

C 3638/10/2025
MC A/6697/09/2025

**9.A.4 [FS]: REPORT ON DEVIATIONS FROM THE SUPPLY CHAIN MANAGEMENT
POLICY AS REQUIRED BY THE MUNICIPAL SUPPLY CHAIN MANAGEMENT
REGULATIONS: MONTH OF AUGUST 2025**

8/1/1

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

That the report on the deviations from the MFMA Supply Chain Management Policy, as required by the Municipal Supply Chain Regulations, for the month of August 2025, be noted.

C 3638/10/2025
MC A/6697/09/2025

9.A.4 [FS]: REPORT ON DEVIATIONS FROM THE SUPPLY CHAIN MANAGEMENT POLICY AS REQUIRED BY THE MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS: MONTH OF AUGUST 2025

8/1/1

COMPETENCY: COUNCIL

PURPOSE

To report on deviations from the supply chain management policy as required by the Municipal Supply Chain Management (MFMA) Regulations for the month of August 2025.

RECOMMENDATION

That the report on the deviations from the MFMA Supply Chain Management Policy, as required by the Municipal Supply Chain Regulations, for the month of August 2025, be noted.

REPORT

The Municipal Supply Chain Management Regulations published under General Notice 868 in Government Gazette 27636 of 30 May 2005, inter alia, contains the following reporting requirements:

“Regulation 6 provides that the council of a municipality has an oversight role over the implementation of its supply chain management policy.”

- (1) *The council of a municipality must maintain oversight over the implementation of its supply chain management policy.*
- (2) *For the purposes of such oversight the accounting officer must –*
 - (ii) *Whenever there are serious and material problems in the implementation of the supply chain management policy, immediately submit a report to the council of the municipality.”*

The following Regulations are applicable to the implementation of the SCM policy and reported on as per the SCM regulations:

REPORT	SCM REGULATION NO	REPORT TO	FREQUENCY	RESPONSIBLE PERSON
Report on deviations from SCM Policy	36(2)	Council	Monthly (next Council meeting)	Director: SCM
Report whenever there are serious and material problems in the implementation of the SCM Policy, immediately submit a report to the Council	6 (2) (a) (iii)	Council	Immediately (as and when applicable)	Director: SCM

MIDVAAL LOCAL MUNICIPALITY: MFMA SCM REGULATIONS - REGULATION 36 (1) & (2) OF THE: DEVIATIONS AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS

1. The Accounting Officer may dispense with the official procurement processes established by Midvaal Local Municipality's SCM policy and procure goods or services through a convenient process which includes:

- i) Emergency;
- ii) Goods and services produced or available from a single provider only;
- iii) Special works of art, historical objects;
- iv) Animals for zoos;
- v) Exceptional cases where it is impractical or impossible to follow the official procurement process.

Herewith the report to Council on purchases that could not follow the official procurement process for the month of **August 2025:**

(i) PURCHASES ACQUIRED IN EMERGENCY CASES					
R/N	DEP	DESCRIPTION	DATE	REASON	AMOUNT
		NONE			
(ii) PURCHASES ACQUIRED WHERE GOODS AND SERVICES PRODUCED OR AVAILABLE ARE FROM A SINGLE PROVIDER ONLY/AGENTS					
R/N/R	DEP	DESCRIPTION	DATE	REASON	AMOUNT
AUG001-2025-2026	TRAFFIC	Drager - Calibration servicing and repairs of breath alcohol testing devices	29.07-2025	Regulation (1)(a)(ii) Drager is the sole supplier for the calibration of the Drager Alcotest devices	R 10 926,15
(iii) SPECIAL WORKS OF ART OR HISTORIC OBJECTS					
R/N	DEPT	DESCRIPTION	DATE	REASON	AMOUNT
		NONE			
(iv) ACQUISITION OF ANIMALS FOR ZOOS AND/OR NATURE AND GAME RESERVES					
R/N	DEPT	DESCRIPTION	DATE	REASON	AMOUNT
		NONE			
(v) IMPRACTICAL OR IMPOSSIBLE					

