



Bid Adjudication Committee Charter

APPROVAL PAGE

BID ADJUDICATION COMMITTEE CHARTER

GAUTENG GAMBLING BOARD			
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APPROVAL

The signatories hereof, confirm their acceptance of the contents and authorize the adoption thereof.



Signature- Chief Financial Officer

Date



Signature- Chief Executive Officer

5 April 2016

Date

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DEFINITIONS

Board means the Board of GGB as appointed by the Gauteng Provincial Government MEC for Department of Economic Development

CEO means the Chief Executive Officer of GGB as appointed by the MEC of Department of Economic Development

CFO means the Chief Financial Officer of GGB as appointed from time to time

Circulars and Practice Notes issued by National Treasury means mandatory guidelines issued by National Treasury to assist GGB and other public entities to establish and maintain supply chain management policies and practices that comply to best practices

Constitution means the constitution of the Republic of South Africa

PFMA means the Public Finance Management Act 1 of 1999

Small, Medium and Micro Enterprises/SMMEs means a legal entity operated for profit that employs less than 50 people and/or has a turnover less than R50 million

Supply Chain Management Practitioner means an individual employed in the office of the Chief Finance Officer of GGB whose dedicated to be in charge of the implementation of the supply chain management policies

"GGB" means the GAuteg Gambling Board

"Official" means staff members or consultants appointed by GGB

"Specialist" means an individual with particular expertise, who serve as technical advisors to the committee.

1. INTRODUCTION

The purpose of this Charter is to provide guidelines on the mandate, role, function, composition, duties, meeting procedures and conduct of GGB's Bid Adjudication Committee.

MANDATE, ROLES AND FUNCTION OF BID ADJUDICATION COMMITTEE

- 2.1. Section 56 of the PFMA states that the Board of GGB may:
 - 2.1.1 in writing delegate any of the powers entrusted or delegated to the Board in terms of the PFMA to an official in GGB; or
 - 2.1.2 Instruct an official in GGB to perform any of the duties assigned to the Board in terms of the PFMA,
- 2.2 A delegation or instruction to an official:
 - 2.2.1 is subject to any limitation and condition the Board may impose; and
 - 2.2.2 may either be to a specific individual or to a holder of a specific post in GGB.
- 2.3 Section 51(1)(a)(iii) of the PFMA requires that the Board of GGB must ensure that GGB has and maintains an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective.
- 2.4 Treasury Regulations 16A6.2 stipulates that GGB's Supply Chain Management system must, *inter alia*, provide for
 - 2.4.1 the adjudication of bids through a Bid Adjudication Committee,
 - 2.4.2 the establishment, composition and functioning of Bid Specification, Evaluation and Adjudication Committee and
 - 2.4.3 the selection of bid adjudication members.
- 2.5 The Bid Adjudication Committee must consider the recommendation of the Bid Evaluation Committee and depending on the delegated powers make:

- 2.5.1 a final award;
 - 2.5.2 a recommendation to the CEO or the Board or an appointed committee of the board to make a final award; or
 - 2.5.3 make another recommendation to the CEO, Board or an appointed committee of the board on how to proceed with the relevant procurement.
- 2.6 The Committee must ensure that all:
- 2.6.1 all necessary bid documents have been submitted;
 - 2.6.2 disqualifications of bidders are justified and that valid and accountable reasons and motivations were furnished for passing over of certain bids;
 - 2.6.3 scoring has been made fairly, consistently and correctly calculated and applied; and
 - 2.6.4 bidders declarations of interest have been taken cognizance of.
- 2.7 If a bid other than the one recommended by the Bid Evaluation Committee is approved by the Bid Adjudication Committee, the CEO, Board or a senior official delegated by the CEO or Board must first be notified. The CEO or Board or the delegated official may after consideration of the reasons for deviation, ratify or reject the decision of the Bid Adjudication Committee.
- 2.8 The CEO or his/her delegate or the Board, as the case may, at any stage, refer any recommendation of the Bid Adjudication Committee back to the committee for reconsideration.
- 2.9 The Bid Adjudication committee must consider and rule on all recommendations/reports regarding the amendment, variation, extension, cancellation or transfer of contracts awarded.
- 2.10 The Bid Adjudication Committee may also, consider for approval the recommendations of the Bid Evaluation Committee in order to ensure that:

