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Reference number: RCS/C.6 Private Bag X9165
CAPE TOWN
8000

#### TREASURY CIRCULAR NO. 44 OF 2018 (SUPPLEMENTARY 2 OF 2022)

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THE PREMIER
THE MINISTER OF AGRICULTURE
THE MINISTER OF CULTURAL AFFAIRS AND SPORT
THE MINISTER OF EDUCATION
THE MINISTER OF FINANCE AND ECONOMIC OPPORTUNITIES
THE MINISTER OF HEALTH
THE MINISTER OF INFRASTRUCTURE
THE MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
THE MINISTER OF MOBILITY
THE MINISTER OF POLICE OVERSIGHT AND COMMUNITY SAFETY
THE MINISTER OF SOCIAL DEVELOPMENT
                                                                                                           For information
THE SPEAKER: PROVINCIAL PARLIAMENT
THE DEPUTY SPEAKER: PROVINCIAL PARLIAMENT
THE EXECUTIVE AUTHORITY: WESTERN CAPE GAMBLING AND RACING BOARD (MINISTER M WENGER)
THE EXECUTIVE AUTHORITY: WESTERN CAPE NATURE CONSERVATION BOARD (MINISTER A BREDELL)
THE EXECUTIVE AUTHORITY: WESTERN CAPE INVESTMENTS AND TRADE PROMOTION AGENCY (MINISTER M WENGER)
THE EXECUTIVE AUTHORITY: SALDANHA BAY IDZ LICENCING COMPANY (MINISTER M WENGER)
THE EXECUTIVE AUTHORITY: WESTERN CAPE CULTURAL COMMISSION (MINISTER A MARAIS)
THE EXECUTIVE AUTHORITY: WESTERN CAPE LANGUAGE COMMITTEE (MINISTER A MARAIS)
THE EXECUTIVE AUTHORITY: WESTERN CAPE HERITAGE (MINISTER A MARAIS)
THE EXECUTIVE AUTHORITY: CASIDRA (MINISTER IH MEYER)
THE EXECUTIVE AUTHORITY: WESTERN CAPE LIQUOR AUTHORITY (MINISTER R ALLEN)
THE ACCOUNTING OFFICER: VOTE 1:
                                  PREMIER (DR H MALILA)
THE ACCOUNTING OFFICER: VOTE 2:
                                  PROVINCIAL PARLIAMENT (MR R ADAMS)
THE ACCOUNTING OFFICER: VOTE 3:
                                  PROVINCIAL TREASURY (MR D SAVAGE)
THE ACCOUNTING OFFICER: VOTE 4:
                                  COMMUNITY SAFETY (ADV. Y PILLAY)
THE ACCOUNTING OFFICER: VOTE 5:
                                  EDUCATION (MR B WALTERS)
THE ACCOUNTING OFFICER: VOTE 6:
                                  HEALTH (DR K CLOETE)
THE ACCOUNTING OFFICER: VOTE 7:
                                  SOCIAL DEVELOPMENT (DR R MACDONALD)
THE ACCOUNTING OFFICER: VOTE 8:
                                  HUMAN SETTLEMENTS (MS P MAYISELA)
                                  ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING (MR G GERBER)
THE ACCOUNTING OFFICER: VOTE 9:
THE ACCOUNTING OFFICER: VOTE 10:
                                  TRANSPORT AND PUBLIC WORKS (MS J GOOCH)
THE ACCOUNTING OFFICER: VOTE 11: AGRICULTURE (DR M SEBOPETSA)
THE ACCOUNTING OFFICER: VOTE 12: ECONOMIC DEVELOPMENT AND TOURISM (MR V DUBE)
THE ACCOUNTING OFFICER: VOTE 13:
                                  CULTURAL AFFAIRS AND SPORT (MR G REDMAN)
THE ACCOUNTING OFFICER: VOTE 14: LOCAL GOVERNMENT (MR G PAULSE)
THE CHIEF FINANCIAL OFFICER: VOTE 1:
                                     PREMIER (MR D BASSON)
THE CHIEF FINANCIAL OFFICER: VOTE 2:
                                     PROVINCIAL PARLIAMENT (MS N PETERSEN)
THE CHIEF FINANCIAL OFFICER: VOTE 3:
                                     PROVINCIAL TREASURY (MS A SMIT)
THE CHIEF FINANCIAL OFFICER: VOTE 4:
                                     COMMUNITY SAFETY (MR M FRIZLAR)
                                     EDUCATION (MR L ELY)
THE CHIEF FINANCIAL OFFICER: VOTE 5:
THE CHIEF FINANCIAL OFFICER: VOTE 6:
                                     HEALTH (MR S KAYE)
THE CHIEF FINANCIAL OFFICER: VOTE 7:
                                     SOCIAL DEVELOPMENT (MR JO SMITH)
THE CHIEF FINANCIAL OFFICER: VOTE 8:
                                     HUMAN SETTLEMENTS (MR F DE WET)
THE CHIEF FINANCIAL OFFICER: VOTE 9:
                                     ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING (MR RT MOSOME)
