

LEPELLE-NKUMPI LOCAL MUNICIPALITY

Postal Address
Private Bag X07
CHUENESPOORT
0745

www.lepelle-nkumpi.gov.za

Physical Address
170 BA Civic Centre
LEBOWAKGOMO, 0737
Tel : (+27)15 633 4500
Fax : (+27)15 633 6896

COUNCIL RESOLUTION FOR SPECIAL COUNCIL MEETING HELD ON THE 23rd JANUARY 2023 AT 08H15 IN THE CIVIC HALL

SC / RESOLUTION NO. 6.1.01/2022/2023 – SUBMISSION OF AMMENDMENTS ON SUPPLY CHAIN MANAGEMENT POLICY 2022/2023

Council Resolved:

- To note the amendments on the Supply Chain Management Policy 2022/2023 in line with the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations 2022 as follows:

AMENDMENTS

(a) On terms and definitions

<p>Designated groups</p>	<p>Means –</p> <p>(a) Black designated groups</p> <p>(b) Black people</p> <p>(c) Women</p> <p>(d) People with disabilities; or</p> <p>(e) Small enterprises, as defined in section 1 of the National Small Enterprise Act No. 102 of 1996</p>	<p>To be removed from the policy</p>
<p>Highest acceptable tender</p>	<p>Means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders</p>	<p>To added to the policy</p>
<p>Historically Disadvantaged Individual (HDI)</p>	<p>means a South African Citizen (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the</p>	<p>To added to the policy</p>

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MUNICIPAL CALL CENTRE NUMBER: 0800 222 011

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COUNCIL MINUTES / RESOLUTIONS
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SPEAKER

	Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) ("the Interim Constitution"); and/or (2) Who is a female; and /or (3) Who has a disability; Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI	
Lowest acceptable tender	Means a tender that complies with all specifications and conditions of tender and that has lowest price compared to other tenders	To added to the policy
Specific goals	Means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994	To added to the policy
Tender for income-generating contracts	Means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions	To added to the policy


(b) Acronyms and abbreviations

HDI	Historically Disadvantaged Individual that is a South African citizen: who, due to the apartheid policy that had been in place, had no franchise in National elections prior to the introduction of the Constitution of the	To added to the policy
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	Republic of South Africa, 1993 or the Constitution of the Republic of South Africa, 1993; and/or who is a female; and/or who has a disability	
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(c) On threshold value

Threshold Value (VAT inclusive)	Procurement method	To be added
R2 001 to R29 999.99	Three (3) formal written quotations; Quotations must be sourced from the List of accredited service providers. (Suppliers' Database)	The 80/20 Preference Point system would apply <div style="text-align: right;"> <p>LEPELLE - NKUMPI MUNICIPALITY COUNCIL MINUTES / RESOLUTIONS</p> <p>SIGNED BY: </p> <p>SPEAKER</p> <p>27/01/2023 DATE</p> </div>

(d) PREFERENTIAL PROCUREMENT REGULATIONS 2022 to be added to the policy

1. Identification of specific goal

Specific goals means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994

2. Preference points for specific goals as follow

80/20

Preference points for specific goals	Means of verification	Number of Points

MUNICIPAL CALL CENTRE NUMBER: 0800 222 011

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People or Business residing within Lepelle-Nkumpi Local Municipality	Statement of Municipal rates or letter from Traditional Authority	5
Woman	Identification document	5
People with disability	Medical report indicating disability	5
Youth (18 – 34 years)	Identification document	5

90/10

Preference points for specific goals	Means of verification	Number of Points
People or Business residing within Lepelle-Nkumpi Local Municipality	Statement of Municipal rates or letter from Traditional Authority	2.5
Woman	Identification document	2.5
People with disability	Medical report indicating disability	2.5
Youth (18 – 34 years)	Identification document	2.5

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COUNCIL MINUTES / RESOLUTIONS

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SPEAKER

DATE
27/01/2023

3 . Identification of preference point system

(1) Municipality must, in the tender documents, stipulate—

- (a) the applicable preference point system as envisaged in regulations 4, 5, 6 or 7;
- (b) the specific goal in the invitation to submit the tender for which a point may be awarded, and the number of points that will be awarded to each goal, and proof of the claim for such goal.

(2) If it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

MUNICIPAL CALL CENTRE NUMBER: 0800 222 011



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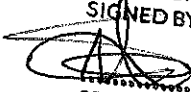
(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system.

2. 80/20 preference point system for acquisition of goods or services with Rand value equal to or below R50 million

(1) The following formula must be used to calculate the points out of 80 for price in respect of an invitation for a tender with a Rand value equal to or below R50 million, inclusive of all applicable taxes:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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COUNCIL MINUTES / RESOLUTION
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Where-

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{\min} = Price of lowest acceptable tender.

(2) A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.

(3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

(4) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

3. 90/10 preference point system for acquisition of goods or services with Rand value above R50 million



(1) The following formula must be used to calculate the points out 90 for price in respect of an invitation for tender with a Rand value above R50 million, inclusive of all applicable taxes:


Where-

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{\min} = Price of lowest acceptable tender.

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COUNCIL MINUTES / RESOLUTIONS
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SPEAKER
27/01/2023
DATE

(2) A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.

