



**KWAZULU-NATAL PROVINCE**  
ECONOMIC DEVELOPMENT, TOURISM  
AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

## PROCUREMENT & ADMINISTRATION

### SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESSES: LEXIS NEXIS AND JUTA

Page: 1 of 6

#### DIRECTORATE:

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100 Jabu Ndlovu Street, PIETERMARITZBURG, 3200  
Tel: 033 264 xxxx  
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Supply Chain Management

## SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESS: SINGLE SOURCE SUPPLIER

|      |                                                                                                                                        |
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| TO   | MR NHLAKANIPHO NKONTWANA<br>HEAD OF DEPARTMENT<br>DEPARTMENT OF ECONOMIC DEVELOPMENT,<br>TOURISM AND ENVIRONMENTAL AFFAIRS             |
| FROM | MR T A SELEPE<br>DIRECTOR: CONSUMER PROTECTION<br>SERVICES<br>DEPARTMENT OF ECONOMIC DEVELOPMENT,<br>TOURISM AND ENVIRONMENTAL AFFAIRS |
| CC   | MS NAVLENE THAVER<br>CHIEF DIRECTOR: BUSINESS REGULATIONS<br>DEPARTMENT OF ECONOMIC DEVELOPMENT<br>TOURISM AND ENVIRONMENTAL AFFAIRS   |
| CC   | MR KHAYA MTHETHWA<br>CHIEF FINANCIAL OFFICER<br>DEPARTMENT OF ECONOMIC DEVELOPMENT,                                                    |

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SOLE SUPPLIER

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## PROCUREMENT & ADMINISTRATION

### SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESSES: LEXIS NEXIS AND JUTA

Page: 2 of 6

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|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          | <b>TOURISM AND ENVIRONMENTAL AFFAIRS</b>                                                                                                                              |
|                          | <b>MR NHLAKANIPHO NKONTWANA</b><br><b>ACTING DDG: INTEGRATED ECONOMIC</b><br><b>DEVELOPMENT SERVICES</b>                                                              |
|                          | <b>MS DHARSHINI RAICHUND</b><br><b>DIRECTOR: SUPPLY CHAIN MANAGEMENT</b>                                                                                              |
| <b>SUBJECT</b>           | <b>REQUEST FOR A DEVIATION FROM NORMAL<br/>SCM PROCESSES FOR THE PURCHASING OF<br/>ONLINE LICENCES FOR LEXISNEXIS AND JUTA<br/>AS SINGLE SOURCE SERVICE PROVIDERS</b> |
| <b>CONTRACT DURATION</b> | <b>ONE YEAR</b>                                                                                                                                                       |
| <b>SUBMITTED BY</b>      | <b>MR T A SELEPE</b>                                                                                                                                                  |
| <b>DATE</b>              | <b>04/05/2023</b>                                                                                                                                                     |

## 1. PURPOSE

To request approval from the Head of Department to deviate from normal Supply Chain Management processes in line with Treasury Regulation 16A 6.4 and SCM Instruction Note 3 of 2021/2022- Enhancing compliance, transparency and accountability in supply chain management to Lexis Nexis and Juta being a single sourced service provider for an amount of Lexis Nexis: R <sup>114 290 - 4</sup> ~~407 561.57~~ and Juta: R 32 808, 00 for annual online licences for access to legal products for a period of 12 Months (1 Year).

## 2. BACKGROUND

Currently the Consumer Protector Office is using the services of LexisNexis and Juta which has proven to be highly beneficial for producing effective working outputs. The current contract expired on the 4th of October 2022. The use of such services was previously approved by the HOD: EDTEA and was done in consultation with Legal

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|                                                                                                                                                                                                           | <b>SUBMISSION TO DEVIATE FROM NORMAL<br/>PROCUREMENT PROCESSES: LEXIS NEXIS<br/>AND JUTA</b> | <b>Page: 3 of 6</b> |

Services to avoid any possible duplication. Consequently the Consumer Protector Office only used electronic consumer law packages which was excluded from the package utilised by our legal department. The core function of the Kwazulu Natal Consumer Tribunal, more specifically the Consumer Protector, the Registrar, Prosecutor and the Chairperson are responsible for researching, drafting court papers and developing new approaches in line with legislative mandates most appropriate in addressing consumer complaints.