THE CHIEF FINANCIAL OFFICER: VOTE 10: TRANSPORT AND PUBLIC WORKS (ADV. C SMITH)
THE CHIEF FINANCIAL OFFICER: VOTE 11:
                                    AGRICULTURE (MR F HUYSAMER)
THE CHIEF FINANCIAL OFFICER: VOTE 12: ECONOMIC DEVELOPMENT AND TOURISM (MS M ABRAHAMS)
THE CHIEF FINANCIAL OFFICER: VOTE 13: CULTURAL AFFAIRS AND SPORT (MS BG RUTGERS)
THE CHIEF FINANCIAL OFFICER: VOTE 14: LOCAL GOVERNMENT (MS B SEWLALL-SINGH)
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THE ACCOUNTING AUTHORITY: WESTERN CAPE GAMBLING AND RACING BOARD (MR D LAKAY)
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THE ACCOUNTING AUTHORITY: WESTERN CAPE INVESTMENTS AND TRADE PROMOTION AGENCY (MR D GREEN)
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THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE INVESTMENTS AND TRADE PROMOTION AGENCY (MS W STANDER)
THE CHIEF EXECUTIVE OFFICER: SALDANHA BAY IDZ LICENCING COMPANY (MS K BEUKES)
THE CHIEF EXECUTIVE OFFICER: CASIDRA (DR K DU PLESSIS)
THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE LIQUOR AUTHORITY (ADV. L PETERSEN) (ACTING)
THE CHIEF EXECUTIVE OFFICER: ATLANTIS SPECIAL ECONOMIC ZONE (MR P VOGES)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE GAMBLING AND RACING BOARD (MS Z SIWA)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE NATURE CONSERVATION BOARD (MR M BHAYAT)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE INVESTMENTS AND TRADE PROMOTION AGENCY (MS K ZAMA)
THE CHIEF FINANCIAL OFFICER: SALDANHA BAY IDZ LICENCING COMPANY (MR H BONESCHANS)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE CULTURAL COMMISSION (MS B RUTGERS)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE LANGUAGE COMMITTEE (MS B RUTGERS)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE HERITAGE (MS B RUTGERS)
THE CHIEF FINANCIAL OFFICER: CASIDRA (MR F VAN ZYL)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE LIQUOR AUTHORITY (MR S GCWABE)
THE CHIEF FINANCIAL OFFICER: ATLANTIS SPECIAL ECONOMIC ZONE (MS W SAIB)
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THE HEAD OFFICIAL: PROVINCIAL TREASURY (MR D SAVAGE)
THE DEPUTY DIRECTOR-GENERAL: FISCAL AND ECONOMIC SERVICES (DR R HAVEMANN)
THE DEPUTY DIRECTOR-GENERAL: GOVERNANCE AND ASSET MANAGEMENT (MS J GANTANA)
THE CHIEF DIRECTOR: PUBLIC POLICY SERVICES (MR M BOOYSEN) (ACTING)
THE CHIEF DIRECTOR: PROVINCIAL GOVERNMENT PUBLIC FINANCE (MS A PICK)
THE CHIEF DIRECTOR: LOCAL GOVERNMENT PUBLIC FINANCE (MR S KENYON)
THE CHIEF DIRECTOR: ASSET MANAGEMENT (MR I SMITH)
THE CHIEF DIRECTOR: FINANCIAL GOVERNANCE AND ACCOUNTING (MR A HARDIEN)
THE CHIEF FINANCIAL OFFICER (MS A SMIT)
THE HEAD: OFFICE OF THE FINANCE MINISTRY (MR R BRUETON)
THE DIRECTOR: BUSINESS INFORMATION AND DATA MANAGEMENT (MR P PIENAAR)
THE DIRECTOR: FINANCIAL GOVERNANCE (MS M VAN NIEKERK)
THE DIRECTOR: FISCAL POLICY (MR M BOOYSEN) (PRO TEM)
THE DIRECTOR: INFRASTRUCTURE (MR K LANGENHOVEN)
THE DIRECTOR: LOCAL GOVERNMENT ACCOUNTING (MR F SALIE)
THE DIRECTOR: LOCAL GOVERNMENT BUDGET OFFICE (MR D CRONJE) (ACTING)
THE DIRECTOR: LOCAL GOVERNMENT REVENUE AND EXPENDITURE (GROUP ONE) (MR T NTSHINGILA)
THE DIRECTOR: LOCAL GOVERNMENT REVENUE AND EXPENDITURE (GROUP TWO) (MR I TSIE)
THE DIRECTOR: LOCAL GOVERNMENT MFMA COORDINATION (MR S KENYON) (PRO TEM)
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THE DIRECTOR: PROVINCIAL GOVERNMENT ACCOUNTING (MS A ABOO)
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THE DIRECTOR: STRATEGIC AND OPERATIONAL MANAGEMENT SUPPORT (MS N ISMAIL)
THE DIRECTOR: SUPPORTING AND INTERLINKED FINANCIAL SYSTEMS (MR A MAZOMBA)
THE PROVINCIAL AUDITOR
MASTER RECORDS OFFICIAL: BUSINESS INFORMATION AND DATA MANAGEMENT
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THE DEPUTY DIRECTOR-GENERAL: CORPORATE ASSURANCE, DEPARTMENT OF THE PREMIER (MS H ROBSON)

