PROCUREMENT POLICY FOR

GOODS AND SERVICES

Version Number	October 2023 Review
Type of Policy	Strategic
Compiled by	Finance Division
Reviewed by	Executive Committee
Recommended by	Audit and Risk Committee
Approved by	Board of Directors
Signed on behalf of the Board	Board Chairman Precious Sibiya Digitally signed by Precious Sibiya Date: 2023.11.21 17:51:39 +02'00'
Effective Date	1 November 2023

TABLE OF CONTENTS

1 DEFINITIONS, ACRONYMS AND ABBREVIATIONS

B-BBEE	Broad-Based Black Economic Empowerment as defined in the Broad-Based Black Economic Empowerment Act 53 of 2003 (B-BBEE Act).
B-BBEE Status Level OF Contributor	B-BBEE status received by a measured entity in terms of a code of good practice on and issued under the terms of section 9(1) of the B-BBEE Act.
Bidder	The Consultant or Supplier who submits a response to a Request for Quotation, Request for Bid or Expression of Interest and/or Request for Information by TCTA.
Bid Adjudication Committee (BAC)	Committee appointed to consider the BEC's recommendations and adjudicate whether to make a final award.
Bid Evaluation Committee (BEC)	Committee appointed to evaluate bid submissions and recommend awards.
Bid Specification Committee (BSC)	Committee appointed to review and finalise bid documents.
Bid Submission	Bidder's written proposal in response to an Invitation for Bids (Request for Proposals/Request for Quotations/Request for Information, etc.)
Black People	'black people' as defined in the B-BEEE Act as amended from time to time
Board	Board of directors of TCTA which is also its Accounting Authority
Consultant	A professional person who is appointed to assist with technical and specialist advice for general goods or services or appointed to assist with project design and implementation. The legal status of this person can be an individual, a partnership, a corporation or a company.
Contract	A legal agreement concluded between TCTA and the appointed Bidder that has been appointed by TCTA pursuant to the procurement process, including a service level agreement and all attachments and appendices thereto and all documents incorporated by reference therein. This term does not refer to the actual or successful bid.
Contract Manager	A representative from each RD who will manage the day-to-day activities related to a contract. Any employee can assume this ad hoc role when a contract is allocated to them by their line manager.

EME	Exempted Micro Enterprise in terms of the Codes of Good Practice on Black Economic Empowerment issued in terms of section 9 (1) of the B-BBEE Act.
Emergency Situation	A serious and unexpected situation that poses an immediate risk to health, life, property or environment that calls for urgent action, and there is insufficient time to follow a competitive bidding process.
Historically Disadvantaged Entities	Entities that are at least: • 51% black-owned. • 51% owned by black youth. • 51% owned by black women. • 51% owned by black people with disabilities. • 51% owned by black people in rural areas, underdeveloped areas or townships. • a co-operative that is 51% owned by black people. • 51% owned by black people who are military veterans.
ODOA	TCTA Operational Delegation of Authority, Matrix.
Procurement Representative	A duly appointed person in the Procurement Department responsible for procurement-related transactions and processes.
RD	The requesting division is the section of the business requiring the goods or services.
Limited Bidding	Bidding process reserved for a specific group or category of possible suppliers through procurement by: • Sole source whether there is no competition in the market and only one supplier can provide the goods or services. • Single source where a thorough analysis of the market and a transparent and equitable pre-selection process is used to decide on one supplier among a few prospective Bidders to make a proposal. • Multiple source where a thorough analysis of the market indicates that there is limited competition and only a few prospective Bidders are requested to make a proposal.

Specific Goals	Specific Goals, as contemplated in section 2(1)(d) of the Preferential Procurement Policy Framework Act, No 5 of 2000, which may include (i) contracting with persons or categories of persons historically disadvantaged by unfair discrimination based on race, gender and disability and (ii) the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994.
Supplier	The Bidder that is appointed to provide goods or services to the TCTA in terms of the Contract.
TCTA	Trans Caledon Tunnel Authority
QSE	Qualifying small business enterprise in terms of the Codes of Good Practice on Black Economic Empowerment issued under section 9 (1) of the B-BBEE Act.
Urgent Case	Cases where early delivery is critical and the invitation of competitive bids is either impossible or impractical not due to improper planning.

