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Deputy Director: Contract Management	V.001	CONTRACT MANAGEMENT-01

## STANDARD OPERATING PROCEDURE: CONTRACTS MANAGEMENT PROCESS

Approval Date	25 October 2019
Commencement Date	Date of Approval
Review Date	25 October 2020
Periodical Review	Annually
Resources	Staff, ICT equipment
Intent of SOP	To document the standard operating procedure (SOP) for drafting and maintenance of SLA's, Lease Agreements and Cessions. The purpose of the document is to assist the officials of the Department of Social Development with the day to day activities of contract management including monitoring of outsourced services, verification of payments and issuing of notices for expiring contracts. This document can be used for training of newly appointed CM unit personnel.
Scope	The SOP applies to the process of Managing Contracts for the Department of Social Development within the Eastern Cape Government. The process is guided by the PFMA and other relevant legislation, policies and procedures.
Objective(s)	Contract Management ensures that the arrangement between the department and service provider runs smoothly through service delivery management, relationship management and contract administration. The Contract Management process starts after a bid has been awarded to a service provider and ends when the contract period has expired and the contract must be renewed or the goods have been delivered in full.

Definitions	SLA – Service Level Agreement CM - Contract Management
Key Performance	Percentage of procurement budget spend targeting Local suppliers in terms of LED framework
Indicator	
Principles	Contract Management is an end-to end process to ensure that:
	<ul> <li>Contract entered into by government are managed in a manner which minimises service delivery risk and maximises intended benefits</li> </ul>
	Contract obligations are fulfilled
	Roles and responsibilities are clearly defined.
	Value for money is realized
Compliance	Ensure the following before the drafting of SLA:
Measures	Completeness of bid document for the awarded service provider.
	Tax Compliance
	Availability of budget for the awarded contract
	Ensure the service provider screening before the award
Performance	Signed lease agreement
Measure	Signed SLA
Desired Performance	Monitoring of contract to ensure that there is value for money
Process Input	Request memo to draft SLA with the following attachments:
	Bid document for the awarded service provider
	Concept document signed by the Head of the Department
	Budget confirmation
Process Output	Signed lease agreement
	Signed SLA

		DEMAND AND ACQUISITION - CONTRACT MANAGEMI	GUIDE ACT MANAGEMENT		
Z	Task Name	Task Procedure	Responsibility	Supporting	Service
	Submit Request to	Submit request memo and attach Budget,	Acquisition	Bid document of	1 day
	Request to	signed specification, Approved memo with	Management official	awarded service	
	drait SLA	awarded supplier, (ECBD 4 form with Tax	(Aulilli Ollicer)	provider	
		clearance and company documents).		<ul> <li>Request for SLA</li> </ul>	
				memo with	
				relevant	
				supporting	
				documents	
\ \ \	verity	<ul> <li>Ensure that all the supporting documents are</li> </ul>	Admin Officer: CM	<ul> <li>Request for SLA</li> </ul>	1 day
	contract	attached and record request in the contracts		memo with	
- Z	request	register and allocate a contract number.		relevant	
	documents			supporting	
		If document does not comply		documents	
				<ul> <li>Updated</li> </ul>	
_=_		Submit back to Acquisition.		electronic register	
				with request	
				Contract number	
د د د	Draft contract	If Documents Comply		<ul> <li>Bid specification</li> </ul>	1 day
2	as per			and Awarded bid	i
S	specification.	<ul> <li>Insert all the supplier details in the Template.</li> </ul>	Assistant Director: CM	documents	
		<ul> <li>Ensure that the Service Level Agreement (SLA)</li> </ul>		<ul> <li>Drafted contract</li> </ul>	
-		is prepared according to the approved			
		specification together with the National			

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Draft memo and send together with the contract to legal Services for vetting	Receive and verify the contract	Review and amend contract if necessary	Send the contract to the service provider for verification	Verify draft Contract	
• •	• • •	• • •	•	•	•
Draft memo for submission of contract. Submit memo requesting the signing and vetting of the contract.	Receives the contract with services provider amendments. Ensures that required amendments are in-line with the specification. Insert the amendments to the relevant clause.	Received the drafted verified contact. Review the contract. Amend where necessary.	In case of the specialized service, send the locked contract to the supplier via e-mail or using courier for verification.	Ensure that all the captured information is according to the supplier's information in the request and specification document.	Conditions of Contract (GCC).  Consult the end user for the start and end date of the contract.
Senior Admin Officer: CM Admin Officer: CM	Deputy Director: CM	Supplier	Deputy Director: CM	Deputy Director: CM	
• •	• •	• •	• •	• •	
Memo Signed outgoing register	Proposed Amendments Drafted contract with proposed amendments	Verified contract Proposed amendments	Verified contract Proof of submission	Drafted contract Verified contract	
1 day	1 day		2 weeks	1 day	