- 2.10.1 a proper and unbiased specification is compiled for the specification required;
- 2.10.2 proper Terms of Reference are drawn up for the service required clearly indicating the scope of the requirement, the ratio between price and functionality, the evaluation criteria as well as their weights and values;
- 2.10.3 strategic sourcing principles were applied and that the market was properly researched and analysed;
- 2.10.4 the necessary funds are available to procure the goods or services;
- 2.10.5 if and when applicable, in addition to the General Conditions of Contract, appropriate Special Requirements and Conditions of Contract are specified;
- 2.10.6 the preference point system prescribed and appropriate goals are identified and points allocated for these goals are consistent with the requirements of the Preferential Procurement Act;
- 2.10.7 where appropriate, ranges have been set (indicating breakdowns of the points and percentages as provided for in the relevant sliding scales for the selected specific goals).
- 2.11 In order to meet their obligations, committee members must be familiar with and adhere to all relevant SCM legislation, policy guidelines, practice notes and circulars.
- 2.12 The integrity of the SCM Practitioner must never be compromised and the highest level of professional competence must be maintained. Courteous conduct is expected of all committee members.
- 2.13 All members as well as the secretary of Bid Adjudication Committee should be cleared at the level of "Confidential" by the CEO or Board and should be required to declare their financial interests regularly.
- 2.14 Each member as well as all officials rendering administrative support to the Bid Adjudication Committee must sign a declaration form at each Bid Adjudication Committee. Please refer to Attachment 1. Members are to declare that they will:
 - 2.14.1 accept the confidentiality of the meeting;

2.14.2 not make known anything regarding the proceedings of the meeting and the matters under discussion, unless authorized by the CEO to do so; and not purposefully favour or prejudice any vendor or supplier.

3. COMPOSITION OF BID ADJUDICATION COMMITTEE AND THE APPOINTMENT OF MEMBERS

3.1. Bid Adjudication Committee members are appointed in writing by the delegated authority.

3.2. The Committee will consist of senior officials at the level of executive constituted as follows:

3.2.1 Chairman

The Chairman of the Bid Adjudication Committee should be GGB's CFO.

3.2.2 Vice Chairman

The Vice-chairman should be a senior individual reporting to the CFO.

3.2.3 Other members

The Bid Adjudication Committee should be composed of cross-functional teams comprising in the first instance of senior officials where necessary senior officials reporting to an executive shall be appointed to the committee.

3.2.4. The Supply Chain Management Practitioner should also be a member of the committee.

3.2.5 The technical advisors or specialists to the Bid Evaluation process, may be requested by the Bid Adjudication Committee to provide further clarification. Such specialists shall not have a vote.

3.2.4 Secretariat

An official from the SCM Unit must be available to act as secretary.

3.2.5 Quorum

The Bid Adjudication Committee should only consider recommendations and reports if at least 50% plus 1 of its members are present.

3.2.6 Secondment

For purposes of continuity and in order to avoid unnecessary delays, the CEO or Board may second a senior official who is not normally a member of the Bid Adjudication Committee to replace members that are absent from meetings due to illness, leave, etc. The CEO or Board will also

decide whether or not such a member will have the same powers as ordinary members.

3.3. Duration

3.3.1. Appointment of any member to the committee shall be for a period not exceeding two (2) years.

3.3.2. Where the participation of any member of the committee is found to be wanting or detriment of the adjudication process, such appointment may be terminated.