2 SCOPE OF APPLICATION

This Policy applies to the process undertaken by TCTA for the procurement of all general goods and services, excluding the procurement processthat is governed by the Procurement Policy for Instrucuture Goods and Services relating to to the infrastructure procurement as contemplated Instruction Note No. 4 of 2015/16 issed bythe National Treasury.

3 PURPOSE AND OBJECTIVE

3.1 TCTA is a public entity listed under schedule 2 of the Public Finance Management Act ("PFMA"). This Policy aims to implement and give effect to section 51(1)(iii) of the PFMA which requires TCTA as public entity to have and maintain an appropriate procurement and provisioning system. The system must be fair, equitable, transparent, competitive and cost-effective.

3.2 The primary objective(s) of the Policy are to:

3.2.1 Give effect to the principles in sections 217 of the Constitution of the Republic of South Africa of 1996,

3.2.2 Promote procurement processes that are consistent with the applicable legislative framework, as well as procurement practices and developments;

3.2.3 Promote transformation in accordance with the laws and policies of the government of the Republic of South Africa;

3.2.4 Create a common understanding and interpretation of procurement-related legislation within TCTA;

3.2.5 Ensure the creation of social and environmental sustainability;

3.2.6 Promote a consistent application of best practices, where possible;

3.2.7 Enable the TCTA operations through the timeous and effective procurement of goods and services; and

3.2.8 Ensure that TCTA's strategic objectives are achieved efficiently and effectively.

4 LEGISLATIVE FRAMEWORK

4.1 This Policy is aligned with the applicable legislative frameworks mentioned below and their associated amendments (as and when the amendment come into effect), regulations, instructions and standards as at the effective date of this Policy. Where there is a contradiction between this Policy and any applicable legislation including those that are listed below that cannot be solved by reading the two harmoniously, the legislation shall take precedence.

4.2 The Supply Chain Management ("**SCM**") is governed by, among other prescripts, the following:

4.2.1 Constitution of the Republic of South Africa, 1996 ("the Constitution");

4.2.2 Broad-Based Black Economic Empowerment Act, No 53 of 2003, as amended and the regulations and codes published thereunder ("B-BBEE");

4.2.3 Competition Act, No. 89 of 1998 and the regulations published thereunder;

4.2.4 Public Finance Management Act, No 1 of 1999 and the regulations, standards, instruction notes, practice notes and guidelines published thereunder ("PFMA");

4.2.5 Preferential Procurement Policy Framework Act, 5 of 2000 and the regulations published thereunder ("PPPFA");

4.2.6 Prevention and Combating of Corrupt Activities Act, No 12 of 2004;

4.2.7 Promotion of Administrative Justice Act, No 3 of 2000 ("PAJA"); and

4.2.8 Promotion of Access to Information Act, No 2 of 2000 ("PAIA").

5 EXCLUSIONS

The following transactions are excluded from the SCM process:

5.1 Professional and corporate memberships, excluding journal subscriptions;

5.2 Rates and taxes, water, electricity and other levies raised by local authorities and provincial administrations;

5.3 Sponsorships, donor funding (the donor specifies the procurement process), and bursaries extended by TCTA;

5.4 Revenue-generating transactions that do not have a procurement aspect to them in that TCTA does not incur expenditure in their conclusion;

5.5 Human resources-related claims, salaries and the attendance of external conferences/workshops/seminars approved and paid for in terms of TCTA policies;

5.6 Training as part of the employee bursary as regulated by the relevant policies and procedures within TCTA. All other training shall not be excluded from the procurement processe.

5.7 Investments and loans;

5.8 Goods and services procured as a result of an insurance claim governed by TCTA's insurance policies;

5.9 Goods and services provided by a statutory body unless the use thereof is discretionary; and

5.10 Disbursements linked to a specific contract and not specified as part of the original bid/contract.

6 PROBLEM STATEMENT

6.1 In 2003, the Government of South Africa discontinued the procurement and provisioning system in favour of an integrated SCM system. The change in approach to the fulfilment of the constitutional requirements through the SCM system has since evolved over recent years to include the regulation of Schedule 2 entities listed in the PFMA.

