

Are preferential procurement regulations followed supporting transformation in industry?

e.g. Are women-owned businesses getting a fair share of contracts?

e.g. Are locally-produced goods selected as per regulations and stimulating our economy, or are they imported from other countries?

e.g. Are contract awards compliant with preferential procurement regulations?

Check the appropriate box next to each question and actions as you decide which questions and actions are relevant to your investigation, and mark when they are completed.

Relevant		Completed		Note your findings from the actions you took in the spaces below. What was successful. What was unsuccessful. Why?
Yes	No			
			What are the preferential procurement regulations that are put in place to support transformation in industries?	
			<p>Review preferential procurement regulations as they are set out in the Preferential Procurement Policy Framework Act, 2000 (PPPFA).</p> <p>The PPPFA sets out a number of different ways in which organs of state must give preference to designated groups in their procurement activities.</p> <p>Resources</p> <p>- Preferential Procurement Policy Framework Act, 2000 (No. 5 of 2000) https://www.gov.za/documents/preferential-procurement-policy-framework-act</p>	
			<p>Review preferential procurement regulations as they are set out in the The National Treasury's Guidelines on Preferential Procurement.</p> <p>The National Treasury's Guidelines on Preferential Procurement provide additional guidance on how to monitor preferential procurement activities.</p> <p>Resources</p> <p>- The National Treasury's Guidelines on Preferential Procurement. https://www.treasury.gov.za/comm_media/press/2022/2022110801%20Media%20Statement%20-%20PPP%20Regulations%202022.pdf</p>	

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Relevant		Completed		Note your findings from the actions you took in the spaces below. What was successful. What was unsuccessful. Why?
Yes	No			
			What proportion of procurement is going to the specific aspect of transformation you would like to focus on, e.g. women-owned businesses; black-owned businesses; small enterprises; or rural enterprises?	
			<p>Look up proportions of procurement by these classifications on the preferential category summary. Summarise the number and total value of procurement payments by the values within the preferential procurement attribute you would like to focus on. E.g. if focusing on ownership gender, what proportion of procurement went to Women-owned; Partially Women-owned, and Not women-owned businesses?</p> <p>Resources - Request the number and value of supplier payments by PPPFA categories, procuring organ of state, fiscal year, and quarter from the OCPO - their data warehouse matches payment data from state accounting data to supplier data from CIPC to enable this summary. See the <i>Guide to sourcing data from government</i>.</p>	

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Relevant		Completed		Note your findings from the actions you took in the spaces below. What was successful. What was unsuccessful. Why?
Yes	No			
			Is that the case across the board or are some buyers more effective at that than others?	
			<p>Filter preferential category summary to one or more specific buyers. Filter the preferential category summary data to focus on one or more specific buyers or procuring entities. This will allow you to assess the preferential procurement practices of specific institutions or government departments.</p>	

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Relevant		Completed		Note your findings from the actions you took in the spaces below. What was successful. What was unsuccessful. Why?
Yes	No			
			Is it getting better or worse over time?	
			<p>View a specific category breakdown over time, perhaps filtered to one or more institution. Summarise the preferential category breakdown over years and quarters to identify any trends or fluctuations in the allocation of procurement to different categories. Evaluate whether there is a consistent and balanced distribution of procurement among the preferential categories, an increasing/declining trend, or perhaps any significant variations.</p>	

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Relevant		Completed		Note your findings from the actions you took in the spaces below. What was successful. What was unsuccessful. Why?
Yes	No			
			Are there any particularly large instances of procurement skewing the data at any point or does the data really reflect systematic deficiencies in implementation of preferential procurement?	
			<p>Find the procurement instances for a specific range in time of interest, e.g. where it was particularly bad Identify specific instances or periods of procurement that are of interest or concern, such as those where adherence to preferential procurement requirements may have been lacking. Determine the range of time for which you want to review procurement instances. Retrieve the tender advertisements and associated criteria for the identified procurement instances. The bid evaluation criteria should be published in the documents accompanying the tender advertisement. Assess whether the tender documents explicitly include preferential procurement criteria and requirements. Resources: - eTender Portal - Request documentation you cannot find online from the Procuring institution's records. See the <i>Guide to sourcing data from government</i>.</p>	

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Yes	No			
			Why is preferential procurement not happening at identified institutions? Are they not receiving applicable bids, or are they not selecting in line with regulations?	
			<p>Check whether relevant bids met the technical requirements See if the bids that would have represented transformation met the technical criteria. If they do not meet the technical criteria, they would not proceed to the next phase of evaluation considering price and preferential procurement policies.</p> <p>Resources: - Use the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000); Preferential Procurement Regulations to identify technical requirements. http://ocpo.treasury.gov.za/Resource_Centre/Legislation/Preferential%20Procurement%20Regulations%202022%20Government%20Notice%202721%20of%204%20November%202022%20effective%2016-1-2023.pdf - Request the bid documentation from the procuring entities to evaluate the evidence for meeting technical requirements - see the Guide to sourcing data from government</p>	
			<p>Check whether the preferential procurement scoring was applied correctly Sometimes the tender award details indicate the score of the winning bidder. The Bid Evaluation Committee meeting minutes should include the score attained by all the qualifying bidders. Use these and any further motivation from the Bid Evaluation Committee to see if scoring was carried out consistently and gain insights into the decision-making process. Review the minutes to assess whether the evaluation and selection process adhered to the preferential procurement requirements. (Note: only information relating to the requesting supplier will be provided, unless the request comes through PAJA)</p> <p>Resources: - Tender award from eTender portal https://www.etenders.gov.za/ - Tender award from procuring institution website - Request tender award and Bid Evaluation Committee meeting minutes from procuring institution. See the <i>Guide to sourcing data from government</i>. procurement.vulekamali.gov.za/guides/sourcing-data-from-the-government</p>	