2. DUTIES AND POWERS OF THE VARIOUS COMMITTEE MEMBERS

4.1 The Chairman

4.1.1 The chairman:

4.1.1.1 Retains all his/her rights as a member;

4.1.1.2 May adjourn the meeting;

4.1.1.3 May rule on points of order. Such rulings shall be final and binding on the committee;

4.1.1.4 May withdraw proposals or other matters under discussion before it is put to the vote;

4.1.1.5 May convene extraordinary committee meetings on request; and

4.1.2 The Chairman shall:

4.1.2.1 Maintain order during a meeting and ensure that the committee's business is conducted in an orderly manner;

4.1.2.2 Before opening a meeting, ensure that it is properly constituted;

4.1.2.3 Protect the rights of every member;

4.1.2.4 Vacate his/her seat to the vice chairman should he/she wish to partake in a discussion in a partial manner;

4.1.2.5 Regulate the participation of members in deliberations of the committee;

4.1.2.6 Ensure that members know exactly what they are required to vote on;

4.1.2.7 Ensure that only one member holds the floor at any one time while also encouraging open discussions and debate on agenda items;

4.1.2.8 Provide guidance by directing the meetings and avoid dominating proceedings in meetings;

4.1.2.9 Conduct meetings of the committee in a formal manner;

4.1.2.10 Formulate clearly the decisions to be minuted and sign and approve the minutes and resolutions after they have been verified for correctness.

4.2 Vice-chairman

4.2.1 The Vice chairman has the same powers and duties as those of members and in addition, where necessary, shall:

4.2.1.1 In the absence of the chairman or the chairman is conflicted, preside as chairman of the meeting.

4.2.1.2 Take the seat of and act as chairman, should the chairman wish to partake in partial discussions.

4.2.2 In the event that both the chairman and Vice-chairman are absent from a meeting, the members present may elect one of the committee's members to preside at such a meeting.

4.3 Secretary

The Secretary shall:

4.3.1 In conjunction with the chairman or Vice-chairman, as the case might be, compile an agenda and determine the dates of committee meetings,

4.3.2 Give note of proposed meetings to committee members;

4.3.3 Process and distribute all submissions and reports together with the agenda to committee members at least three working days before the actual meeting takes place;

4.3.4 Minute all decisions taken at meetings;

4.3.5 Ensure that the proceeding at meetings are recorded mechanically;

4.3.6 Give written feedback of all decision taken by the committee; and

4.3.7 Be responsible for all the administrative tasks of the committee.

4.4 Members

4.4.1 Members of the Committee shall:

- 4.4.1.1 Be fully conversant with the powers and limitations of the Committee as well as all directives pertaining to SCM, including relevant sections of the Constitution, PFMA and accompanying Treasury Regulations, Preferential Procurement Policy Framework Act, Broad Based Black Economic Empowerment Act and accompanying regulations, all directives issued by National Treasury and relevant provincial treasury as well as the delegated powers issued by the Board and at all times act in accordance with the above-mentioned legislation, regulations and procedures;
- 4.4.1.3 Apply their minds to matters at hand in order to take meaningful and accountable decisions and in the event of doubt or uncertainty, to propose that matters be referred back to their sources for more information and clarity;
- 4.4.1.4 In advance, furnish a written apology should he/she not be able to attend a meeting;
- 4.4.2 Members have the right to:
 - 4.4.2.1 Have advance knowledge of the agenda;
 - 4.4.2.2 participate in proceedings;
 - 4.4.2.3 Vote; and
 - 4.4.4 Have a dissenting voice and the reasons thereof recorded.

4.5 Co-opted members

- 4.5.1 Co-opted members have the same powers and duties as members but have no right to vote on any matter under discussion.
- 4.5.2 Members of the Bid Evaluation Committee may present their recommendations and reports to the Bid Adjudication Committee and clarify issues but shall have no voting powers.