**AGENDA OF THE 9TH ORDINARY MEETING OF 2025 TO BE HELD ON THURSDAY,
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RIN	DEPT	DESCRIPTION	DATE	REASON	AMOUNT
AUG002-2025-2026	CORPORATE	Mkhabela Huntley Attorneys – To provide services in investigating allegations of misconduct and to prosecute on behalf of municipality based on specified allegations.	26/08/2025	Regulation (1)(a)(v) It is important to note that, despite Mametela Attorneys submitting a lower bid, as compared to Mkhabela Huntley Attorneys, Development and Planning Department has previously engaged this firm for legal opinions. As a result, this raises concerns regarding the potential compromise of the firm objectives, particularly given the possibility of the interference from an employee associated with the development and planning Department. Furthermore, the complexity of the investigation necessitates specialised expertise that Mametela Attorneys according to their bid submission does not possess. A request for quotation (RFQ) was dispatched to eight (08) legal firms, the submissions were evaluated by the user department and the seven (07) were disqualified for various reasons including underquoting, unrealistic timeframes, overquoting, unapproved rates usage and risk of possible conflict of interest.	R 517 000,00
AUG003-2025-2026	CORPORATE	Musetho Law Inc -To investigate allegations of misconduct against the Senior Manager (Executive Director Corporate Services) in terms of the Disciplinary Regulations for Senior Managers, 2010.	18/08/2025	Regulation (1)(a)(v) This involves an investigation to the Senior Manager responsible for Corporate Services. In terms of Government Gazette 34213, Local Government Disciplinary Regulations for Senior Managers 2010, an independent investigator must be appointed to investigate allegations of misconduct, to avoid possible or perceived conflict of interest and the maintenance of integrity of the investigation, an independent investigator ought to be a body not having any affiliation to the municipality as far as practicable	R 100 000,00

It must be noted that expenditure emanating from deviation AUG002-2025-2026 has been classified as irregular expenditure as defined in Section 1 (definitions) of the MFMA for the following reasons;

1. A process undertaken by end-user department disqualifying other panelists is in contravention of Section 2(1)(f) of the Preferential Procurement Policy Framework Act read with Section 112 of MFMA and Section 217 of the constitution.
2. Deviation was implemented from May 2025 when the approval process was not finalized, only finalized in August.
3. Expenditure was incurred from May but, deviation only reported in the month of August thus, non-compliant with Section 36(2) of the MFMA SCM Regulations.

Based on the above reasons, an invoiced received and paid in July amounting to R53,820.00 has been recorded on the UIFW Register included in S71 / 52d report to council. All other future payments against this deviation will be added in the UIFW Register and will be processed in terms of Section 32 and Section 172 of the MFMA.

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Implementation of the SCM policy Regulation 6 (2) (a) (iii)

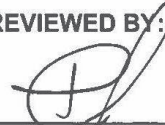
That it be noted that there are no serious or material problems in the implementation of the MFMA SCM policy.

PREPARED BY:



MS D SEMANO
ASSISTANT DIRECTOR: SCM
03 September 2025

REVIEWED BY:



MR T MNGUNI
DIRECTOR: SCM
03 September 2025

RECOMMENDED / ~~NOT RECOMMENDED~~



MR Z.N MHLONGO
CHIEF FINANCIAL OFFICER
03 September 2025

APPROVED / NOT APPROVED



MR. P MAGODI
MUNICIPAL MANAGER
03 September 2025

COMMENTS: MEETING OF THE MUNICIPAL MANAGER AND HEADS OF
DEPARTMENT: 16 SEPTEMBER 2025

Resolved To Recommend

The Item is supported and referred to the Section 80 Finance Services Portfolio Committee.

COMMENTS: SECTION 80 FINANCE SERVICES PORTFOLIO COMMITTEE: 22
SEPTEMBER 2025

The recommendation is supported.

ANNEXURE A

**AGENDA OF THE 9TH ORDINARY MEETING OF 2025 TO BE HELD ON THURSDAY,
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AUG001/2025-2026

**Quotation****Document No** SQ093861**Document Date** 2025/07/28

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To	Bongani
Company Name	MID004 Midvaal Council PO Box 9 Meyerton, 1960 Gauteng 4700193503
Department	
Tel	
Fax / Email:	
Customer RFQ No	
Quote valid for	30 days
Lead time / ETA	3-4 weeks

Dräger South Africa (Pty) Ltd
P. O. Box. 4676
2128 Rivonia

VAT No 4940187059
Phone No 011 059 4200
Home Page www.draeger.co.za
Accounts E-mail financeZA@draeger.com
Orders E-mail orderssouthafrica@draeger.com

Sales Person Dion Fourie
E-mail dion.fourie@draeger.com
Phone No 066 587 4869

On behalf of Dräger South Africa, we would like to take this opportunity to thank you for your interest in our product.