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Send copy of the contract to the end user	Convene the signing of the Contract	Approve memo and sign the contract		and contract to CFO for signature
• •	• •	•	• • •	• • •
Make a copy of original contract and deliver to the end user.  File the original copy in the contract file and also file a copy of the contract at registry at Registry.	Invite the Service provider and End User to come and sign contract. In case of unavailability of service provider; Confirm the physical address and contact details and courier the contract.	Approve the memo and sign the contract.	If contract amount is above R500 000 Recommend the memo. Recommend the recommended memo by Deputy Director CM. Recommend the recommended memo by Legal Services Departments.	Recommend the memo.  Recommend the recommended memo by Deputy Director CM.  Approve the memo and sign the contract.
Admin Officer: CM	Admin Officer: CM	HO	Deputy Director  Director legal services  CFO	Deputy Director: Contract Director legal services
• •	• •	• • •		•
Filed contract copy Proof to submission	Drafted contract Signed contract	Recommended memo Approved memo Signed contract		Recommended memo
1 day	5 days	1 day		5 days

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Approve changes in the addendum				Draft Addendum
•	• • •	•	•	•
Approve the addendum and memo.	mentioned the approval must be obtained from the Provincial Treasury.  Verify addendum.  Draft memo requesting the approval of the changes in the Addendum.  Submit the memo with the changes for approval of addendum.	Ensure that the total amount of variation does not exceed the 20% for construction related goods, works and 15% for all other goods and /or services before drafting the Addendum for the Approval of HOD.	addendum if the change has got financial implication to CM.  Draft addendum in case of change in ownership or change of dates and submit to contract manager for verification.	If changes are required Submit approved memo by HOD for drafting
Delegated Official	Deputy Director: CM Assistant Director: CM		Assistant Director: CM	End-user
•		• •	•	•
Drafted verified addendum Approved memo and addendum		implication) SLA Drafted and verified Addendum	by HOD from end user (If financial implication) Approved memo by HOD from CM	Approved memo
3 days				1 day

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			services	site meeting	Conduct On-											addendum	Sign
•		•	•		•	•			•		•						•
Draft monitoring report and submit to Contract management quarterly.	the work is done accordingly.	Monitor the service provider and ensure that	Renders service according to the approved specification.	meeting.	Invite all the relevant stakeholders for a site	File the original copy in the contract file and file a copy of the contract addendum at registry.	available.	and the End-user. Make a copy of original and hand deliver or courier if one of them is not	Make a copy of original for the service provider	Ogii are haadhaalii.	Sign the Addendum	contract.	address and contact details and courier the	of service provider; confirm the physical	management section. In case of unavailability	come and sign addendum at the contract	Invite the Service provider and the End user to
	מפ	End lieer	Service Provider	Deputy Director: CM	End user				Admin Officer: CM	End- user	Copies Drouider						Assistant Director: CM
			•	•	•	•				•	•						•
			Monitoring report	Meeting minutes	Invitation	Filed contract copy				submission	Droof of						Signed addendum
			As per contract	ivay	1 day												3 days

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Approve termination of contract					provider	rendered by the service	services
<ul> <li>Approves the contract termination memo and sign contract termination letter.</li> </ul>	<ul> <li>Write a letter requesting the delegated official to terminate the contract.</li> <li>Submit the memo with the letter of contract termination for approval.</li> </ul>	If non-performance persists, request approval of termination.	invited to the meeting for the resolution of the matter. The resolution is either remedy or cancelation of the contract or invoking of the Penalty Close.	<ul> <li>In case of non-compliance with the SLA term;</li> <li>the letter is issued to the Service Provider to remedy the breach within seven days. If there is</li> </ul>	If there are findings, notify the service provider and impose penalties where necessary.		<ul> <li>Design Checklist derives from specification and monitor accordingly.</li> </ul>
Delegated Official	Deputy Director: CM			Deputy Director: CM			Assistant Director: CM
•	•			•		•	•
Draft memo of contract termination Draft of contract termination letter	Letter to service provider		·	Meeting minutes		Monitoring report	Monitoring
2 days	2 days			8 days.	availability.	contract duration and the Budget	Once per Quarter Depending to the