6.2 The National Treasury has powers to regulate public procurement, in accordaince with section 76 of the PFMA by issuing instructions concerning the determination of a framework for public procurement to strengthen the implementation of SCM processes in the public sector. The National Treasury issues these instruction from time to time which in certain instances necessitates review of procurement policies.

6.3 TCTA, therefore, needs to regularly review and adapt its procurement policies in line with any changes to made to the applicable legislative and ensure that it is consistent with the principles set out in section 217 of the Constitution.

6.4 In addition, the the review and updates are essential because TCTA at its core, is driven by procurement in order to ensure that all of its projects are implemented on time and efficiently through the appointment of service providers, contractors and consultants. Therefore, procurement processes need to be fit for purpose and agile enough to support TCTA's core initiatives within the corporate and infrastructure space.

7 GUIDING PRINCIPLES

TCTA is committed to the principles set out in section 217 of the Constitution, which are summarised as follows:

7.1 TRANSPARENCY

TCTA should strive to promote access to information and make it openly available where it isnot protected by confidentiality or any other legal constraints. TCTA should ensure that all rules are know and applied consistently. Where feasible, changes to the SCM process must be made in terms of the relevant legislation and for the benefit of all stakeholders.

7.2 EQUITY

Not discriminating against Bidders and/or other stakeholders (except were as permitted by legislation for the advancement of Historically Disadvantaged Entities In promoting equity, TCTA shall consider South Africa's unfair and discriminatory past when implementing government policies for the advancement of persons or categories of persons disadvantaged by unfair discrimination.

7.3 FAIRNESS

Creating a procedurally and substantively fair environment for prospective Bidders to compete and provide goods and services on similar terms. Fair behaviour includes, but is not limited to:

7.3.1 Applying and making known rules consistently;

7.3.2 Being impartial when making decisions;

7.3.3 Recognising conflict of interests and appropriately reporting it;

7.3.4 Treating all prospective Bidders, and Suppliers as the case may be in the same manner; and

7.3.5 Not accepting illegitimate gifts and/or bribes.

7.4 COMPETITIVENESS

7.4.1 Promoting an open market to boost competitiveness;

7.4.2 Encouraging new entrants to the market to participate in bid processes; and

7.4.3 Discouraging anti-competitive behaviour among Bidders and Suppliers.

7.5 COST-EFFECTIVENESS

7.5.1 Taking into consideration the total cost of ownership of goods and services procured. This ensures a balance between the initial cost and the long-term value derived from the goods or services.

7.5.2 Identifying the best outcome after considering all relevant costs over the full procurement cycle;

7.5.3 Avoiding unnecessary costs; and

7.5.4 Monitoring the supply arrangements, making the necessary changes and ensuring continuous improvement in the efficiency of internal processes and systems.

8 POLICY STATEMENTS

TCTA is committed to the following in the execution of this Policy:

8.1 ACCOUNTABILITY

All officials of TCTA shall be accountable for their decisions and actions taken in respect of their responsibilities in a procurement process in accordance with TCTA's Strategic and Operational Delegation of Authority, as amended from time to time.

8.2 PROCUREMENT THRESHOLDS

The Procurement Department shall apply a different threshold for different bid processes to ensure efficiency and compliance with the necessary prescripts. As a Schedule 2 Major Public Entity under the PFMA, TCTA will continue to review and revise its thresholds in line with its business requirements. The applicable thresholds are set out in the Procedure Manual linked to this Policy. The applicable thresholds are set out in the Procedure Manual linked to this Policy. As a Schedule 2 entity, TCTA will regularly review and revise its thresholds in line with its business requirements.

8.3 DEMAND MANAGEMENT

8.3.1 TCTA will treat the demand management (or planning) function as a cross-functional exercise that involves all its divisions.

8.3.2 Divisional Procurement plans shall state the expected procurement items for a particular financial year, including specific and sound timelines, to promote proper planning.

