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Thousands of businesses want to do business with the South African government, but this is not as easy as one might think. There are many criteria and provisions, all of which are now being followed by the 2000 Procurement Preferred Procurement Policy Framework Act, which is currently in the process of drafting a review. Members of the public have until 31 May 2020 to submit comments to the Government. Herald 43030 is available to EICSA (Project Public Procurement Act, 2020: Publication of the draft public procurement bill for public comment). The bill is available to the E.P.A. (Project Public Procurement Bill) The essence of such a bill is similar to the basics of preferential procurement, as defined in the B-BBEE Act. The South African Cabinet recently approved the publication of a public procurement bill for public comment, in accordance with procurement strategy legislation that supports the Government's socio-economic objectives. The bill proposes a single regulatory and legal framework for public procurement. It establishes procurement powers to regulate and promote section 217 of the 1996 Constitution of the Republic of South Africa in all departments of government. Once the Act is adopted, the bill will repeal the 2000 Procurement Preferred Procurement Policy Framework And amend other procurement laws. The bill provides for more flexible legislation on preferential procurement strategies in support of the Government's socio-economic objectives. The bill seeks to address flaws in procurement laws that have driven corrupt government officials, politicians and service providers to plunder the state in tenders, while opening up procurement opportunities for black and female-owned suppliers. The bill prohibits public servants from trading with the state. The drafting of the bill is aimed at closing loopholes created by the fragmentation of laws governing procurement in the public sector. The bill aims to develop a single legislation that eliminates fragmentation. Purchases are currently enshrined in the Public Finance Management Act (PFMA), which applies to national and provincial governments, while municipalities are governed by the Municipal Finance Management Act (MFMA). In addition to PFMA and IFMA, there are 29 other pieces of legislation that are indirectly related to certain aspects of public procurement or regulating them. There is also the Framework Procurement Policy Act (PPPFA). The new bill will combine procurement laws into one regulatory framework and will produce key policy proposals. It aims to revamp the Treasury's Central Procurement Authority to the Public Procurement Regulatory Authority (RAR), which will regulate public procurement. The Minister of Finance will be responsible for the appointment of the chief executive officer (head) of the CRC on the recommendation of the appointments team. The PPR PPR have broad powers that include initiating criminal proceedings, cancelling decisions on the procurement of legal entities, and suspending or suspending procurement processes. Ministers will be prohibited from interfering in procurement processes and will be limited to their role in policy-making and oversight. It introduces the debaration of suppliers who submit false information in their application documents to secure contracts. The bill allows the regulator to brush off suppliers if it is found that they were involved in corrupt activities and price fixing. It seeks to reform preferential procurement policies to promote industry and empower blacks in general (B-BBEE). This will be done through tenders, in which some of the costs of public procurement will be allocated to previously disadvantaged persons. It intends to establish a Public Procurement Ombudsman to manage the complaints and dispute resolution system. The Ombudsman will resolve complaints and disputes between suppliers and procurement organizations. Tenders are currently awarded on the basis of a system of preferences. Tenders for less than R50m are awarded under the 80/20 preference system, under which 80 points are allocated for price competitiveness and 20 points for the strength of the bidder according to the B-BBEE indicator. Tenders worth more than 50 million rubles are awarded under the 90/10 system, according to which 90 points are allocated at the price and 10 points for B-BBEE indicators. The preference system is likely to be modified to increase the distribution of B-BBEE points to give black suppliers an improved opportunity to be awarded tenders. Make sure you have all your systems to address and maximize your BEE performance in the hope of a successful bid for business with local and national authorities. Be honest and transparent and make sure you avoid any possibility corruption at all times. Written by Craig Tonkin MONDAQ.COM / 06 AUGUSTA 2020 - 18.07 / IAN JACOBSBERG AND LOATILE BAIPHAPHELE - TABAKS Correct preferential procurement rules 2017 (PPPFA Rules 2017) issued under the Framework Procurement Policy Act. The revised regulations began in force on 1 April 2017 and marked the beginning of the process of using public procurement to promote local industrial development, socio-economic transformation and empowerment of small businesses, cooperatives, and rural and rural enterprises. This process was adopted back in February 2018, when the then Minister of Finance announced that a parliamentary law aimed at ensuring that small and medium-sized enterprises, particularly owned by women and previously owned South Africans have had a large share in public procurement. In the course of investigations, the National Treasury recognized the need to