4.6 Observers

- 4.6.1 The chairman may, on request, allow officials to attend as observers. Observers are not allowed to participate in the committee's proceedings, except to advise members of the committee if permitted to do so by the chairman. Observers should be cautioned to maintain the confidentiality of the committee's discussions.

3. MEETING PROCEDURES

5.1 Note of meetings

- 5.1.1 The agenda of a meeting serves as a program of the meeting and unless the Committee decides otherwise, the items and sequence may not be changed during the meeting.
- 5.1.2 In order to afford members the opportunity to prepare for the meeting, the agenda shall be made available to members at least 5 five working days before the actual meeting.

5.2 Submissions and reports to the committee

- 5.2.1 All submissions and reports to the committee must be in writing, substantiated and channeled through the Bid Evaluation Committee.

5.3 Minutes

- 5.3.1 The minutes will be the written record reflecting in a brief, clear and impartial manner, the decision of the committee. The signed minutes will serve as proof of the decisions of the committee.
- 5.3.2 Should a members wish to have a specific matter other than a decision recorded, it must be specifically requested. A member's reason for a dissenting voice must also be recorded.
- 5.3.3 Proceedings are also recorded mechanically to enable the secretary to prepare verbatim reports when required by a court of law.

5.4 Register

- 5.4.1 Members shall sign a register at each meeting, serving as attendance register as well as an undertaking to confidentiality of that meeting.
- 5.4.2 The register will serve as proof that all interests of members, where applicable, have been declared.
- 5.4.3 Members must declare all gifts and invitations accepted to social events received from suppliers or potential suppliers, irrespective of the value of such a gift. Such declarations must be captured in the minutes of the meeting and must be reported to the in terms of the conflict of interest policy. Any such gifts and invitations accepted by the CFO must be reported to the CEO.

5.5 Chairman

- 5.5.1 Each meeting will be presided over by the chairman. In the absence of the chairman, the Vice-chairman will preside as chairman.
- 5.5.2 Every member attending the meeting owes deference to the chairman and may be removed if that person does not respect the authority of the chair.

4. CONDUCT OF COMMITTEE MEMBERS

- 6.1. A person as a member of the committee obtains certain rights such as a share in the control of the matter for which the meeting is constituted and the member may exercise this right by participating in discussions, voting, etc.
- 6.2. A member's conduct at the meeting must however not infringe on the rights of other members. The rules of conduct are based on mutual respect for the purpose of ensuring that the meeting is conducted in an orderly manner.
- 6.3. Members must accept that:
 - 6.3.1. The chairman must be respected;
 - 6.3.2. Decisions are taken by general consensus or by a show of hands when a matter is decided upon by voting;
 - 6.3.3. Once a decision has been taken it is final and not open for discussion unless additional information which was not available at the time of decision making can be procured.
 - 6.3.4. Information and documentation presented to the committee is confidential;
 - 6.3.5. A member (including the chairman or Vice-chairman) shall beforehand declare his/her interest regarding any matter serving before the committee and the member will then recuse him/herself during the discussion of that matter. No representations by the interested member may be allowed prior to discussions on the matter to which the member has a declared interest.
 - 6.3.6. Any personal interest that may infringe, or might reasonably be expected to infringe on a member's impartiality in any matter relevant to their duties as committee members, must be recorded.
 - 6.3.7. Outvoted members must abide by the decision of the Committee; and
 - 6.3.8. No communication should be made with a bidder by any member prior to or after any meeting.

ATTACHMENT 1: DECLARATION OF CONFIDENTIALITY AND IMPARTIALITY FORM

BID ADJUDICATION COMMITTEE

DECLARATION OF CONFIDENTIALITY AND IMPARTIALITY

MEETING NUMBER:

DATE:

I, the undersigned, accept that all information, documentation and decisions regarding any matter serving before the Committee are confidential. I, therefore, undertake not to make known anything in this regard.

I also declare that I will not purposefully favour or prejudice anybody.

[illegible]