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	22			21			20			
payments to the service provider	Verify	procurement process	the	Notify End-	termination of contract	provider about	Inform service			
•			•	•	•	•	•			
Receive invoice and monitoring report from the End user once services have been rendered, for quality checking (i.e. check if the invoice tallies up with the amount paid and check if the amount to be paid does not exceed the contracted amount) before payment.  Stamp the GRV and send the documents to Payment section.	If service provider complies with the SLA.		Start the procurement process.	Write the memo to the end user and attach the	provider and confirm whether it has been received.  Receive acknowledgement letter from the service provider.	letter has been signed. Courier or e-mail the letter to the service	Inform the service provider once the termination			
Senior Admin: CM Assistant Director: CM			End user	Deputy Director: CM			Deputy Director: CM			
			•	•		•		•		•
SLA Tax Clearance Order Invoice Stamped GRV Verified payment		procurement	Termination Letter Request for	Signed contract	receipt of termination letter	termination letter  Acknowledgement	Cionad contract	Signed contract termination letter	for termination of contract	Approved memo
	1 day			1 day		Luayo	o days			

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4								2
Submit monthly reports to the CFO's office					1			notices to the End-user on contracts expiring within the next 6 months
0 2 2 0	7. Coi suppli	6. If y start i on the	5. Will date of	4. Are	3. Did the regularly?	2. Ste	1. Co	* • • • • • • • • • • • • • • • • • • •
Obtain monthly expenditure report and expenditure control commitment report from the BAS system through the BAS System Controller.	7. Comment on the overall performance of the supplier/service provider	6. If yes, when is the procurement envisaged to start in order to circumvent any possible extensions on the contract?	5. Will the service be needed beyond the expiry date of the contract?	4. Are monitoring reports available?	3. Did the Project Manager monitor the contract regularly?	2. Steps taken to rectify such noncompliance.	<ol> <li>Compliance with SLA requirements.</li> </ol>	Check contracts expiring within the next 6 months using the Contracts Register. In long term contract the notice of the expiration of the SLA should be accompanied by checklist for the end user to complete about the service provider (with a standard template) detailing the following inter alia:
Deputy Director: CM								Assistant Director: CM
• •								• •
Expenditure report BAS Expenditure control								Contracts to be expiring Monthly Notice of contracts to expire in 6 months
Monthly								Monthly

•	•
verified, SLA's, Cessions and Leases drafted for the reporting month. Analyze and submit the report to the CFO's office.	Obtain Information on the number of payments
<ul><li>report</li><li>Monthly report</li></ul>	commitment

			The Public Finance Management Act (PFMA)				The Constitution	Document or Process Name
o The National Treasury may make regulations or issue instructions applicable to all	<ul> <li>Section 76(4)(c) of the PFMA determines inter alia that:</li> </ul>	The Act stipulates that in contracting for goods and services, and the disposal and letting of state assets, including the disposal of goods no longer required, the Accounting Officer will develop and implement a system, which is fair, equitable, transparent, competitive and cost-effective.	The PFMA, Act No 1 of 1999, as amended by Act 29 of 1999, gives effect to and reiterates the Constitutional requirements of Section 217 quoted above and is primary in the regulation of Financial Management. It sets out broadly the requirements for the procurement and provisioning system to be in place and allocates responsibilities attached thereto.	<ul> <li>Categories of preference in the allocation of contracts; and</li> <li>The protection or advancement of persons, or categories of persons, disadvantaged by unfair discrimination.</li> <li>(3) National legislation must prescribe a framework within which the policy referred to in subsection (2) must be implemented."</li> </ul>	(2) Subsection (1) does not prevent the Organs of State or institutions referred to in that subsection from implementing a procurement policy providing for –	"217 (1) When an Organ of State in the national, provincial or local sphere of Government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and costeffective.	The Constitution of the Republic of South Africa, Act No 108 of 1996, as amended, regulates procurement through Section 217 and determines that:	Act or document description
			1999				1996	Effective Date

	<ul> <li>Demand Management.</li> <li>Acquisition Management.</li> <li>Logistics Management.</li> <li>Disposal Management.</li> <li>Risk Management.</li> <li>Regular assessment of supply chain performance.</li> </ul>	
	The SCM system to be implemented must be fair, equitable, transparent, competitive and cost effective; be consistent with the PPPFA and BBBEE Act and must provide at least for the following:	
	The Accounting Officer must ensure that Treasury Regulation 16A is complied with when dealing with Supply Chain Management to ensure the establishment and implementation of an effective and efficient Supply Chain Management Unit within the office of the CFO, as an integral part of their financial system.	
	Supply Chain Management	
	The Accounting Officer must ensure that Treasury Regulation 16 is complied with when goods or services are procured through public private partnerships or as part of a public private partnership.	
	Public Private Partnerships	
1999	The Department shall apply the Treasury Regulations issued in terms of the PFMA as it pertains to supply chain management. It serves as a formal requirement for departments, to ensure the establishment and implementation of an effective and efficient SCM system.	Terms Of The PFMA
	institutions to which the PFMA applies concerning the determination of a framework for an appropriate procurement and provisioning system.	
Effective Date (if applicable)	Act or document description	Document or Process Name