8.3.3 Divisions requesting goods or services must determine clear specifications and terms of reference, where applicable.

8.4 STRATEGIC AND TRANSACTIONAL PROCUREMENT

8.4.1 The following goods and services shall be classified as strategic:

8.4.1.1 The procurement of consultants for professional services as contemplated in National Treasury Instruction 3 of 2003 as may be replaced or amended from time to time;

8.4.1.2 Goods and services whose delivery has a direct impact on TCTA's mandate through directives issuedthe Department of Water and Sanitation from time to time; and/or

8.4.1.3 Goods and services that are repetitive and warrant a strategic outlook.

8.4.2 All strategic procurement shall have a procurement strategy in place unless it is not feasible.

8.4.3 All other procurement shall be designated as transactional procurement and shall accordingly not require a procurement strategy.

8.4.4 Notwithstanding the above, an RD may develop a procurement strategy

8.5 COMPETITIVE BIDDING PROCESSES

8.5.1 All bid processes must strictly adhere to this Procurement Policy and the Procedure Manual for Goods and Services.

8.5.2 Any bid issued on a public platform or where TCTA invites the open market to participate shall be considered a competitive bidding process unless stated otherwise.

8.6 PROCUREMENT BY OTHER MEANS

8.6.1 If in specific case it is impractical to undertake competitive bidding process, TCTA may procure the required goods and/or services by other means, provided that the reasons are recorded

and approved by the Accounting Authority or other authorised official in accordance with the Delegation of Authority.

8.6.2 Procurement by other means shall only apply in cases of Limited Bidding, Request for Quotations and procurement that occurs in Emergency Cases and Urgent Situations.

8.6.3 Procurement by other means shall not apply to situation caused by improper planning.

8.6.4 Where procurement by other means takes place, there must be compliance with the reporting and other obligations contained in the applicable National Treasury Instruction note at the time must take place.

8.6.5 Before procuring goods and/or services by other means:

8.6.5.1 Where National Treasury's Transversal Term Contracts are in place, TCTA may consider using them, if it is in the interest of the TCTA, given the circumstances requiring procurement by other means.

8.6.5.2 When procuring IT services and goods, the State Information Technology Agency's transversal contracts may be utilised if they are valid and accessible.

8.6.5.3 Where desirable and feasible, goods or services may be procured under a contract secured by another organ of the state, provided that the other organ of state is willing to share details on the process it undertook to appoint the service provider/enter into the contract.

8.7 PUBLISHING OF BIDS AND BID INFORMATION

8.7.1 All TCTA Bids shall be published on the National Treasury e-Tender Portal and TCTA's website.

8.7.2 The use of alternative methods of publication shall be in addition to those stated above.

8.7.3 All bid-related information—such as addendums, clarifications, extensions and cancellations—must be published on the same platform as the original bid document unless it is practically not possible to do so.

8.7.4 The publication of bids and bid information must comply with TCTA policies and procedure manuals, applicable legislation and National Treasury instructions.

8.8 CANCELLATION OF BIDS

8.8.1 TCTA may, before the award of a tender, cancel a tender invitation in accordance with the prevailing legal prescripts.

8.9 SUPPLIER REQUIREMENTS

8.9.1 TCTA shall only conduct business with legal entities registered in terms the relevant legislation applicable in their country.

8.9.2 TCTA shall only award contracts to Bidders registered on the National Treasury's Central Supplier Database.

8.9.3 TCTA reserves the right to request any information needed to verify Bidders details and to vet all Bidders before they become Suppliers.

8.9.4 TCTA may visit Bidders premises as part of either accreditation or tender evaluation.

8.9.5 For purposes evaluation for preferential points on Specific Goals, and where applicable, all bidders, except for qualifying small and exempted micro-enterprises, must furnish TCTA with a valid and current BBBEE Verification Certificate and Scorecard from a South African National Accreditation System-accredited verification agency. Qualifying small and exempted micro enterprises must submit a certified, sworn affidavit in line with the National Treasury prescripts.