Additionally, the Chairperson namely Professor Bonke Dumisa appointed by the department to manage the adjudicative processes of the Consumer Tribunal is tasked in terms of S10 of the Kwazulu Natal Consumer Protection Act 04 of 2013 to ensure the following:-

A Consumer Tribunal must—

- (a) Receive, hear, consider and decide on any consumer complaint which is before it by virtue of proceedings contemplated in this Act;
- (b) Sit on such days and during such hours and at such place as the presiding officer or Chairperson, in consultation with the Consumer Protector, may determine;
- (c) Hold and resume sittings at such time and place throughout the areas of the Province as the presiding officer or the Consumer Protector may determine;
- (d) Apply the existing law of South Africa in the assessment of a consumer complaint or dispute;
- (e) Lay down the general principles to govern conflict resolution between consumers and business;

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SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESSES:  
SOLE SUPPLIER



Researching for a judgment and ensuring that such judgment would be in line with the decided cases by the High Courts in the country are fundamental. It emanates from a Latin maxim: stare decisis which means, once a decision has been made (by the High Courts) it should be followed by the Lower Courts and Tribunals alike. If any adjudicative body decides a matter involving principles that had been visited and decided on by a higher court or a court of appeal, it should follow the same principles since it is bound by them in terms of the law. Deviation from these, even if it's not a deliberate deviation; would result in such a decision being set aside on appeal.

Because of the above, access to updated and recent decisions of the Higher Courts and new legislation are very crucial for the Consumer Tribunal. Luckily in South Africa, with all the advancements technologically, all decided cases by the various High Courts can be obtainable the same day they are handed down electronically. Websites such as [www.saflii.org](http://www.saflii.org), Juta and Lexis Nexus offer a great help to convey recently decided cases and recent legislation. The aforementioned are regarded as the most basic and core tools of trade required for the Consumer Tribunal to perform their duties effectively.

For the Office of the Consumer Protector Kwazulu Natal to meet the abovementioned performance standards, it is critical that we have the necessary tools at our disposal to enable that sound practices and judgements are made. Therefore we require the proper legislative online resources to consult with in order to render the myriad of the legislative mandates.

The Consumer Protector in consultation with the Chairperson of the Consumer Tribunal requires licenced access to the following legal tools:-

- Juta;

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**SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESSES:  
SOLE SUPPLIER**



- Lexis Nexis; (See attached pro-forma quotations).

After doing a comparison of prices, value for money and the packages available, the Office of the Consumer Protector has decided to utilise both LexisNexis, and Juta concurrently, as certain products are only available from LexisNexis and others from Juta, rendering them sole service providers for the said products.

It is from this background that the Consumer Protection Services unit decided that it would be prudent to procure the following online licences from the selected sole service providers:

- 4(four) licenses from LexisNexis for a period of 1 (one) year; and
- 4(four) licenses from Juta for a period of 1 (one) year;

Based on the above reasons read with National Treasury Instruction Note 3 of 2016/2017 "Sole procurement may occur when there is evidence that only one supplier possesses the unique and singular available capacity to meet the requirements of the institution", we therefore request the Head of Department to approve the deviation from normal procurement processes in terms of Treasury Regulation 16A.6.4 of the Treasury Regulations, 2005, read with National Treasury Instruction Note 3 of 2016/2017, to allow LexisNexis, Juta And Safli to be appointed as single source service providers.

### **3. REASON FOR DEVIATION ( FURNISH REASON FOR DEVIATION)**

As cited above, the Consumer Protection Services unit has been utilising these on line licences for the over the last 12 months and to ensure continuity and the provision of effective and efficient services we require the renewal of these online licences from Lexis Nexis and Juta for 12 Months (1 year).