simplify and streamline the procurement process. About two years later, the Treasury published a bill for public comment; comments were due on 31 May 2020. Due to the nationwide lockdown currently in place, the Treasury has extended the deadline for public discussion of the bill by a month until June 30, 2020. The bill proposes a single regulatory framework for procurement applicable to national, provincial and local governments as well as government agencies. The bill would repeal the 2000 Procurement Preferred Procurement Policy Framework And amend other procurement laws with respect to public administration. The bill aims to simplify the confusing and fragmented rules that currently govern public procurement processes in a public administration system that is currently decentralized, into a single single process that will be easy for bidders and supply chain officials to understand. The Procurement Act is currently enshrined in Public Finance Management (PFMA) Act 1999, which applies to national and provincial public administration. Law 56 of 2003 on the management of municipal finances (MFMA) additionally enacts procurement laws in the local spheres of government. In the future, PFMA and IFMA, in force, a constitutional requirement to provide preferential procurement to eliminate socio-economic imbalances of the past. The Framework Law on Preferential Procurement Policy No. 5 of 2000 (PPPA) was adopted and applied to all public bodies. In addition to the above-mentioned legislation, there are other legislation that indirectly relates to or regulates certain specifics of public procurement. These many pieces of procurement management tools have led to fragmentation, resulting in duplication and duplication between different regulations. There is uncertainty as to what precedes the other, or which to follow. There are inconsistencies in the approach to similar issues at different levels or in government. There are differences in application in relation to supply chain management, which creates problems in providing unified leadership. They undermine the integrated and comprehensive functions of national oversight. This hinders capacity development because of the significant differences between approaches to public procurement in different contexts and institutions. There are implications for the provision of services; and there are problems in addressing the broader socio-economic goals set out by the government The Bill introduces reforms and proposed changes that address the issues

outlined by the current structure of some of the most visible and notable changes made to the bill are summarized below. Bill Bill a more flexible preferential procurement regime and allows the Minister of Finance, in consultation with responsible ministers, to prescribe a framework for a preferential procurement system. It requires the Minister of Finance to determine a preferential procurement structure that will facilitate opportunities for previously disadvantaged persons as a result of unfair discrimination in the procurement process. The framework mentioned above should consider the provisions of the Broad-based Black Empowerment Act. The bill establishes a public procurement regulator within the National Treasury (Regulator) to perform the following functions: Ensuring agencies comply with the bill and participate in prudent public spending. Rethink the decisions of the institutions. Review and guide procurement processes and procurement systems. Establishing and ensuring the integrity of the procurement system; and create and maintain a registry for participants and suppliers who have been stripped of their licenses. These processes aim to resolve the often lengthy and costly procurement process by providing cheaper and more cost-effective assistance to bidders. The prompt resolution of disputes in national procurement is aimed at reducing the negative impact of litigation on the provision of services. The bill also introduces internal dispute resolution mechanisms to review decisions taken in the competitive bidding process. These decisions may be reviewed by the organization itself, the provincial treasury, if established within its provincial administration or by the Regulatory Authority. If the bidder is still unsatisfied, the decision may be considered by the Public Procurement Tribunal established in the Bill. The Bill proposes that the tender process may be overturned along with existing grounds, where: There is a significant change in the required technical specifications, terms of tender, contract terms or other details; Where there are not sufficient applications to determine competitiveness; Goods, services or infrastructure are no longer required; Inadequate procurement funding; It is not economically feasible to continue trading; There was a violation in the procurement process; There is evidence of corruption, fraud, coercion or collusion between suppliers; and cancellation is considered in the interest of national security. The bill aims to introduce an innovative, more simplified process of entry into public-private partnership. Once adopted, a single procurement system for all areas of government and government will be adopted; that would reduce bureaucracy and eliminate the inefficiency that existed in the current procurement system. This single will also improve the ease of doing business in partner space. Originally published as This article is intended to provide a general guide to this. Expert advice should be asked about your specific circumstances.-----LINK: - The opinions expressed here are not necessarily those of THE BEE CHAMBER CHAMBER

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