

D/SM 12/23

DEVIATION: APPOINTMENT OF SERVICE PROVIDER FOR THE FINALISATION OF THE INSTALLATION OF THE LIFT AT THE NPK BUILDING

Municipality of Stellenbosch

19 MAY 2023

Office of the Municipal Manager
Municipal Manager



MEMORANDUM

CORPORATE SERVICES

CHECK BEFORE SUBMISSION	YES	NO
REGISTERED ON CSD DATABASE		
LETTER - SOLE SUPPLIER if applicable.		
QUOTE/INVOICE ATTACHED		
BUDGET (SAMRAS)		
CASHFLOW		
SIGNATURES		

To Aan: MUNICIPAL MANAGER
From Van: ANDRE SLABBERT
Job Title: NPK Project Manager
Date Datum: 11 May 2023
Re Insake: DEVIATION: APPOINTMENT OF SERVICE PROVIDER FOR THE FINALISATION OF THE INSTALLATION OF THE LIFT AT THE NPK BUILDING

1. PURPOSE OF MEMORANDUM

To obtain approval in terms of Supply Chain Management Policy, to deviate from the official procurement process in terms of section 36 of the approved SCM Policy.

REASON FOR DEVIATION: (Mark with x where applicable)		
1.	Emergency. "Emergency dispensation" means emergency as referred to in paragraph 36(1)(a)(i) of this policy under which one or more of the following is in existence that warrants an emergency dispensation;	
a	The possibility of human injury or death;	
b	The prevalence of human suffering or deprivation of rights;	
c	The possibility of damage to property, or suffering and death of livestock and animals;	
d	The interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the municipality as a whole;	
e	The possibility of serious damage occurring to the natural environment;	
f	The possibility that failure to take necessary action may result in the municipality not being able to render an essential community service;	
g	The possibility that the security of the state could be compromised; or	
h	The prevailing situation, or imminent danger, should be of such a scale and nature that it could not readily be alleviated by interim measures, in order to allow time for the formal procurement process. Emergency dispensation shall not be granted in respect of circumstances other than those contemplated above.	
2.	Goods or services are produced or available from a single provider	
3.	Acquisition of special works of art or historical objects where specifications are difficult to compile.	
4.	Acquisition of animals for zoos and /or nature and game reserves	
5.	Exceptional case and it is impractical or impossible to follow the official procurement processes	X

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2. SUBSTANTIATE WHY SCM PROCESS COULD NOT BE FOLLOWED (TO BE REPORT TO COUNCIL)

The construction phase of the project for the Refurbishment of the NPK Building commenced during 2022 as approved by the Municipality's Building Development Management Section on 29 March 2022. Based on open tender process that was followed the contractor, Bambana Management Services was appointed under Bid No.: BSM40/22.

The tender made provision for the installation of a new lift and the adherence to all the Regulatory requirements. It must be noted that the old lift and support system in the lift shafts were based on the Imperial measurement system while the replacement lift by Vision Elevators is based on the Metric measurement system. This required structural changes and cutting away some of the building structure. This unfortunately revealed other problems for steelwork support. This type of additional work cannot be determined through an initial site inspection as it is only revealed when cutting and breaking away of the structure commences.

The lift inspector raised additional requirements during his compliance inspection on 7 March 2023 which resulted in additional work to be done on the lift shaft and accessories in order to comply with the relevant regulations.

The building is already occupied on floors 1 to 4 and to ensure that the NPK building is fully accessible for the staff and members of the public with disabilities the lift installation need to be finalised.

The appointment for the lift service provider was done by Bambana Management Services. Bambana is familiar with the project and it is impractical to follow a procurement process to finalise the lift project.

The main outstanding item is the finalisation of the lift installation. The mechanical engineer furnished the revised designs and documents to make sure that the contractor can be in a position to make the lift compliant.

The deviation is required to allow the contractor to finalise the project in its entirety. Bambana is well aware of all the required changes and has dealt with the project this far. Therefore, it would be impractical to follow the official procurement process.

3. BACKGROUND

During the construction period, there were several amendments to the approved building plans, as a result of unforeseen defects in respect of the building which lead to the fact. It is imperative to note that the provisional sum that was allowed for, to install the lift was under estimated. It was impossible for the contractor to determine the required disguised construction work that need to be done to install the new lift. This was only possible during the actual construction work on site.