## STATUS OF CURRENT FRAMEWORK AGREEMENT FOR THE PROVISION OF TRANSVERSAL SECURITY CONTRACTS FOR THE WESTERN CAPE GOVERNMENT AND WAY FORWARD IN RESPECT OF THE RENEWAL OF THE FRAMEWORK AGREEMENT

#### PURPOSE

- 1.1 The purpose of this circular is to:
  - a. inform institutions of the status and way forward in terms of the current transversal security services framework agreement for Western Cape institutions pursuant to the court judgment declaring all Western Cape Government contracts purchased through the provincial transversal contract invalid, except for the contracts of the Department of Community Safety; and

b. inform institutions of the process of renewal of the security framework agreement.

#### 2. BACKGROUND AND CONTEXT

- 2.1 Treasury Circular No. 44 of 2018 was issued to inform institutions of the implementation of the framework agreement for the provision of transversal security services for the Western Cape Government (WCG) for a period of 3 years with the option to extend for one year.
- 2.2 Treasury Circular No. 44 of 2018 (Supplementary 5 of 2021) was issued to inform institutions that the relevant clause in the Framework Agreement was activated to allow for the extension of the framework agreement period from 1 April 2022 until 31 March 2023, which included all services as provided by the framework in urban and rural areas. The request was supported by the Transversal Bid Adjudication Committee and was approved by the Head Official: Provincial Treasury, as the delegated authority. Departments were advised that they could extend its existing framework contracts or invite new contracts during this period.
- 2.3 In 2019, three security service providers challenged the WCG Security Framework in the Cape Town High Court. The judgment has now been delivered (July 2022), of which the court order is noted hereunder:
  - 1. All decisions made in terms of Bid No WCPT TR 01/2017/2018 are declared invalid;
  - 2. All contracts awarded in terms of Bid No WCPT TR 01/2017/2018, are declared invalid, subject to part 3 of the court order;
  - 3. All contracts concluded by the Western Cape Provincial Department of Community Safety pursuant to Bid No WCPT TR 01/2017/2018 shall remain in full force and effect until their termination dates as if the court had not made parts 1 and 2 of this order;
  - 4. The Provincial Government shall constitute a fresh bid for the procurement of security services and, subject to part 3 of this order, commence the bid process de novo; and
  - 5. The Provincial Government shall pay the costs of all three Applicants, including the costs of two counsel where excluding any costs Distinctive Choice may have incurred in obtaining an expert opinion.
- 2.4 It must be noted that the WCG disagrees with the court order for the reasons noted in the attached presentation made to the CFO forum hereto marked "Annexure A" and the WCG will therefore be appealing the court judgment.

#### 3. WAY FORWARD IN RESPECT OF CURRENT CONTRACTS

- 3.1 The PT approached the court for leave to appeal on the judgment given that there are certain patent challengeable flaws in the judgment that will have impact on public procurement per se if left unchallenged. On 29 July 2022, the Provincial Treasury was informed by State Attorney that the application for leave to appeal has been filed and a copy delivered to the Registrar. State Attorney will further request the Registrar's office to secure available dates from the acting judge for the hearing of the application. The Provincial Treasury will advise further once the application dates have been confirmed.
- 3.2 It must be noted further that the Provincial Treasury was advised by senior counsel that departments may proceed with new call-offs during the remaining period of the framework which expires on the 31 March 2023, given that the WCG has lodged its appeal against the court judgment.
- 3.3 Existing contracts purchased via the framework contracts will also be allowed to run its course.