(3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

(4) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

4.80/20 preference points system for tenders for income-generating contracts with Rand value equal to or below R50 million

(1) The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value equal to or below R50 million,

$$P_s = 80 \left(1 - \frac{P_t - P_{\max}}{P_{\max}} \right)$$

Where-

P_s = Points scored for price of tender under consideration;



Pt = Price of tender under consideration; and

Pmax = Price of highest acceptable tender.

(2) A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.


(3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

(3) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

5.90/10 preference point system for tenders for income-generating contracts with Rand value above R50 million

(1) The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

$$P_s = 90 \left(1 - \frac{P_t - P_{max}}{P_{max}} \right)$$

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COUNCIL MINUTES / RESOLUTIONS
SIGNED BY:

SPEAKER

27/01/2023
DATE

Where:

P_s = Points scored for price of tender under consideration;

P_t = Price of tender under consideration; and

P_{max} = Price of highest acceptable tender.

(2) A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.

(3) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

MUNICIPAL CALL CENTRE NUMBER: 0800 222 011

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(4) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

Criteria for breaking deadlock in scoring

- (1) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals.
- (2) If two or more tenderers score equal total points in all respects, Bid adjudication committee must decide the award by the drawing of lots.

Remedies

(1) If Municipality is of the view that a tenderer submitted false information regarding a specific goal, it must—

- (a) inform the tenderer accordingly; and
- (b) give the tenderer an opportunity to make representations within 14 days as to why the tender may not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part.

(2) After considering the representations referred to in subregulation (1)(b), the Municipality may, if it concludes that such information is false—

- (a) disqualify the tenderer or terminate the contract in whole or in part; and
- (b) if applicable, claim damages from the tenderer

(e) Revised preferential points and BB-BEE level contributors to be taken out of the policy

Revised preferential points and BB-BEE level contributors

- (i) 80/20 preference points system for acquisition of goods and services for rand value equal to or above R30 000 and up to R50 million.
- (ii) 90/10 preference points system for acquisition of goods and services for rand value above R50 million
- (iii) B-BBEE points will be allocated as follow 80/20

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12

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COUNCIL MINUTES / RESOLUTIONS
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SPEAKER

27/01/2023
DATE

MUNICIPAL CALL CENTRE NUMBER: 0800 222 011




5	8
6	6
7	4
8	2
Non-compliant contributor	0

90/10

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

Consider sworn affidavit (EME & QSE) in terms of NT circular no.5 of 2016

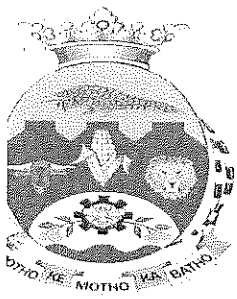
- The Policy undergo public participation processes for inputs.
- That immediately after 14 days the public participation must be concluded.

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Private Bag X07
CHUENESPOORT
0745

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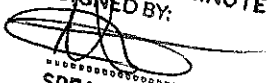
Physical Address
170 BA Civic Centre
LEBOWAKGOMO, 073
Tel : (+27)15 633 450
Fax : (+27)15 633 689

COUNCIL RESOLUTION FOR SPECIAL COUNCIL MEETING HELD ON THE 23rd JANUARY 2023 AT 08H15 IN THE CIVIC HALL

**SC / RESOLUTION NO. 6.2.01/2022/2023 – COUNCIL RESOLUTION ON
PARTICIPATION IN THE DBSA ADOPT A DISTRICT PROGRAM AS PART OF
THE DISTRICT DEVELOPMENT MODEL**

Council Resolved:

- To approve that Lepelle-Nkumpi participate in the Adopt A District Programme and as part of the District Development Model Program as led by the Capricorn District Municipality in the following projects:
 - a. Upgrading of the portable water supply infrastructure,
 - b. Upgrading of the Waste Water Treatment Plant,
 - c. Provision of economic and business supporting services in the Business Area (BA),
 - d. Provision of economic and business supporting services in Unit J,
 - e. Township establishment in the remainder of Voorspoed Farm and
 - f. The upgrading of the Orrie Baragwanath Pass (D4050 road).

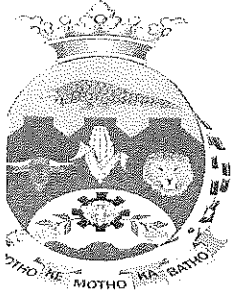
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Postal Address
Private Bag X07
CHUENESPOORT
0745

www.lepelle-nkumpi.gov.za

Physical Address:
170 BA Civic Centre
LEBOWAKGOMO, 0731
Tel : (+27)15 633 4500
Fax : (+27)15 633 6890

COUNCIL RESOLUTION FOR SPECIAL COUNCIL MEETING HELD ON THE 23rd JANUARY 2023 AT 08H15 IN THE CIVIC HALL

**SC / RESOLUTION NO. 6.3.01/2022/2023 – RE-DECLARATION OF VACANCIES
FOR SECTION 57 MANAGERS POSITIONS**

Council Resolved:

- **To approve re-declaration of the following Section 57 Managers positions:**
 - ✓ **Executive Manager Community Services**
 - ✓ **Executive Manager Technical Services**
 - ✓ **Executive Manager Corporate Services and**
 - ✓ **Executive Manager LED & Planning.**

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27/01/2023
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