

**NATIONAL ASSEMBLY  
QUESTION FOR WRITTEN REPLY  
QUESTION NUMBER: 254 [NW277E]  
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**254. Mr W M Madisha (Cope) to ask the Minister of Finance:**

Whether the National Treasury was giving full effect to the ruling by Justice Jafta regarding a valid tender process (details furnished); if not, why not; if so, (a) to what extent is the government ensuring that the above ruling is being scrupulously observed throughout the public sector, (b) what action is being taken against those who are flouting valid tender processes as prescribed by the judgment?

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**REPLY:**

The ruling by Justice Jafta emphasized the need for Accounting Officers and Authorities to establish and maintain an appropriate procurement system which is fair, equitable, transparent, competitive and cost-effective.

- (a) National Treasury continues to communicate with Accounting Officers and Accounting Authorities through practice notes and instructions to:
- i. take all reasonable steps to prevent abuse of the supply chain management system by constantly sampling high value tenders and related documents across government,
  - ii. investigate any allegations against an official or other role player of corruption, improper conduct or failure to comply with the supply chain management system, and when justified –
    - take steps against such official or other role player and inform the relevant treasury of such steps; and
    - report any conduct that may constitute an offence to the South African Police Service.

Further to these existing processes, the National Treasury will make public all the statutory information reported to the National Treasury relating to Supply Chain Management, starting 1 April 2015.

- (b) The accounting officer of a department must, as soon as the disciplinary proceedings are completed, report to the executive authority, the Department of Public Service and Administration and the Public Service Commission on the outcome, including –
- i. the name and rank of the official against whom the proceedings were instituted;
  - ii. the charges, indicating the financial misconduct the official is alleged to have committed;

- iii. the findings;
- iv. any sanction imposed on the official; and
- v. any further action to be taken against the official, including criminal charges or civil proceeding