#### 4. WAY FORWARD IN TERMS OF THE RENEWAL OF THE SECURITY FRAMEWORK AGREEMENT

- 4.1 It must be noted that the Provincial Treasury is in the process of renewing the framework agreement and has had many engagements with key stakeholders over the last couple of months to reflect on the current framework agreement and to speak to the proposals made by the Provincial Treasury, Department of Community Safety, and departments as key partners in this process to improve the new framework agreement. These proposals are also reflected in the attached presentation marked Annexure A.
- 4.2 It must be noted that the key process steps at this stage is to:
  - Proceed with the renewal of the framework agreement with improvements based on proposals made by various stakeholders;
  - accounting officers and accounting authorities would be requested to complete the consent to participate letter for the transversal framework agreement that will be issued shortly;
  - it is requested that the committee members represent institutional requirements adequately in the committee process to ensure that institutional needs/requirements are taken up into the Terms of Reference; and
  - call-offs via the new framework agreement must be concluded by the end of February 2023 in order for the new contracts to commence on 1 April 2023 (timeframes attached hereto marked Annexure B).

#### 5. REQUEST

- 5.1 Institutions are required to note and adhere to the content of this circular and engage with the Provincial Treasury as and when required. Contact Details: Tasneem Rakiep: email <a href="mailto:Tasneem.Rakiep@westerncape.gov.za">Tasneem.Rakiep@westerncape.gov.za</a>.
- 5.2 Departments must keep a record of all decisions as evidence of the process taken and decisions made.
- 5.3 The Provincial Treasury will communicate on any further developments as they occur in terms of the court appeal proceedings and renewal procedures.
- 5.4 The business case, gap and risk assessment reports, bid committee appointment letters, executive summary of the court judgment and consent to participate in the replacement transversal framework contract will be communicated via the office of the Head Provincial Treasury to all accounting officers and accounting authorities.

NADIA EBRAHIM

DIRECTOR: PROVINCIAL GOVERNMENT SUPPLY CHAIN MANAGEMENT



**Provincial Treasury** 

## Replacement Security Framework Tender 2023-24

Proposals made by Provincial Treasury to Provincial Top Management

XXXX 2022

### **PURPOSE**

## To:

- 1. Inform the CFO Forum on the progress made in terms of the replacement Transversal Security Framework Contract that has been utilised in the Province since 2017; and
- 2. To solicit buy-in and consent to participate in the new envisaged transversal framework contract to be facilitated by the Provincial Treasury.



## **INTRODUCTION**

T developed **SOURCING** Framework STRATEGY **Agreement ARUP SAFETY &** which was with pre-**SECURITY** formally approved **STRATEGY** adopted in service approved by Province after providers **Cabinet (2013)** extensive concluded research and (2017)consultation. Distinctive Choice Security PT conducted review of legally challenged current Framework framework on loss of work-Agreement judicial review Lessons learnt Judgment to date not yet documented and handed down by the High proposals made to Court influence future improvements Contract end date extended to 31 March 2023



## **OVERVIEW OF CALL-OFFS/ CONTRACTS**

- Service type 1: physical guarding
- <u>Service type 2:</u> special tactical guarding (including armed response)
- <u>Service type 4:</u> off-site monitoring and control room

#### Security Framework Agreement Contract/Call-offs Overview

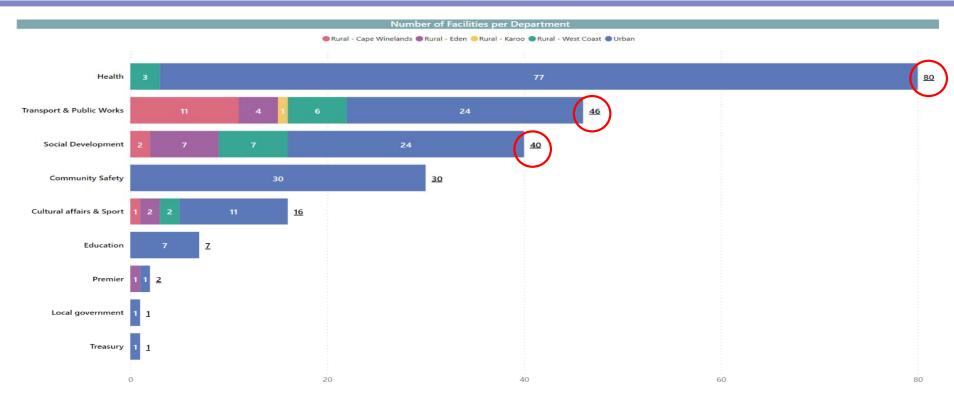
Number of Service **Number of Regions** Number of Contracts/ Number of Faciliies Number of Service Value of Contracts/Calloffs Types Call-offs Providers 5 223 3 276 19 R1.02bn

Service Type	Service Type	1	Service Type	e 2	Service Type 4		Total		
Department	Contracts/ Contract Value (award Call-offs amount)		Contracts/ Contract Value Call-offs (award amount)		Contracts/ Call-offs Contract Value (award amount)		Contracts/ Call-offs	Contract Value (award amount)	
Health	87	R688,507,500.05	6	R9,726,034.31				R698,233,534.36	
Social Development	40	R123,304,545.10	1				41	R123,304,545.10	
Community Safety	61	R92,717,565.06			1	R5,215,014.93	62	R97,932,579.99	
Transport & Public Works	46	R48,374,329.00	12	R5,597,565.10			58	R53,971,894.10	
Education	7	R21,950,536.47					7	R21,950,536.47	
Cultural affairs & Sport	14	R15,354,385.78	16	R211,619.99			30	R15,566,005.77	
Premier	3	R2,088,881.66						R2,088,881.66	
Local government	2	R1,953,940.26					2	R1,953,940.26	
Treasury	1	R314,342.98					1	R314,342.98	
Total	261	R994,566,026.36		R15,535,219.40		R5,215,014.93	297	R1,015,316,260.69	

- 9 departments utilised the framework agreement;
- 223 facilities across WCG (excludes some TPW facilities which was indicated to be not more than 80 additional facilities as they have not fully transitioned to the framework agreement as yet); and
- 276 call-offs were made via the framework agreement to the value of R1.02 billion



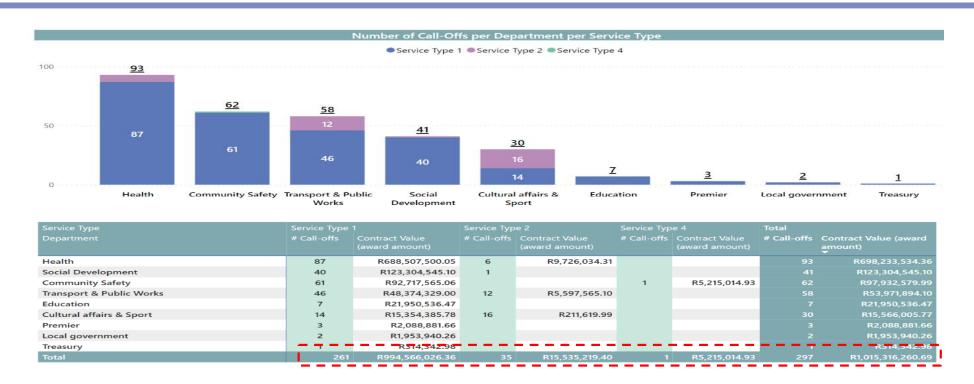
## NUMBER OF FACILITIES PER DEPARTMENT



DOH has 80 facilities that accounts for most of the facilities on the framework agreement; followed by TPW with 46 and DSD with 40.



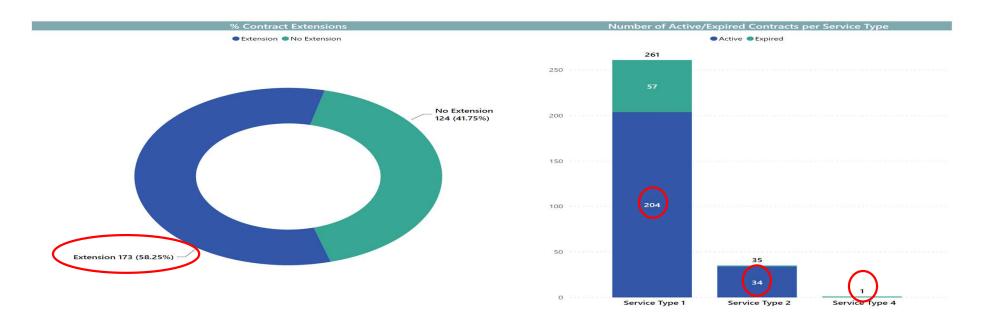
## NUMBER OF CALL-OFFS/ CONTRACTS PER DEPARTMENT PER SERVICE TYPE



- 261 call-offs for service type 1 (R995 million); 35 for service type 2 (R16million) and 1 for service type 4 (R5 million);
- DOH accounts for majority of the call-offs (93) to the value of R698 million; followed by DSD (41) to the value of R123 million and DoCS (62) to the value of R 98 million.



## Number of contracts extended based on reporting to PT



- 173 contracts were extended in line with the extension of the framework agreement / other;
- Out of 261 contracts for service type 1 only 204 is currently active;
- Out of 35 contracts for service type 2, 34 is active; and
- Service type 4 contract has expired.



