And Electrical Installation | Service Completed |
| 45604 | CORRECTIONAL SERVICES | Repair , Maintenance And Operations Of Water Sewerage Service | Final Delivery Stage |
| 047935 | DPW – LPOE | FACILITIES MANAGEMENT, SERVICE CONTRACTS : Maintenance And Servicing Of Buildings, Civil, Mechanical, Electrical Infrastructure And Installations | Service Completed |
| 049251 | DPW – LPOE | Skilpadshek: Bcocc: Maintenance And Upgrading Of Bui Ldings, Civil Infrastructure, Electrical Installations And M Mechanical Equipment. | Service Completed |
| 049254 | DPW – LPOE | Mahamba,Bothashoop And Emahlathini Poe. Bcocc: Mainte Nace And Upgrading Of Buildings,Civil Infrastructure,Electri Cal Installations And Mechanical Equipment. | Service Completed |
| 049255 | DPW – LPOE | Bcocc: Maintenance And Servicing Of Buildings,Civil,Electrical And Mechanical Installations And Infrastructure. | Final Delivery Stage |
| 052500 | DPW - LPOE | Maintenance And Servicing Of Buildings, Civil, Mechanical An D Electrical Infrstructure Installations | Construction Stage |
| 052734 | DPW – LPOE | Land Ports Of Entry: Groblers Bridge And Stockpoort: Appoint Ment Of Consultants: Maintenance And Servicing Of Building, Civil Mechanical And Electrical Infrastructure And Installa | Construction Stage |
| 052982 | DPW – LPOE | Bray, Makgobistad And Swartkopfontein: Maintenance, Servicin G And Repair Of Buildings, Civil, Mechanical And Electrical Infrastructure And Installations | Construction Stage |
| 052983 | DPW – LPOE | Ramatlabama, Kopfontein And Derdepoort: 36 Months Maintenanc E, Servicing And Repair Of Buildings, Civil, Mechanical And Electrical Infrastructure And Installations | Practical Completion Stage |
| 053365 | DPW – LPOE | Maintanance,Servicing And Repairs Of Buildings, Civil, Mechanical And Electrical Infrastructure And Installations | Construction Stage |
| 054631 | DPW – LPOE | 36 Months Repairs, Maintenance And Servicing Of Buildings, C Ivil, Mechanical And Electrical Infrastructure And Installat Ions | Construction Stage |
| 055769 | DPW – LPOE | Beitbridge Borderline Base: :Sandf 40km Borderline Fence Infrastructure And Installation On The Borders Between Rsa And Zimbabwe | Construction Stage |

1. No, the contractor is not a preferred service provider. The Department has many projects, with several service providers.
2. The DPWI informed me that scoping and pricing were prior to the appointment.
3. The Department informed me that scoping was done at the site visit held by DPWI and DOD officials on the 17 March 2020 at the Beitbridge Land Port of Entry. The pricing was done using the Bill of Quantities as the pricing strategy.