

# **DEVIATION FROM AND RACTIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESSES**

M1875

This form is to be used in all cases in which there is a deviation from the standard procurement processes and for the ratification of minor breaches of procurement processes. The form is to be signed by the Accounting Officer and a copy is to be forwarded to the Supply Chain Management Unit (SCMU) for reporting to Council. The SCMU is to submit these reports to Council on behalf of the accounting officer as well as include this report as a note to the annual financial statements.

Section 36 (1) of the Supply Chain Management Policy states that:

'The accounting officer may –

- (a) dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only-
  - 1. In an emergency;
  - 2. If goods and services are produced or available from a single provider only;
  - 3. For the 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. In any other exceptional case where it is impractical or impossible to follow the official procurement processes.
- (b) ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

---

|                                            |          |                             |
|--------------------------------------------|----------|-----------------------------|
| <b>Date</b>                                | <b>:</b> | <b>21 July 2023</b>         |
| <b>Details of goods /services required</b> | <b>:</b> | <b>Runway Lights</b>        |
| <b>Requested by</b>                        | <b>:</b> | <b>SED: DP&amp;HS</b>       |
| <b>Telephone contact number</b>            | <b>:</b> | <b>034 328 7907</b>         |
| <b>Department</b>                          | <b>:</b> | <b>SED: DP&amp;HS</b>       |
| <b>Cost Centre</b>                         | <b>:</b> | <b>010125010459</b>         |
| <b>Requisition Number</b>                  | <b>:</b> | <b>203661</b>               |
| <b>Order Number</b>                        | <b>:</b> |                             |
| <b>Value</b>                               | <b>:</b> | <b>R5727.00</b>             |
| <b>Supplier</b>                            | <b>:</b> | <b>Giant Peak (Pty) Ltd</b> |

# **DEVIATION FROM AND RACTIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESSES**

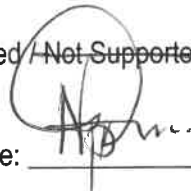
**Reason for Deviation:** as above, please circle 1    2    3    4    5    b

**Explanation for Deviation:** On the 4<sup>th</sup> of July 2023, The President for the Republic of South Africa landed in Newcastle Airport to commence with the 7<sup>th</sup> DDM Imbizo which took place in uThukela District and surrounding communities. The schedule for the 7<sup>th</sup> DDM Imbizo had been delayed previously and the Newcastle Local Municipality had not received any formal correspondence to confirm the schedule of visits. With short notice, the Municipality was made aware that the President will be diverting the Presidential flight to Newcastle Airport as the Infrastructure at uThukela District Airport was not suitable for landing.

The Municipality is currently undergoing the replacement of Runway Lights and the Civil Aviation Authority (CAA) is aware of the state of infrastructure and alerts all inbound and outbound flights. However, due to loadshedding, the lights on the runway were non-operational as the back-up generator failed to operate the remaining operational lights. As a contingency plan, an external provider present at the time awaiting the President's departure, urgently purchased the temporary lights required for the landing. As a result, the procurement processes were unable to be undertaken as the event took place in a state of emergency.

## **Strategic Executive Director: Development Planning and Human Settlements**

Supported / ~~Not Supported~~

Signature: 

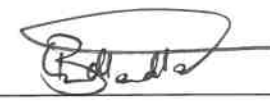
Date: 27 July 2023

Reason for not supporting (if applicable):

---

## **Director: Supply Chain Management Unit**

Supported / ~~Not Supported~~

Signature: 

Date: 10/08/2023

Reason for not supporting (if applicable):

---

## **Chief Financial Officer: Budget & Treasury Office**

Supported / ~~Not Supported~~

Signature: 

Date: 10/08/2023

**DEVIATION FROM AND RACTIFICATION OF MINOR BREACHES OF  
PROCUREMENT PROCESSES**

*Reason for not supporting (if applicable):*

**Accounting Officer**

Approved / ~~Not Approved~~

Signature

Date

11/08/2023

*Reason for not approving (if applicable):*

**OFFICE OF THE STRATEGIC EXECUTIVE  
DIRECTOR:  
DEVELOPMENT PLANNING AND HUMAN  
SETTLEMENTS**

|                  |   |                                                              |
|------------------|---|--------------------------------------------------------------|
| <b>TO</b>        | : | <b>Municipal Manager</b>                                     |
| <b>FROM</b>      | : | <b>SED: Development Planning &amp;<br/>Human Settlements</b> |
| <b>REFERENCE</b> | : | <b>14/21/R</b>                                               |
| <b>ENQUIRIES</b> | : | <b>R. Pather</b>                                             |
| <b>DATE</b>      | : | <b>21 July 2023</b>                                          |

**NEWCASTLE MUNICIPALITY**

**MEMORANDUM**

**REQUEST FOR DEVIATION IN RESPECT TO SECTION 36 OF THE SUPPLY  
CHAIN MANAGEMENT POLICY**

The above matter refers.

The Local Economic Development (LED) Department hereby seeks approval for the request for deviation in respect to Section 36 of the Supply Chain Management Policy.

On the 4<sup>th</sup> of July 2023, The President for the Republic of South Africa landed in Newcastle Airport to commence with the 7<sup>th</sup> DDM Imbizo which took place in uThukela District and surrounding communities. The schedule for the 7<sup>th</sup> DDM Imbizo had been delayed previously and the Newcastle Local Municipality had not received any formal correspondence to confirm the schedule of visits. With short notice, the Municipality was made aware that the President will be diverting the Presidential flight to Newcastle Airport as the Infrastructure at uThukela District Airport was not suitable for landing.

The Municipality is currently undergoing the replacement of Runway Lights and the Civil Aviation Authority (CAA) is aware of the state of infrastructure and alerts all inbound and outbound flights. However, due to loadshedding, the lights on the runway were non-operational as the back-up generator failed to operate the remaining operational lights. As a contingency plan, an external provider present at the time awaiting the President's departure, urgently purchased the temporary lights required for the taking-off. As a result, the procurement processes were unable to be undertaken as the event took place in a state of emergency. Please see attached annexures for your information;

- a) Completed Section 36 Deviation request form;
- b) Completed requisition;
- c) Invoice received from the external provider.

Yours faithfully,

A handwritten signature in black ink, consisting of a large loop followed by a series of strokes, positioned above a dotted line.

.....  
**N. P KHATHIDE**

**SED: DEVELOPMENT PLANNING &  
HUMAN SETTLEMENTS**

# ANNEXURE A

# ANNEXURE B

# Quotation



**GIANT PEAK (Pty) Ltd**  
 POSTNET SUITE 8  
 PRIVATE BAG X6603  
 NEWCASTLE 2940  
 90 ALLEN & HJVAN ECK DRIVE  
 REG NR: 2023/652358/07

**BANK DETAILS:**  
 ABSA - GIANT PEAK(Pty)Ltd  
 Acc: 41 0790 0509  
 Branch: 632005 - ABSA ZA JJ  
 VAT NO -Pending

Date 06/07/2023 Page 1

Due By

Document No QU100003

**Newcastle Municipality**  
 Private Bag X6621  
 Newcastle  
 2940

**Deliver to**  
 Private Bag X6621  
 Newcastle  
 2940

| Account | Your Reference | Tax Exempt | Tax Reference | Sales Code | Expiry     | Incl/Excl |
|---------|----------------|------------|---------------|------------|------------|-----------|
| MUNICI  | RUNWAY LIGHTS  | N          | 4000791824    |            | 06/07/2023 | Exclusive |

| Code      | Description | Quantity | Unit | Unit Price | Disc% | Tax    | Nett Price |
|-----------|-------------|----------|------|------------|-------|--------|------------|
| TEMLIGHTS | Templights  | 20.00    |      | 249.00     |       | 15.00% | 4,980.00   |

Received in good order  
 Cash on Order.  
 info@champ.co.za

© Sage South Africa (Pty) Ltd

|                  |                 |
|------------------|-----------------|
| Sub Total        | 4,980.00        |
| Discount @ 0.00% | 0.00            |
| Amount Excl Tax  | 4,980.00        |
| Tax              | 747.00          |
| <b>Total</b>     | <b>5,727.00</b> |



# NEWCASTLE MUNICIPALITY

## DIRECT PURCHASE REQUISITION

NB: ONLY FIVE (5) ITEMS PER REQUISITION

REQUESTED BY: R. Pather

SALARY NO: 5163943

SIGNATURE: [Signature]

DATE

2023 07 21

COST CENTRE (IF USING ONLY 1)

010125010459

PROJECT / VEHICLE (IF USING ONLY 1)

N/A

REQUESTING DEPARTMENT:

Local Economic Development (DP3HS)

ORDER NO:

REQUISITION NO

203661

FOR OFFICE USE ONLY

COST CENTRE/ PROJECT (IF USING MORE THAN 1)

QTY

DESCRIPTION

AMOUNT (INCL VAT)

20

Runway Lights

R5727.60

### COUNCIL'S RESOLUTION

DATE

ITEM NO.

FOLIO NO.

CONTRACT / BID NO

SUPPLIER NAME

Giant Peak (Pty) Ltd

PO BOX

X6603

CITY

Newcastle

CODE

2940

SPECIAL INSTRUCTIONS

TREASURY APPROVAL

AUTHORISED BY

# ANNEXURE C