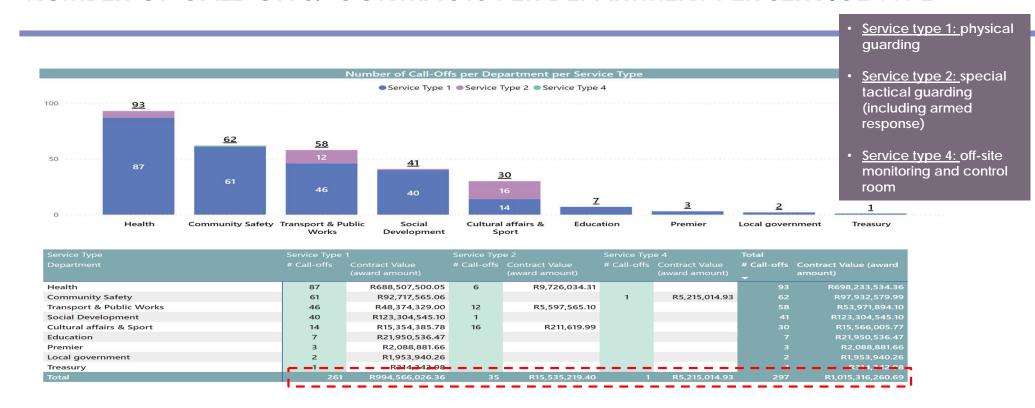
## **VALUE OF CONTRACTS PER REGION**

Region	on Rural - Cape Winelands Rural - Eden		den	Rural - Karoo Rural - West Co		West Coast	t Coast Urban			Total		
Department	Call-offs	Contract Value (award amount)	Call- offs	Contract Value (award amount)	Call- offs	Contract Value (award amount)	Call- offs	Contract Value (award amount)	Call-offs	Contract Value (award amount)	Call-offs	Contract Value (award amount)
Health							3	R328,912.02	90	R697,904,622.34	93	R698,233,534.36
Community Safety									62	R97,932,579.99	62	R97,932,579.99
Transport & Public Works	12	R8,455,124.89	4	R7,736,907.38	ंत	R620,262.14	8	R4,188,046.41	33	R32,971,553.29	58	R53,971,894.10
Social Development	2	82,179,109.59	7	R4,304,951.79			7	R28,609,735.86	25	R88,210,747.86	41	R123,304,545.10
Cultural affairs & Sport	- 4	R6,604,048.92	6	R1,736,951.80			2	R127,227.15	18	R7,097,777.90	30	R15,566,005.77
Education									7	R21,950,536.47	-7	R21,950,536.47
Premier			1	R512,247.00					2	R1,576,634.66	3	R2,088,881.66
Local government									2	R1,953,940.26	2	R1,953,940.26
Treasury									+	R314,342.98	. 1	R314,342.98
Total	18	R17,238,283.40	18	R14,291,057.97		R620,262.14	20	R33,253,921.44	240	R949,912,735.75	297	R1,015,316,260.69

- Majority of the contracts (240) are in the urban area to the value of R950 million; with DOH having majority of the contracts;
- Followed by 20 contracts in Rural: West Coast to the value of R33 million; Rural: Cape Winelands (18 at R17 million) and Rural Eden (18 at R14million); and Rural: Karoo (1 at R620k).



## NUMBER OF CALL-OFFS/ CONTRACTS PER DEPARTMENT PER SERVICE TYPE



- 261 call-offs for service type 1; 35 for service type 2 and 1 for service type 4;
- DOH accounts for majority of the call-offs (93) to the value of R698 million; followed by DoCS at 62 to the value of R98 million and TPW at 58 to the value of R54 million.



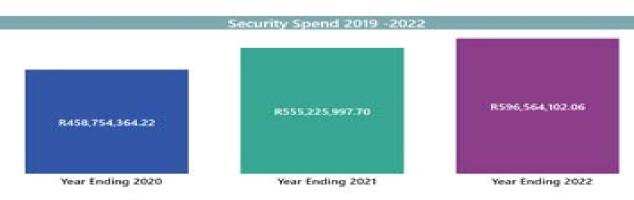
## SUPPLIER ANALYSIS BASED ON CALL-OFFS/ CONTRACTS

Service Type	Service Type		Service Type 2		Service Type 4		Total	
Service Provider	Contracts/ Call-offs	Contract Value (award amount)	Contracts/ Call-offs	Contract Value (award amount)	Contracts/ Call-offs	Contract Value (award amount)	Contracts/ Call-offs	Contract Value (award amount)
Distinctive Choice Security 447 CC	21	R98,280,508.11	2				23	R98,280,508.
Reliance Corporate Security	9	R96,320,588.47					9	R96,320,588.4
Ensemble Trading 2366	25	R89,988,664.01					25	R89,988,664.0
Nikao Protection Services CC	2	R81,536,733.16	1	R4,083,250.05			3	R85,619,983.2
Vhugi Protection Services	7	R77,844,391.20					7	R77,844,391.2
Silver Solutions 2616 (t/a Star Security Services)	26	R71,511,999.67	2				28	R71,511,999.6
Princeton Protection Services	3	R63,179,650.70	3	R5,642,784.26			6	R68,822,434.9
Xoliswa M Holdings (t/a Eagle Age Protection Services)	13	R65,024,143.51					13	R65,024,143.5
Securforce Cape (Pty) LTD	40	R63,108,540.54	5	R363,072.93			45	R63,471,613.4
Monoceros Trading 135 (PTY) Ltd (t/a Metro Security)	14	R53,699,572.66					14	R53,699,572.6
Royal Security CC (t/a Royal Security Guard)	4	R47,367,304.04					4	R47,367,304.0
Grinnel Security Services CC	20	R32,082,623.39			1	R5,215,014.93	21	R37,297,638.3
All 4 Security Services C.C	4	R30,326,341.21					4	R30,326,341.2
Helios Security & Risk Management	9	R26,226,844.98	6	R2,937,135.08			15	R29,163,980.0
Imvula Quality Protection (Africa) (PTY) LTD	12	R23,019,472.48	5	R2,492,404.08			17	R25,511,876.5
Bokwe Trading (t/a Bokwe's Security Services )	26	R23,472,576.16					26	R23,472,576.1
Sechaba Protection Services	7	R19,406,290.44					7	R19,406,290.4
Yireves Solutions 81CC (t/a Executive Decisions)	9	R17,105,286.17					9	R17,105,286.1
Delta Corporate Security Services CC	10	R15,064,495.46					10	R15,064,495.4

- · All suppliers have received call-offs/ contracts via the framework agreement; and
- Distinctive Choice (R98 million), Reliance Corporate Security (R96 million) and Ensemble Trading (R90 million) have received the highest value of call-offs/ contracts based on eligibility.



## SECURITY SPEND 2019-2022



- Spend extracted from BAS data
- Includes both framework agreement expenditure and expenditure incurred outside of the framework agreement

#### Security Spend per Department

Organization	Year Ending 2020	West Ending 2027	Year Ending 2022	Total
Health	R282,109,633,44	R352,813,214.87	R391,903,050.26	TR1,026,025,898,57
Transport and Public Works	R83,321,347.38	R98,018,624.81	R89,663,391.96	R271,003,364.15
Social Development	R42,670,573.63	R\$3,452,135.31	RS4,668,486.34	R150,791,195.28
Community Safety	RZ9,494(217.60	Te.33,2853,999.75	R36,595,910.10	R99,374,735.53
Education	R16,788,670.77	R11,012,594.43	R13,990,332.88	R41,791,598.08
Cultural Affairs and Sport	82,496,819.72	R5,192,291.01	R7,726,548.04	R15,415,658.77
Premier	R1,372,783.89	8795,325.42	R1,439,930.00	R3,600,039.31
Local Government	R455,412.67	R391,433.59	R460,522.03	R1,307,360.29
Provincial Treasury	R44,905.12	R264,978.51	R116,722.37	R426,606.00
Total	R458 754 364 22	R555,225,997.70	R596,564,102.06	R1,610,544,463.98

- Total expenditure R1.6 billion
- DOH (R1billion); TPW (R271 million) and DSD (R151 million) highest expenditure



## INTENDED BENEFITS OF COMMODITY STRATEGY & ACHIEVEMENTS OF FRAMEWORK

Restored confidence in procurement as an enabler

Value for money

Uniform imbedded governance processes for procurement of security services where the framework contract was utilised

Holistic mechanism that linked risk assessments to security plans

Clear roles & responsibilities & communication between PT; DOCS & depts.

Holistic security service & improved service delivery



Improved communication between supply chain management and Department of Community Safety

Enabled the creation of a database of all WCG sites requiring security services to enable better planning in future

Improved Training & capacitation

Improved contract management

Value for money through uniform pricing at item level

Job Creation: 19 suppliers on framework whilst previous contracts were monopolized by 4-5 service providers

The legal challenge to the framework agreement by the one aggrieved supplier, played an instrumental role in disrupting some of the envisaged efficiencies and improvements that was intended to be addressed through the transversal framework contract as well as what would ordinarily have materialised if the framework contract was seamlessly implemented



## REFLECTIONS ON CURRENT FRAMEWORK AGREEMENT & PROPOSALS



LIMITS IN SERVICE TYPES AND CATEGORIZATION COMBINATION

- EXPANSION OF SERVICES WITH EMERGING NEEDS OF DEPTS.
- INCLUSION OF ACCESS CONTROL REQUIREMENTS
- UNBUNDLE SERVICE TYPES



