



NATIONAL TREASURY

SCM INSTRUCTION

Public Finance Management Act No. 1 of 1999

SCM INSTRUCTION NO. 01 OF 2021/2022

DEPARTURE FROM PUBLICATION OF BIDS, BID AWARDS AND RELATED NOTIFICATIONS IN THE GOVERNMENT TENDER BULLETIN AND THE E-TENDER PORTAL

TO ALL: ACCOUNTING OFFICERS OF DEPARTMENTS
ACCOUNTING OFFICERS OF CONSTITUTIONAL INSTITUTIONS
ACCOUNTING AUTHORITIES OF SCHEDULE 2 AND 3 PUBLIC ENTITIES
HEAD OFFICIALS OF PROVINCIAL TREASURIES

1. PURPOSE

1.1 The purpose of this instruction is to provide a directive to:

- 1.1.1 accounting officers of departments and constitutional institutions, and accounting authorities of public entities listed in Schedule 3A & 3C to the Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999) regarding Government Printing Works' (GPW) inability to publish bids, bid awards and related notifications in the **Government Tender Bulletin (GTB)**;
- 1.1.2 accounting officers of departments and constitutional institutions, and accounting authorities of public entities listed in Schedules 2 and 3 to the Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999) regarding the technical problems experienced on **National Treasury's e-Tender Portal**; and
- 1.1.3 interim measures to be followed until such time that Government Printing Works and e-Tender Portal is fully functional again to publish bids, bid awards and related notifications.

2. BACKGROUND

- 2.1 Section 217(1) of the Constitution of the Republic of South Africa, Act 108 of 1996 states that "When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods and services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective."
- 2.2 Treasury Regulation 16A6.3(c) prescribes that "The accounting officer or accounting authority (where applicable) must ensure that bids are advertised in at least the

Government Tender Bulletin for a minimum period of 21 days before closure, except in urgent cases when bids may be advertised for such shorter period as the accounting officer or accounting authority may determine.”

- 2.3 Treasury Regulation 16A6.3(d) prescribes that “The accounting officer or accounting authority (where applicable) must ensure that awards are published in the Government Tender Bulletin and other media by means of which the bids were advertised.”
- 2.4 National Treasury Instruction No. 1 of 2015/2016 prescribes the mandatory advertisement of bids and the publication of awards on the e-Tender Portal by ALL departments, constitutional institutions and public entities listed in Schedules 2 and 3 to the PFMA with effect from 1 May 2015.
- 2.5 In February of 2021, National Treasury became aware of a number of challenges experienced by institutions when attempting to publish bid advertisements or bid awards in the GTB as prescribed in the Treasury Regulations.
- 2.6 National Treasury received formal communique from the GPW, dated 15 February 2021, indicating that GPW had run into technical difficulties from the 4th of February 2021, which made it difficult for the GPW to adhere to its mandate for advertising bid invitations and bid awards submitted by institutions in the GTB. Furthermore, the GTB indicated that it currently has a backlog of advertisements that need to be published and requested the National Treasury to consider: -
- a. “a waiver to bypass gazetting some of their notices with GPW prior publication whilst GPW’s e-Gazette system is offline;
 - b. alternative platforms to publish their notices and tenders whilst GPW’s e-Gazette system is offline.”
- 2.7 During the time of 1 February to 4 March 2021, the National Treasury’s e-Tender Portal also became unstable and was intermittently not available and finally suffered a fatal crash on 5 March 2021.

3. APPROVED DEPARTURE

- 3.1 In line with section 79 of the PFMA, the National Treasury has approved a departure from:
- 3.1.1 the provisions of Treasury Regulation 16A6.3(c) and 16A6.3(d), in as far as they relate to the publication of bid advertisements, bid awards and related notifications (e.g. amendments, errata, etc. to bid documents) in the GTB for accounting officers of departments and constitutional institutions, and accounting authorities of public entities listed in Schedule 3A & 3C to the PFMA; and/or

- 3.1.2 the provisions of National Treasury Instruction No. 1 of 2015/2016 in as far as it relates to the mandatory requirement to publish bid advertisements, bid awards and related notifications (e.g. amendments, errata, etc. to bid documents) on the E-Tender Portal by accounting officers of departments and constitutional institutions, and accounting authorities of public entities listed in Schedule 2 & 3 to the PFMA;
- 3.1.3 Institutions are, however, advised that advertisement period indicated in Treasury Regulation 16A6.3(c) must still be complied with.

4. INTERIM MEASURES

- 4.1 In the interim, accounting officers/ authorities must utilize their own institutional websites and or any other means (printed media and/or electronic media) to publish bid advertisements, bid awards and related notifications, until such time that these platforms have been restored.
- 4.2 The **departure applies from 04 February 2021** until such time as the National Treasury notifies institutions of the withdrawal of the approved departure.

5. APPLICABILITY

- 5.1 This Instruction applies to:
- 5.1.1 all departments and constitutional institutions, and public entities listed in Schedule 3A & 3C to the PFMA in as far as it relates to publishing bids, bid awards and related notifications in the **Government Tender Bulletin (GTB)**; and/or
- 5.1.2 all departments and constitutional institutions, and public entities listed in Schedule 2 & 3 to the PFMA in as far as it relates to publishing bids, bid awards and related notifications on the **e-Tender Portal**.

6. DISSEMINATION OF INFORMATION CONTAINED IN THIS TREASURY INSTRUCTION

- 6.1 Accounting officers of departments and constitutional institutions must bring the contents of this Instruction to the attention of all:
- a) Chief Financial Officers and supply chain management officials of their respective departments and constitutional institutions
 - b) Accounting authorities of public entities reporting to their executive authorities.

- 6.2 Heads of provincial treasuries are requested to bring the contents of this Instruction to the attention of all accounting officers, chief financial officers and supply chain management officials in their respective provincial departments.
- 6.3 Accounting authorities of Schedules 2 and 3 public entities must bring the contents of this Instruction to the attention of Chief Financial Officers and supply chain management officials of their respective public entities.

7. REPEAL OF NATIONAL TREASURY INSTRUCTION NO. 12 OF 2020/2021

This Instruction replaces National Treasury Instruction No. 12 of 2020/2021 issued on 24 February 2021.

8. AUTHORITY FOR THIS INSTRUCTION

This National Treasury SCM Instruction is issued in terms of section 76(4)(c) of the Public Finance Management Act, 1999.

9. EFFECTIVE DATE

This National Treasury SCM Instruction takes effect from the date when technical challenges were first detected as per paragraph 4.2 of this instruction.

10. CONTACT INFORMATION

Enquiries related to this Treasury Instruction may be directed to:
Office of the Chief Procurement Officer
E-mail: cpo@treasury.gov.za

ESTELLE SETAN
ACTING CHIEF PROCUREMENT OFFICER
DATE:

Cc: Auditor-General of South Africa
Office of the Accountant-General (National Treasury)