

Tender processes during the National State of Disaster

Questions and Answers

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Disclaimer

Every effort has been made to ensure that information contained in this document is correct. Nevertheless these questions and answers are to be used purely as guidance members to assist them with particular problems relating to the subject matter discussed. SAICA will have no responsibility to any person for any claim of any nature whatsoever which may arise out of or relate to the contents of this document.

Introduction

National Treasury issued the following to regulate the emergency procurement in response to the National State of Disaster:

- National Instruction No. 05 of 2020/21: Emergency procurement in response to National State of Disaster (applicable to all national departments, constitutional institutions, schedule 2 and 3 public entities)
- MFMA Circular 102 Emergency procurement in response to National State of Disaster (applicable to municipalities and municipal entities)

The purpose of these regulations were as follows:

- a) to prescribes procurement procedures to deal with the COVID-19 pandemic
- b) avoid the abuse of the supply chain management system to deal with the Disaster

The National State of Disaster has resulted in implications on the tender process. SAICA has developed these questions and answers to assist members to understand the impact of the National State of Disaster and how it should be addressed.

Questions and Answers

1. Is briefing sessions for tenders still compulsory?

No. Briefing sessions should not be made compulsory or mandatory unless otherwise approved by the accounting officer or accounting authority.

2. What are institutions required to do in terms of briefing sessions?

Institutions may implement the following processes to avoid briefing sessions:

- Bidders may be requested to send electronic mails for any queries related to a bid at least one week before the closing date of the bid.
- The institution must specify the period within which the email enquiries must be sent.
- The institution must respond to all queries related to the bid at least a week before the closing date.
- A schedule of the questions and answers must be uploaded on the institutions website or any other measure to ensure that all bidders receive the information

Where briefing sessions cannot be avoided and to the extent permitted by the Disaster Management Act Regulations, the session must be arranged by other means such as podcasting and teleconferencing.

3. What happens to tenders that were scheduled to close during the lockdown?

Accounting officers and accounting authorities are required to extend the closing dates of the tenders that were scheduled to close during the lockdown period and 14 days after the lockdown to a date at least 21 days after the end of the lockdown or such further period as may be necessary.

Institutions may extend the response period for bids beyond the required 21 days to accommodate the enquiry process, but not more than 40 days.

4. What happens where tenders were already advertised with a determined briefing date?

For tenders that were already advertised with a determined briefing date, the below should be followed:

- The bid closing date and briefing session date may be extended to accommodate the logistical arrangements to effect the necessary health requirements as published.
- Revised closing dates and briefing session dates should be published on the e-tender portal or website.

However, bidders who have submitted their bids already may not submit new bids as a result of the extension

References

National Instruction No. 05 of 2020/21: Emergency procurement in response to National State of Disaster

MFMA Circular 102 Emergency procurement in response to National State of Disaster

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