Part Number	Description	Nappi Code	Qty	Unit Price	Disc. Unit Price	Total Price Excl VAT
8323636	DrugTest 5000 STK 7 Non-IVD (PU20)		1	9 501,00	9 501,00	9 501,00
				Total Excl VAT	ZAR	9 501,00
				VAT	15%	1 425,15
				Total Incl VAT	ZAR	10 926,15

Please Note:

Upon acceptance of the quotation by return order, the Standard Conditions of Agreement of Dräger South Africa (Pty) Ltd will apply. A copy is available upon request.

To place an order, please reference the quotation number provided. If your order exceeds R 3,000.00, it must include your VAT Registration Number.

Prices may vary due to fluctuations in the exchange rate.

All other rights under the Standard Conditions of Agreement of Dräger South Africa (Pty) Ltd remain unaffected.

We believe we have met your needs, but if you have any further questions, please feel free to reach out to us.

Created by:

Dion Fourie - JHB - SD - Account Manager

dion.fourie@draeger.com

MIDVAAL LOCAL MUNICIPALITY

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PURCHASE ORDER

25 MITCHEL STREET
MEYERTON
1961



Tel: (016) 360 7544
Fax: (016) 362 3386
VAT: 4700193503

Delivery address:

PUBLIC SAFETY & ROADS, CNR JOHAN LE ROUX, GALLOWAY STREET, MEYERTON

www.midvaal.gov.za

Supplier:
DRAGER SAFETY
PO BOX 4676
ROVONIA
SANDTON

Order Number
0002045857

Date
20250814

IMPORTANT: Invoices bearing the relevant purchase order number must be forwarded to the above address.
Payments will be affected within 30 days of receipt of an invoice.

Please supply the following goods						
ITEM NO	VOTE NUMBER	DESCRIPTION	QUANTITY	UNIT PRICE	VAT	TOTAL INCL. VAT
847MECCUP	07053323000P (MRCZZWM)	DRUGTEST 6060 STR 7MON-MD (P030)	1.000	9561.00000	1425.15	10926.15

TOTAL	R1,425.15	R10,826.15
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FOR OFFICE USE		
Vendor No.	DRA003	Buyer Signature: 
Requisition No.	04002/2025	
GRN Number.		
Invoice No.		
Contact Person.	BONGANI RADEBE	
Contact No.	016 360 5912	

MIDVAAL LOCAL COUNCIL
P.O. BOX 9, MEYERTON 1960
TEL: 016 360 7400
FAX: 016 362 3386
www.midvaal.gov.za

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Technology for Life

Dräger South Africa (Pty) Ltd, Waterfall Commercial District, Sandton

To whom it may concern

Our reference

Dräger Sole Supplier Letter

Phone

+ 27 (0)11 059 4200

Fax

+ 27 (0)11 465 6953

E-mail

marius.fourie@draeger.com

Issue Date

7 January 2025

Expiry Date

31 December 2025

SOLE SUPPLIER CONFIRMATION

Founded in Lübeck in 1889, Dräger has grown into a worldwide, listed enterprise in its fifth generation as a family-run business. Dräger has more than 15 000 employees worldwide and is present in over 190 countries around the globe. Dräger South Africa (Pty) Ltd is a subsidiary of Drägerwerk AG & Co. KGaA.

Community Investment Holdings, a Broad Based Economic Empowerment group headed up by Dr Anna Mokgokong, was appointed to the board of Directors of Dräger South Africa and is a driving force in our development of Empowerment policies within our greater organization and the communities of South Africa.

Dräger South Africa (Pty) Ltd is the Sole Supplier for all below listed Dräger branded products and services (including all intellectual property, trademarks, patents, designs and copyright):

Medical: Anaesthesia, Ventilation, Thermoregulation & Neonatal Care, Infrastructure & Projects (Gas Management Systems, Pendants and Theatre Lights), Patient Monitoring and Information Technology, Complementary Products and Accessories, Dräger Service Products Including DrägerSorb Absorbent Carbon Dioxide and Pulmo Vista.

Safety: Portable and fixed Gas detection, measurement and analysis equipment, Respiratory breathing systems, Breathing air filters, masks and airline systems, Breath: Alcohol Detection systems, Saliva: Drug Detection devices, Chemical protection suits, Decompression chambers, Firefighting equipment (including apparel) and Diving systems, Device Accessories, and Dräger Service Products.

If you have any queries to this offer, please do not hesitate to contact me via the included contact details.