Dana 1		SOP -Contract Management Process
2000	promulgated to give effect to Section 217(3) of the Constitution by providing a framework for the implementation of the procurement policy contemplated in Section 217(2) of the Constitution.	Policy Framework Act
	Currently 10 practice notes have already been issued covering a variety of topics. All practice notes issued from time to time must be taken into account and adhered to.	Droforoatio
	The SCM regulations in terms of the PFMA empower National Treasury to issue practice notes to ensure minimum norms and standards within Government.	
	All documents relevant to SCM are available electronically on National Treasury's web page <a href="http://www.treasury.gov.za">http://www.treasury.gov.za</a> /organisation/ specialist functions/ supply chain management: norms and standards.	National Treasury Practice Notes
	Regarding insurance, organs of State should either insure for procurement related physical risks, establish risk management programmes or make advance provision for losses associated with such risks, within the scope of the provisions of the Treasury Regulations. Suitable arrangements should also be made to ensure that insurance related excesses do not cause the failure of SMME's.	
	In terms of this policy strategy, Accounting Officers are required to establish and implement a Supply Chain Management function that promotes sound financial management and uniformity in all spheres of Government.	
	The policy strategy has as a goal the uniform implementation of Government's procurement reform initiatives and compliance with minimum norms and standards in such a manner that the principles of cooperative governance are observed.	

In Government

Procurement Reform Processes Policy To Guide Uniformity In

approved by Cabinet 10 September 2003 and promulgated on 05 December 2003.

The Policy to Guide Uniformity in Procurement Reform Processes in Government was

2003

**Effective Date** (if applicable)

Document or Process Name

Act or document description

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Variation Orders  Provincial Treasury Praction  Provincial ECSCM Praction	Provincial ECSCM Pract  Provincial ECSCM Pract	Provincial Treasury ECS  The Bidding Process	Supply chain practice notes   Provincial ECSCM Pra	nology		The Act provides for miscel unacceptable conduct sucinvestment of a public body.	The Act regulates offer pertaining to acceptance person as well as offence of tenders and auctions.	The Prevention And Combating The Department will ad Of Corrupt Activities Act, Activities Act	Document or Process Name
Variation Orders Provincial Treasury Practice Note No.1 Of 2008-09 Irregular Expenditure	Provincial ECSCM Practice Note No.2 Of 2008 - Tax Clearance Certificate and Partnership Provincial ECSCM Practice Note No.1 Of 2008-2009  Provincial ECSCM Practice No.1 Of 2008 - Guide lines for the Evaluation and Approval of	Provincial Treasury ECSCM Practice Note No.1 OF 2009-10 - Anti Competitive Practices In The Bidding Process	Provincial ECSCM Practice Note No.1 of 2009-10 Anti Competitive Practices in the Procurement Process	The State Information Technology Agency (SITA) Act, Act No 88 of 1998, as amended by Act 38 of 2002, requires that SITA must act as the procurement agency for the Department's information technology requirements.	National Treasury must establish a register for tender defaulters.	The Act provides for miscellaneous offences relating to possible conflict of interest and other unacceptable conduct such as acquisition of private interest in contract, agreement or investment of a public body.	The Act regulates offences in respect of corrupt activities relating to contracts, activities pertaining to acceptance or offering of any gratification and the improper influence of another person as well as offences in respect of corrupt activities relating to procuring and withdrawal of tenders and auctions.	The Department will adhere to the directives contained in the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004 as it affects the supply chain process.	ption
				2002					Effective Date