8.9.6 Bidders must be registered for VAT in line with the thresholds as prescribed by the South African Revenue Services.

8.9.7 International Bidders must possess a similar certificate from the relevant authority in their countries.

8.9.8 Suppliers of goods and/or services must be tax compliant. TCTA will not award a contract if a supplier is not in good standing with SARS at the time of the award or its equivalent in foreign jurisdictions.

8.9.9 TCTA may exclude a Supplier from conducting further business and/or cancel all its existing contracts should it be found to have acted in bad faith or engaged in misconduct amounting to a breach of contract after complying with the dispute resolution/breach/termination provisions applicable to the contract in question.

8.9.10 TCTA shall conduct business in a manner that encourages good supplier relations in an environment that promotes competition and complies with the law. The organisation shall fulfil its contractual commitments to suppliers and require that they meet theirs.

8.9.11 Contact with suppliers by any employee should not result in any expressed or implied commitment to do business without the prior written approval of the appropriate authority.

8.9.12 Once the bid process has begun, no bid committee member or participant in the procurement process, except relevant Procurement Department employees, shall contact Bidders concerning the bid in process.

8.9.13 If required, a verification process shall be conducted through an established agency.

8.10 SPECIFIC GOALS

8.10.1 This section establishes Preferential Procurement Policy of TCTA and its Specific Goals for procuring general goods and/or services as contemplated in section 2(1)(d) of the PPPFA.

8.10.2 Such Specific Goals include contracting with persons or categories of persons historically disadvantaged by unfair discrimination based on race, gender and disability.

8.10.3 TCTA will use and shall apply one or more of the following as Specific Goals for allocating preference points in respect of the procurement process for good and/or services to Bidders that are:

8.10.3.1 have a specific B-BBEE Contributors status level;

8.10.3.2 form part of being an EMEs or QSEs and/or Historically Disadvantaged Entities or plan to subcontract to an EME or QSE and/or Historically Disadvantaged Entities;

8.10.3.3 demonstrate that they have implemented an enterprise and supplier development programme;

8.10.3.4 provide skills development and transfer to an EME, QSE or TCTA;

8.10.3.5 meet the location requirements that will enable communities to benefit from the award of that bid; or

8.10.3.6 demonstrate any requirement that advances the aims and objectives of transformation within public procurement in the Republic of South Africa.

8.10.4 In allocating preference points towards Specific Goals, TCTA will consider and endeavours to reach the following minimum transformation targets:

TRANSFORMATION CATEGORY	DESCRIPTION	MINIMUM TARGETS PARTICIPATION OF BLACK-OWNED ENTITIES
Ownership	Participation of Black Owned Enterprise in the procurement of general goods, services and works	BBBEE Contributors Status Level between 1-4, where feasible

TRANSFORMATION CATEGORY	DESCRIPTION	MINIMUM TARGETS PARTICIPATION OF BLACK-OWNED ENTITIES
Enterprise and Supplier Development	Enterprise and Supplier Development	Bidders who: Subcontract a minimum of 30% to EMEs, QSEs or other TCTA suppliers; and/or have implemented a valid enterprise and/or supplier development programme during the current financial year.
Preferential Procurement	Procurement by suppliers	Bidders who spend a minimum of 30% of Procurement Spend where feasible on EME's, QSEs and previously disadvantaged groups, where feasible
Employment	Employment opportunities for black people.	Programme and targets for employment to be implemented will be set on a case-by-case basis taking into account the type of the commodity, duration of the contract, the structure of delivering the goods, services/works and employment opportunities. The following historically disadvantaged Individuals will be targeted: • Black people; • Black women; • Black youth; • Black people in the townships; • Black people who live in rural areas; • Military veterans; and • People with disabilities.
Training and skills development	• Bursaries. • Learnership. • Apprenticeships. • Internships. • Work-integrated learning • Mentorships	Training and skills development programme and targets to be implemented will be set on a case-by-case basis, considering the type of the commodity, duration of the contract, employment and training and skills development opportunities. The following historically disadvantged Individuals will be targeted: • Black people; • Black women; • Black youth; • Black people in the townships; • Black people who live in rural areas; • Military veterans; and

TRANSFORMATION CATEGORY	DESCRIPTION	MINIMUM TARGETS PARTICIPATION OF BLACK-OWNED ENTITIES
		• People with disabilities.

8.10.5 The Procurement Department and the RD will conduct a market analysis prior to the finalisation of the bid document except in the following circumstances:

8.10.5.1 Where the goods are off-the-shelf purchases and are readily available;

8.10.5.2 Where the goods or services are repetitive in nature and are considered fast moving goods and services in the context of TCTA.

8.10.5.3 Where there industry in which the goods and services need to be procured is too wide for the study to be feasible.

8.10.6 Specific goals should not be duplicated as this may result in “double dipping”, which is the evaluation of the same principle/target/goal more than once for a specific bid.

8.11 CONFLICT OF INTERESTS

8.11.1 Any person that participates in any procurement evaluation process on behalf of TCTA shall complete and sign the applicable declaration of conflict of interests form.

8.11.2 Any person who has an interest in the particular procurement process that may, or could be seen to, affect their impartiality should immediately declare a conflict of interest in writing, withdraw entirely from the process and relinquish all other related duties to their line manager.

8.11.3 Bidders and/or Suppliers or their employees may not participate in or influence the specifications or standards for purchasing goods and services. All suppliers shall complete a Declaration of Conflict of Interests form when registering as a supplier.

8.11.4 Bidders and/or Suppliers may not respond to a bid on which they assisted TCTA which includes but not limited to creating, advising, consulting on and/or providing input to during the formulation of the scope of work and/or any part of the bid document on behalf of TCTA.

8.11.5 Employees of TCTA are not permitted to bid for TCTA business.

8.11.6 Bids from former TCTA employees and members of the Board shall only be considered if submitted no less than 1 (one) year after the official date of termination of service, provided there is no material conflict of interest in relation to the relevant procurement process which need not be limited to the scenario above at 8.11.4.

8.11.7 Bids from persons in the employ of the an organ of state or any other institution identified by national legislation may only be considered where it is established that the person is not prohibited from conducting business with the state in terms of the Public Administration Act, No 11 of 2014 and has permission and/or is not contractually prohibited from performing remunerative work outside of their employment. The Procurement Department will be responsible for liaising with the Bidders employer to request confirmation as to whether the person is prohibited from conducting business with the state in terms of the Public Administration Act, No 11 of 2014 and whether the person has permission and/or is not contractually prohibited from performing remunerative work outside of their employment.

8.11.8 Bids from persons listed in the Register for Tender Defaulters provided for in the Prevention and Combating of Corrupt Activities Act, No 12 of 2004 will not be considered.

8.11.9 Bids from persons listed in the TCTA's restricted supplier list will not be considered.

8.12 CONFIDENTIALITY AND ACCURACY OF INFORMATION

8.12.1 The confidentiality of information received in the procurement process should be respected.

8.12.2 Specific details of suppliers' bids shall not be divulged unless it is in accordance with the Promotion of Access to Information Act, 2000 (Act 2 of 2000). Even then, the disclosure can only be made through the Legal Services Department, a legal process through the courts, audit or investigation by a duly authorised body.

8.12.3 All employees in the Procurement Department, members of and invitees to procurement-related committees and meetings shall sign a confidentiality form.

8.13 ETHICS

8.13.1 All stakeholders must keep all information obtained during a bid process confidential and always disclose any conflict of interest. Furthermore, they must immediately report any fraudulent and/or corrupt acts or omissions to promote an ethical environment within TCTA and comply with its relevant policies.

8.14 BUSINESS GIFTS AND HOSPITALITY

8.14.1 No TCTA employee may accept any gift, hospitality or other inducements that may, or could be perceived to, influence them in their decision-making responsibilities in terms of TCTA's Business Code of Conduct. Any attempted inducements shall immediately be reported to the ethics function in the Risk Division.

8.15 JUST ADMINISTRATIVE ACTION

8.15.1 The Board and/or Procurement Representatives are required, among other things, to act lawfully, reasonably and procedurally fair when making decisions.

8.15.2 PAJA specifically requires the Board and/or Procurement Representatives, when making decisions, to:

8.15.2.1 Be rational (i.e., use the evidence and information before them to support their decision-making);

8.15.2.2 Be reasonable (i.e., they must satisfy themselves that the correct process was followed and all arguments for and against a decision were considered); and

8.15.2.3 Adequately share the reasons for a decision with anyone affected by it.

8.16 MISUSE OF THE PROCUREMENT PROCESS

8.16.1 Disputes about the preferred Bidder must be lodged with the Senior Manager: Procurement in the event of:

8.16.1.1 Misconduct by any participants in the bid process; and/or

8.16.1.2 Misrepresentation on behalf of the Bidder

8.16.2 No other grounds for disputing a preferred Bidder will be considered.

8.16.3 Where the procurement process has been concluded and a preferred Bidder is recommended after a due process is followed, the Procurement Department may continue with the award of the bid. Any attempt to misuse, manipulate and/or frustrate the procurement process will referred for internal investigation.

8.17 ENDORSEMENTS

TCTA does not endorse Suppliers or their products or services. If a Supplier seeks to publicise factual information regarding its relationship with TCTA, a request shall be forwarded to the Information Officer or a delegated representative for approval.

8.18 FUNCTIONALITY

8.18.1 RDs may evaluate a Bidder's capability to deliver goods and services by including functional evaluation criteria as part of their requisition to the Procurement Department.

8.18.2 Save for applying objective criteria as contemplated in section 2(1)(f) of the PPPFA including other due diligence measures performed on Suppliers and/or Consultant by TCTA, a Bidder's

capability shall not be evaluated on functional criteria not contained in the original invitation to bid. The due diligence measure may include amongst others, establishing if Bidder is not blacklisted or part of the list of restricited supplier of National Treasury and confirming financial liquidity of the Bidders as contemplated in paragraph 8.19 below.

8.19 FINANCIAL ANALYSIS

TCTA's principle is to conduct business with Suppliers with financial resources to deliver the procured goods and services until completion.

8.20 APPROVAL OF FUNDS

Prior to initiating a bid process, the RD must provide proof of the approved budget for the intended procurement.

8.21 PROPRIETARY INFORMATION

8.21.1 Much of the information TCTA uses in its activities is proprietary. The information it develops is a valuable business asset and shall be protected, preserved and used only for the organisation's purposes.

8.21.2 Proprietary information encompasses trade secrets, confidential technical and financial business data, and any other such intended for internal use. It may include any form of information, including records, practices, plans, studies, contracts and other agreements, requests for bids and information, letters of award, catalogues, drawings and computer programs.

8.21.3 TCTA realises that the information released during the bid process may also be proprietary, as it conveys potential plans for deploying various resources and technologies in the organisation to the supplier community. It may contain other confidential internal information.

8.21.4 If TCTA solicits information a supplier deems proprietary or confidential, the latter shall be required to prove that it is, in fact, the case. The organisation shall then ensure that a non-disclosure agreement is executed if the supplier requires one before releasing the information.

9 ROLES AND RESPONSIBILITIES

The approved ODOA will cascade the roles and responsibilities for the stakeholders of the procurement process. This is a summary of the roles and responsibilities of the key stakeholders involved in the creation and implementation of this Policy and accompanied procedure manual.

ROLE	RESPONSIBILITY
Board of Directors	The Board shall approve this Policy.
Chief Executive Officer (CEO)	The Chief Executive Officer is responsible for: holding executives accountable for effective procurement guided by this Policy.
Members of the Executive Committee	Members of the Executive Committee are responsible for: ▪ Ensuring that their respective divisions comply with and implement this Policy. ▪ Holding senior managers and managers accountable for effective procurement guided by this Policy.
The Procurement Departement	The Procurement Department is responsible for: ▪ Ensuring that TCTA has a standard procurement procedure manual for implementing this Policy. ▪ Ensuring employee awareness and adherence to procurement procedure manuals. ▪ Providing regular management information and reports on the performance of the procurement system.
Requesting Divisions	The RD is responsible for taking part in good faith and in the best interests of TCTA in the procurement process by providing technical expertise that will allow for a successful bidding process.

10 BID COMMITTEES

10.1 The Chief Executive Officer shall ensure adequate segregation of duties in the procurement process by implementing a three-bid committee system.

10.2 The three-bid committee system shall comprise the following:

10.2.1.1 The Bid Specification Committee (BSC)

The BSC is a standing committee. It is responsible for reviewing and finalising the bid documents that will be issued to the market. The role of the committee ends when the bid is advertised.

10.2.1.2 The Bid Evaluation Committee (BEC)

10.2.1.2.1 The BEC may be established once a bid is advertised because it is an ad hoc committee. It is responsible for reviewing all bid submissions against the invitation to bid. The

committee shall evaluate the bids received and recommend the preferred Bidder to the Bid Adjudication Committee (BAC).

10.2.1.3 The Bid Adjudication Committee (BAC)

10.2.1.3.1 The BAC is a standing committee. It is responsible for adjudicating and awarding bids within its threshold and delegated powers. The BAC does not review bid submissions, but the Recommendation to Award received from the BEC. Based on the invitation to bid, it must establish if the correct process was followed in identifying the preferred Bidder. The committee's role ends when a Letter of Award is issued to the preferred Bidder.

10.2.1.3.2 The roles and responsibilities of the bid committees are further set out in their Terms of Reference.

10.2.1.3.3 Bid committees shall always act independently and not be unduly influenced by external parties, whether within TCTA or outside.

10.2.1.3.4 There is no hierarchy of bid committees.

10.3 EMPLOYEES

Employees of TCTA must always comply with this Policy and the Procurement Procedure Manual for Goods and Services.

11 COMMUNICATION

11.1.1 All TCTA divisions and potential Suppliers and Consultants must take full cognisance of this Policy, including the relevant procedures, applicable regulatory requirements, good corporate governance and compliance principles. The communication process for the Policy will involve the following steps:

11.1.2 Compilation and dissemination of the Procurement Procedure Manual for Goods and Services.

11.1.3 Group presentations to TCTA employees.

11.1.4 Group presentations to potential and existing TCTA's Suppliers.

11.1.5 Posting the Policy on the TCTA website.

12 RECORD KEEPING

12.1 TCTA must manage all procurement-related records in adherence to the Records Management Policy. The records shall be kept in accordance with the relevant guidelines and legislation governing procurement.

12.2 The information necessary to satisfy the internal and external reporting requirements must be kept in an orderly manner. The gathering of information and the recording system must provide for the type of information required, deadlines and the allocation of duties and responsibilities.

12.3 Where feasible, documents should be digitised for use by auditors or other role players to limit access to physical copies.

12.4 Access to procurement-related documents shall be limited, as per the Records Management Policy.

12.5 Procurement-related documents and records should be safeguarded and maintained in line with the National Archives Act.

13 COMPLIANCE

13.1 The Board, management and employees shall comply fully with this Policy. The employees who do not comply will be dealt with according to the TCTA's Disciplinary Policy and Procedure.

13.2 Any procurement practices that contravene TCTA's policies and procedure manauls shall, upon detection, be halted and reported to the Senior Manager: Procurement. The exact nature of the non-compliant practice/s and the corrective action already taken or contemplated shall be accurately described. Disciplinary action shall be taken against employees who transgress procurement policies and procedure manuals with the sanction informed by the Disciplinary Policy and Procedure.

13.3 Where the Policy contradicts any relevant legislation, the latter shall prevail.

14 MONITORING AND REVIEW

This Policy shall become effective on the date following the approval. It shall be reviewed at least every three years with interim reviews as required due to legislative changes or other reasons to ensure that it remains in line with the organisational growth, commitments and needs.

15 TRANSITIONAL ARRANGEMENTS

15.1 This Policy shall only apply to bid processes that the BSC has not yet approved as at the effective date.

15.2 Irrespective of the date of issue, all bids that have not yet been submitted to the BAC as at the effective date will be subject to the process followed in the paragraph above and subsequent thereto.