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4. DISCUSSION

The tender was awarded to Bambana Management Services as the main contractor and all the responsibilities resides with them to adhere to all the regulatory requirements. It must also be noted that the tender was awarded during the previous financial year and the rates from Bambana Management Services for the additional work are within the rates that was initially received, without escalation. It will also be irresponsible to divide the responsibilities on site if the defect period is taken into account as well as the required construction work. In some places, it will not be possible to determine who the responsible party will be to repair defects in future, should it occur.

The scope of work to be completed as per the lift inspector's requirements are the following:

- a) Filling up of all holes in the lift shaft
- b) Filling up of the wholes behind the trimmers
- c) Fitting of a night latch to lift motor room door.
- d) Installation of a fire extinguisher in the lift motor room
- e) Provision of ventilation by a providing a purpose made duct and louvres from the window to the lift shaft and the closing of the hole where the previous ventilation fan was removed
- f) The above requires certain builder's work and making good.

Additional work required due to modifications to accommodate the new lift system includes the following:

- a) Supply & install primer, aggregate and cement screed over gap closures to accommodate the new floor level.
- b) Installation of reinforced fire rated drywall between lift cars

The appointment for the lift service provider was done by Bambana Management Services. Bambana is familiar with the project and it is impractical to follow a procurement process to finalise the lift project.

5. FINANCIAL IMPLICATIONS

The amount of R 89 432,51 excluding VAT was quoted by Bambana Management Services in a letter dated 3 May 2023. The saving under project; Structural Upgrade: Heritage Building Ukey: 20220630076368 be utilise for the required funding for this deviation to complete the lift installation. The amount will be viremented from the aforementioned ukey to cover the required budget.

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6. RECOMMENDATION

That the BAC supports the approval of the Deviation to the Accounting Officer in order to appoint Bambana Management Services to undertake the completion of the lift in the amount of R 89 432,51 excluding VAT.

7. VALUE FOR MONEY (OTHER RATES/VALUES)

The NPK Building was purchased with the intention to accommodate the municipal staff and to accommodate the public with a facility where they can have access to the relevant municipal staff. It is impractical to follow another process.

The tender was awarded to Bambana Management Services as the main contractor and all the responsibilities resides with them to adhere to all the regulatory requirements. It must also be noted that the tender was awarded during the previous financial year and the rates from Bambana Management Services for the additional work are within the rates that was initially received, without escalation. It will also be irresponsible to divide the responsibilities on site if the defect period is taken into account as well as the required construction work. In some places, it will not be possible to determine who the responsible party will be to repair defects in future, should it occur.

8. IT IS RECOMMENDED THAT:

8.1 That the BAC supports the appointment of Bambana Management Services in the estimated amount of R 89 432,51 excluding VAT and the cost to be monitored.

COMPILED BY:

Date

SUPPORTED BY:

Date



ANDRE SLABBERT


PROJECT MANAGER: PMU



19/05/2023

MYRA FRANCIS

SNR. MANAGER: ASSET MANAGEMENT & SYSTEMS, DEVELOPMENT & PMU



19/05/2023

Date



ANNALENE DE BEER

DIRECTOR: CORPORATE SERVICES

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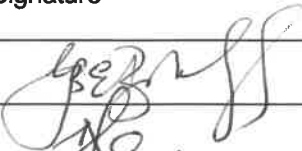

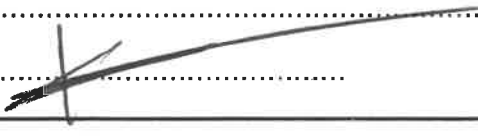
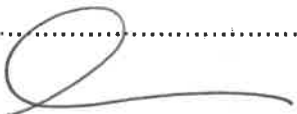
9. SUPPLY CHAIN MANAGEMENT COMMENTS:

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10. APPROVAL:

REQUEST SUPPORTED / NOT SUPPORTED BY THE STELLENBOSCH MUNICIPAL BID ADJUDICATION COMMITTEE		
Name	Signature	Date
Garry Boshoff		19/5/2023
A. Jacob		19/5/2023
J. Funder	Online	19/5/2023
A. de Beer	Online	19/5/2023
Comments:		
CHAIRPERSON.....  DATE 19/5/2023		
RECOMMENDATION FROM BID ADJUDICATION COMMITTEE APPROVED BY THE ACCOUNTING OFFICER		
Comments: <u>Recommendation Approved.</u>		
ACCOUNTING OFFICER.....  DATE 22/5/2023		