	National Treasury Practice Note Number SCM 5 Of 2006 - Restriction Of Suppliers	
	National Treasury Practice Note Number SCM 1 Of 2006- Tax Clearance Certificates	
	National Treasury Practice Note No.9 Of 2008-07	
	National Treasury Practice Note No.8 Of 2008-07	
	National Treasury Practice Note No.6 Of 2008-07	
	National Treasury Annexure A+B. Procedure For The Treatment Of Irregular Expenditure	
	Entities, Constitutional Institutions And Public	
	National Treasury Annexure C. Disclosure Of Irregular Expenditure For Departments, Trading	
	Departments	
	National Treasury Annexure D. Accounting Transactions For Irregular Expenditure	
	Entities	
	National Treasury Annexure E. Accounting Transactions For Irregular Expenditure Trading	
	National Treasury Practice Note No.4 Of 2008-09 Irregular Expenditure	
	accountability of Accounting Officers or Authorities	
	National treasury practice note number 5 of 2009-2010 procurement through SITA and	
	National treasury Practice note 11 of 2008 _2009 unsolited proposal	
	National treasury Practice note number 7 of 2009_2010	
	National Treasury Practice note on prohibition of restrictive practices of 2010	
	Provincial Treasury Instruction Note No 3 Of 2015_16	
	Provincial Treasury Instruction Note No 5 Of 2015_16	
	Preferential Procurement Regulations	
Effective Date (if applicable)	Act or document description	Document or Process Name

	I valuo i ai i i easul y r i actice Note Number SCM 1 Ot 2003 - General Conditions Of Contract	
	National Traceury Practice Net New Process of Contract Revised July 2010	
	Provincial Treasury Government Procurement General Conditions Of Contract Of 2008	
	for Price Quotations and Competitive Bids	
	National Treasury Practice Note Number SCM 2 Of 2003 - Threshold values for the invitation	
	National Treasury Practice Note Number SCM 1 Of 2005- Standard Bidding Document	
	National Treasury Practice Note Number SCM 2 Of 2005	
	Departments	
	National Treasury Annexure D Of 2008 Accounting Transactions For Irregular Expenditure	
	Trading Entities, Constitutional Institutions	
	National Treasury Annexure C Of 2008 Disclosure Of Irregular Expenditure For Departments,	
	Expenditure	
	National Treasury Annexure A+B Of 2008 Procedure For The Treatment Of Irregular	
	National Treasury Practice Note 11 Of 2008 _2009 Unsolited Proposal	
	National Treasury 01a Annexure A of 2011	
	National Treasury Practice Note Number SCM 1 Of 2004 - Tax Clearance Certificates	
	National Treasury Practice Note Number SCM 3 Of 2005	
	DECLARATION OF BIDDER'S PAST SUPPLY	
	National Treasury Practice Note Number SCM 4 Of 2006 - STANDARD BIDDING DOCUMENT	
	Quotations and Competitive Bids	
	National Treasury Practice Note Number SCM 3 Of 2006- Tax Clearance Certificates for Price	
(if applicable)		
Effective Date	Act or document description	Document or Process Name

Document or Process Name	Act or document description	Effective Date
	National Treasury Government Procurement General Condition Of Contract Of 2008	
OTHER RELEVANT ACTS		
Public Administration Act		
<ul><li>Promotion of Administrative Justice Act, No 3 of 2000.</li></ul>		2000
Promotion of Access to Information Act, No 2 of 2000.		2000
<ul><li>Protected Disclosure Act, No 26 of 2000.</li></ul>		2000
The Competition Act, No 89 of 1998.		1998

## PROCESS RISKS

Manual	Benchmark price is suggested.	Ŧ	Ŧ	Poor performance by Service Providers.	Under quoted suppliers
Manual	Filling of vacant posts.	工	Ξ	leads to lack of segregation of duties and therefore no proper internal controls	Insufficient personnel
Manual	Filling of vacant posts	I	I	Delays in finalising the Service Level Agreement.	of Service Providers
Manual	Bid for more Budget. Speed up the process of long term contract	Ι	I	Inadequate Monitoring of supplier performance due to lack of budget and short term contracts	Low budget Lack of monitoring
System / Manual	Control Description	Impact (H / M / L)	Probability (H/M/L)	Risk Description	Risk Name

	Distribution and Use of SOP	HOD	Approved by	Acting Deputy Director General	Recommended by	Acting Chief Financial Officer	Recommended by	Deputy Director – Contract Management	Recommended by	Acting Chief Information Officer	Recommended by	Director : Management Information Services	Quality Checked By	Authorization:
	District Managers, (		N.Baart		Z.Ganca	N. Ngcinguana	-N-Gcingwana_		N.Mdalavu		M.GAZI		N. A. Mazizi	Name:
	Corporate Service N		5	The second		A.		pudad		)		Mayor		Signature:
	District Managers, Corporate Service Managers, Service Managers, Area Managers, Assistant Managers	OMENDETED & monimula	DWO- 4851 PE 179	Milonney Acd	- 11 - 3	le promerche	and the state of t	DE COM MENDEN				Quality Checked		Comments:
•	ant Managers		1 / /	21/10/19	17/10/2019		1102 /01/51		21/10/201			04/10/2019		Date: