

D/SM 17/23

DEVIATION: EXTENTION OF 94/20 THE PREVENTION OF ILLEGAL OCCUPATION ON MUNICIPAL LAND AND THE DEMOLITION OF ILLEGAL STRUCTURES



MEMORANDUM

LAW ENFORCEMENT DEPARTMENT

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: MR ZINGANI TSHEFU
Job Title: DEPUTY CHIEF: LAW ENFORCEMENT SERVICES
Date Datum: 30 JUNE 2023
Re Insake: DEVIATION: APPOINTMENT OF THE PREVENTION OF ILLEGAL OCCUPATION ON MUNICIPAL LAND AND THE DEMOLITION OF ILLEGAL STRUCTURES TENDER BSM 94/20

1. PURPOSE

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;	x
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;	x
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)

Tender BSM 94/20 The Prevention of Illegal Occupation on Municipal Land and The Demolition of Illegal Structures, will lapse on 30 June 2023. Tender 84/23 is still in process, been advertised, clarification meeting held, bidders received, and the technical report have been submitted to SCM. The reason for the deviation is to provide services in protection of municipal open land the municipality does not have capacity to render but an external service provider, hence therefore all municipal open land, needs to be protected by using service provider as from the 01 July 2023 until 31 August 2023.

3. BACKGROUND

The awarding of Tender 84/23 will not take place before 1 July 2023, the user department engage with Red Ants who was awarded Tender 94/20 The Prevention of Illegal Occupation on Municipal Land and The Demolition of Illegal Structures tender. Discussions took place with Red Ants to temporary assist with prevention of illegal occupation and demolition services until Tender 84/23 has been awarded. A final meeting took place on 21 June 2023, whereby Red Ants indicated that they would continue with assisting the Municipality with the services as per the current tender.

4. DISCUSSION

In the light of the above, the request from the User Department that Tender 94/20 which was awarded to Red Ants and lapse on 30 June 2023 be extended on a month-to-month basis (July 2023, August 2023).

Attach find minutes of meeting held with Red Ants who accept the terms and conditions to render, The Prevention of Illegal Occupation on Municipal Land and The Demolition of Illegal Structures on a month-to-month basis (July 2023 and 31 August 2023).

5. FINANCIAL IMPLICATIONS

Red Ants has undertaken to provide the security services as per tariffs set out in Tender 94/20 for the third year.

Ukey 20220630077827: Outsourced Services: Security Services to be used for the delivery of security service.

6. RECOMMENDATION

- For Red Ant's contract be extended on a month-to-month basis (July 2023, August 2023 and September 2023) or until Tender 84/23 has been awarded and
- that the third-year tariffs (as per Tender 94/20) be applicable for the said period.

7. VALUE FOR MONEY (OTHER RATES/VALUES/...)

Should the contract not be extended the municipality will be vulnerable for loss, illegal occupation of Municipal Land as well as erection of illegal erection of structures on Municipal Property.

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8. IT IS RECOMMENDED THAT:

8.1 It is herewith recommended that the deviation be approved on ~~the extension of~~ Tender 94/20 on a month-to-month basis month to month basis (July 2023, August 2023 and September 2023) or until Tender 84/23 has been awarded.

8.2 that the rates as per Tender 94/20 as per the third year be approve and

8.3 that approval from Ukey 20220630077827: Outsourced Services: Security Services, be granted in terms of the Municipality's Supply Chain Policy 1 (c) and (d) as well as 5 in other exceptional case where it is impractical or impossible to follow the official procurement process due to the security risk as vandalism and loss, illegal occupation of Municipal Land as well as erection of illegal erection of structures on Municipal Property may occur.



ZINGANI TSHEFU
DEPUTY CHIEF: LAW ENFORCEMENT SERVICES

STELLENBOSCH MUNICIPALITY
PROTECTION SERVICES

30 JUN 2023

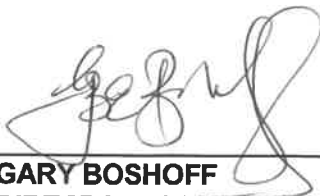
Date: _____

OFFICE OF THE DEPUTY CHIEF
LAW ENFORCEMENT



WAYNE SMITH
ACTING SENIOR MANAGER PROTECTION SERVICES

Date: 30/06/2023



GARY BOSHOFF
DIRECTOR: COMMUNITY AND PROTECTION SERVICES

Date: 30/6/2023

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7. SUPPLY CHAIN MANAGEMENT COMMENTS:

See Refused for reply

8. APPROVAL:

REQUEST SUPPORTED / NOT SUPPORTED BY THE STELLENBOSCH MUNICIPAL BID ADJUDICATION COMMITTEE

Name	Signature	Date
D. Jaron		30/6/2023
S. Chondaka	Online	30/06/23
A de Beer	Online	30/06/23
A Barnes	Online	30/06/23
G. Boshoff	Online	30/06/23

Comments:

CHAIRPERSON.....

DATE 30/06/2023

RECOMMENDATION FROM BID ADJUDICATION COMMITTEE APPROVED BY THE ACCOUNTING OFFICER

Comments: Care must be taken to keep to dates for submission as per DMP to ensure tenders are awarded thoroughly. Month to month appointment not exceeding 30 August 2023.

ACCOUNTING OFFICER.....

DATE 30/6/2023

Director to submit report why DMP dates was not adhered to as well as prevention mechanism.