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------|
|  <b>KWAZULU-NATAL PROVINCE</b><br>ECONOMIC DEVELOPMENT, TOURISM<br>AND ENVIRONMENTAL AFFAIRS<br>REPUBLIC OF SOUTH AFRICA | <b>PROCUREMENT &amp; ADMINISTRATION</b>                                                      |                     |
|                                                                                                                                                                                                           | <b>SUBMISSION TO DEVIATE FROM NORMAL<br/>PROCUREMENT PROCESSES: LEXIS NEXIS<br/>AND JUTA</b> | <b>Page: 7 of 6</b> |

## 5. SERVICE PROVIDER DETAILS

5.1 Name: Juta and Company

CSD number: MAAA0028539

BBBEE Status of the Supplier: Level 1 Contributor

Tax Status: Tax Compliant

Vat Registration No: 4520113319

State Employee: No

Tender Default Register: No

5.2 Name: LexisNexis (Pty) Limited

CSD number: MAAA0037388

BBBEE Status of the Supplier: Level 3 Contributor

Tax Status: Tax Compliant

Vat Registration No: 4260132321

State Employee: No

Tender Default Register: No

## 6. VALUE FOR MONEY/ MARKET ANALYSIS

After comparing prices, and considering value for money of the various available packages, the Directorate proposes to continue utilising LexisNexis and Juta concurrently, as certain products are only available from LexisNexis and others only from Juta, rendering them both single-source service providers for the relevant products. It is against this background that the Directorate proposes to renew the annual subscription licences from both LexisNexis and Juta as single-source service providers.

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SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESSES:  
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## **7. FINANCIAL IMPLICATIONS**

The Unit will utilise its allocated budget for the purchasing of the online licenses as per the attached quotations from the Services Providers:

Lexis Nexis: R 114 296-61; and

Juta: R 32 808, 00

## **8. COMPULSORY DOCUMENTS TO BE ATTACHED TO THIS SUBMISSION:**

**Annexure A** – Specifications

**Annexure B** – Quotations from service provider.

**Annexure C** - SBD4 - Bid Disclosure Form

## **9. RECOMMENDATIONS**

It is recommended that approval be granted from the Head of Department to deviate from normal Supply Chain Management processes in line with Treasury Regulation 16A 6.4 and SCM Instruction Note 3 of 2016/2017- Prevention and Combating Fraud in SCM systems to award a contract to being a single sourced service provider for an amount of Lexis Nexis: R <sup>114 296-61</sup>~~107,561.57~~ and Juta: R 32 808, 00 for annual online licences for access to Legal products for a period of 12 Months (1 Year).



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## PROCUREMENT & ADMINISTRATION

### SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESSES: LEXIS NEXIS AND JUTA

Page: 9 of 6

#### 10. ADMINISTRATION AND PROCESS SIGN OFF

| NAME                                         | ROLE                                                              | SIGNATURE                                                                                                              | DATE |
|----------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------|
| T A Selepe                                   | Director/Consumer Protector                                       | Signed by: Tshepo Amori Selepe<br>Signed at: 2023-08-10 08:11:36 +02:00<br>Reason: I approve this document<br>         |      |
| N. Thaver                                    | Chief Director<br>Business Regulations and<br>Consumer Protection | Signed by: Navlene Thavar<br>Signed at: 2023-08-14 13:10:01 +02:00<br>Reason: I approve this document<br>              |      |
| Nonhlanhla Msimango                          | Acting Chief Director: Co-operate<br>Service                      |                                                                                                                        |      |
| Dharshini Raichund<br>Director: Supply Chain | Ms Dharshini Raichund Director:<br>Supply Chain                   | Signed by: Dharshini Raichund<br>Signed at: 2023-08-16 10:51:14 +02:00<br>Reason: I approve this document<br>          |      |
| Mr Khaya Mthethwa                            | Chief Financial Office                                            | Signed by: Khayelehla Njabulo Mthethwa<br>Signed at: 2023-08-16 13:43:14 +02:00<br>Reason: I approve this document<br> |      |

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SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESSES:  
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### 11. APPROVAL BY HEAD OF DEPARTMENT

It is recommended that approval be granted from the Head of Department to deviate from normal Supply Chain Management processes in line with Treasury Regulation 16A 6.4 and SCM Instruction Note 3 of 2016/2017- Prevention and Combating Fraud in SCM systems to award a contract to being a single sourced service provider for an amount of Lexis Nexis: R <sup>R 117 296.61</sup> 107,561.57; and Juta: R 32 808, 00 for annual online licences for access to Legal products for a period of 12 Months (1 Year).

| NAME            | ROLE               | SIGNATURE                                                                                                                                                                                                   | DATE |
|-----------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Mr BN Nkontwana | Head of Department | Signed by: Brightboy Nhlakanipho Nkont<br>Signed at: 2023-08-16 19:01:40 +02:00<br>Reason: I approve this document<br> |      |

Comments