Yours sincerely,

Marius Fourie
Managing Director

Johannesburg Head Office:

Dräger South Africa (Pty) Ltd
3 Bureane Street,
Waterfall Commercial District,
Buckhurst, 2090
P.O. Box 467A
Johannesburg, 2008
Tel: +27 11 059 4200

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7 London Circle
Brackenridge Business Park,
Brackenridge, 7540
Tel: +27 21 819 3000

Durban Branch:

Dräger South Africa (Pty) Ltd
17 Thysen Industrial Park,
1 Brackenridge Way,
Burdens, 4051
P.O. Box 40254
Durban, 4001
Tel: +27 31 812 7900

Directors:

Hr: T Engler
Hr: M P Fourie
Dr: T Mokgokong

Company Registration No:
2063708430/07
www.draeger.com

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AUG002/2025-2026

al price adjustment is applicable to this bid.

PAY

3. Tariffs:

MATTER	UNIT OF MEASURE	TARRIF TO BE PAYABLE
1. Receiving of instructions/ Acceptance letter/ Collection of file/ Openingfile/ Letter of clarification	Per instruction	R500 00
2 Perusal of documents in High Court matters per 250 words	Per page = 250 words	2 1 R70.00
2.1 Perusal by admitted Legal Practitioner		2 2 R50.00
2.2 Perusal by CLP		
3 Perusal of documents in Magistrate Court matters per 100 words	Per page = 100 words	3.1 R60.00
3.1 Perusal by admitted Legal Practitioner		3.2 R50.00
3.2 Perusal by CLP		
4.		
4.1 Perusal by admitted Legal Practitioner of pictures/ drawings/ diagrams in High Court matters	Per picture/drawings/diagrams	4.1 R50.00
		4.2 R40.00
4.2 Perusal by CLP of pictures/ drawings/ diagrams in High Court matters		
5 Consultation and attending High Court	Attendance at court and consultation	5 1 R1900.00 per hour or part thereof at R475.00 per 15 minutes
5.1 by admitted attorneys		

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5.2 by CLP		5.2 CLP R1000 per hour or part thereof at R250.00 per 15 minutes
6.Consultation and attending Magistrates Court.	Attendance at court and consultation	6.1 R1400.00 per hour or part thereof at R300.00 per 15 minutes
6.1 by admitted attorneys		6.2 R900.00 per hour or part thereof at 225 per 15 minutes
6.2 by CLP		
7.Preparation by admitted attorney in high court matter.	Preparation by admitted attorney	R1900.00 per hour or part thereof at R475 per 15 minutes.
8 Preparation	Preparation per hour or part thereof	
8.1 Preparation by admitted attorney in magistrate court matter		8.1 R1400 per hour or part thereof at R300.00 per 15 minutes
8.2 Preparation by CLP in magistrate court matter		8.2.2 R900.00 per hour or part thereof at 225 per 15 minutes
9. Copies charges per page	Per A4 & A3 page.	R 4.50 per page
10. Travelling expenses	Per Km	R6 per KM
11. Travelling time	Per hour or part thereof, depending, if High Court/ Magistrate Court	R600.00 per hour or part thereof at R150.00 per 15 minutes and not exceeding R2 400.00 per day.
11.1 Attorney		
11.2 CLP		

4. Service providers must attach acceptable proof of disbursements
e.g., Advocates Invoice, sheriffs' invoice, Experts, Surveyors cost, but not limited thereto.

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NO	MATTER	UNIT OF MEASURE	TARRIFF PAYABLE
1	Receiving of Instructions, or Acceptance letter, or Collection of files, or Opening file, or Letter of clarification	Per instruction	R 500 00
2	Perusal of documents in high court matters per 250 words –		
2 1	Perusal by admitted legal practitioner	Per page = 250 words	R 70 00
2 2	Perusal by CLP	Per page = 250 words	R 50 00
3	Perusal of pictures / drawings / diagrams		R 50 00
3 1	Perusal by admitted legal practitioner	Per picture / drawing / diagram	R 60 00
3 2	Perusal by CLP	Per picture / drawing / diagram	R 50 00
4	Consultation and attendance at court		
4 1	Consultation and attendance by admitted attorneys	Consultation and attendance at court	R 1900 00 per hour or part thereof at R 475 00
4 2	Consultation and attendance by CLP	Consultation and attendance at court	per 15 minutes
5	Preparation		
5 1	Preparation by admitted attorney	Preparation per hour or part thereof	R 1900.00 per hour or part thereof at R 475.00
5 2	Preparation by CLP	Preparation per hour or part thereof	per 15 minutes
6	Copies charges per page	Per A4 & A3 page	R 4,50 per page
7	Travelling Expenses	Per KM	R 6 per KM
8	Travelling Time		
8 1	Admitted attorney	Per hour or part thereof	R 600 00 per hour or part thereof at R 150.00
8 2	CLP	Per hour or part thereof	per 15 minutes; and not exceeding R 2400.00 per day