



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

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DIRECTORATE:

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Supply Chain Management

SUBMISSION TO DEVIATE FROM NORMAL PROCUREMENT PROCESS: SINGLE SOURCE SUPPLIER

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

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

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 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).**

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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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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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, 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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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.



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 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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10. ADMINISTRATION AND PROCESS SIGN OFF

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

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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 107,561.57; and Juta:

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

Comments