CLUSTERING I.T.O RISK RATING AND GEOGRAPHICAL AREA

- RISK RATING
  MODEL
  (DEPARTMENTAL
  LEVEL/ DOCS)
- CLUSTER PER GEO AREA

#### LESSONS LEARNT: SPECIFICATIONS



REGISTERED CONTROL OFFICE WITHIN THE REGION

- FOOTPRINT IN REGION / MANGEMENT CONTROL AND USAGE OF LOCAL LABOUR
- SSE ASSESSMENT
   (DOCS) TO ASSESS
   COMPLIANCE



AVERAGE AGREED PRICE/COST

- TENDER PRICES AT CALL-OFF STAGE
- PSIRA BENCHMARK +
   & WCG %
   ACCEPTABLE MARK UP OF PRICES
- WCG NEGOTIATED AGREEMENTS WITH EQUIPMENT MANUFACTURERS



EMERGING SERVICE NEEDS OF DEPARTMENTS

- EXPAND SERVICE
   REQUIREMENTS
- INCLUSION OF EMERGENCY REQUIREMENTS AND AD HOC EVENTS



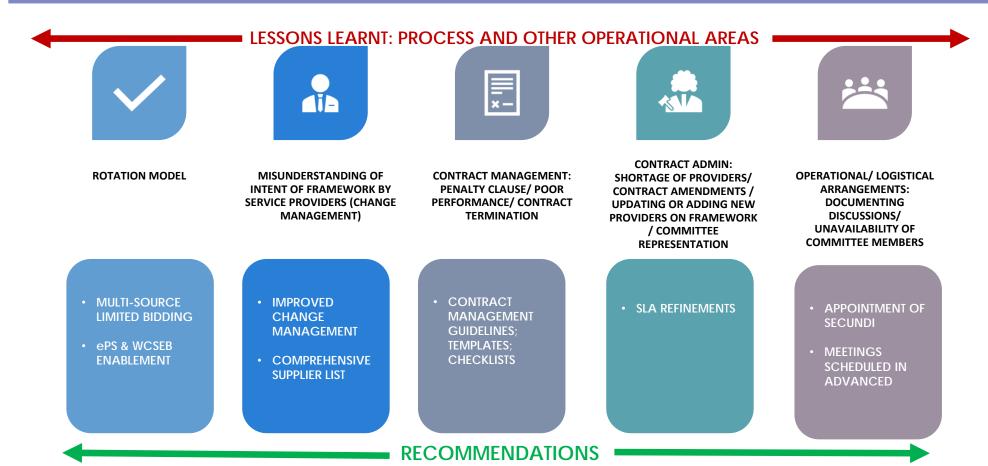
SHORTCOMINGS OF OPERATIONAL RISK ASSESSMENTS (DEPT. COMSAF)

- REFINE ORS CRITERIA
- CONSUT DOTP: INTERNAL AUDIT
- STANDARDISE
   FACILITY RISK RATING
   CRITERIA

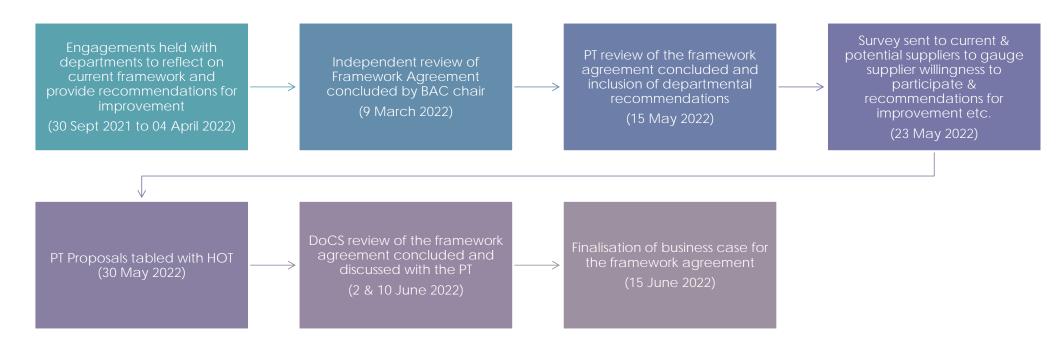


**RECOMMENDATIONS** 

## REFLECTIONS ON CURRENT FRAMEWORK AGREEMENT & PROPOSALS



## Work Done to Date by PT in preparation for New Framework Contract

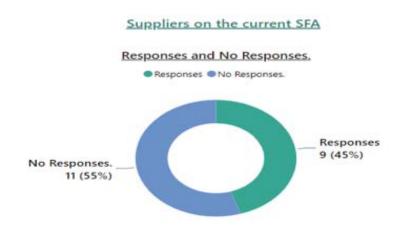




Supplier Analysis and Survey Insights



## **Security Service Providers on CURRENT Framework**



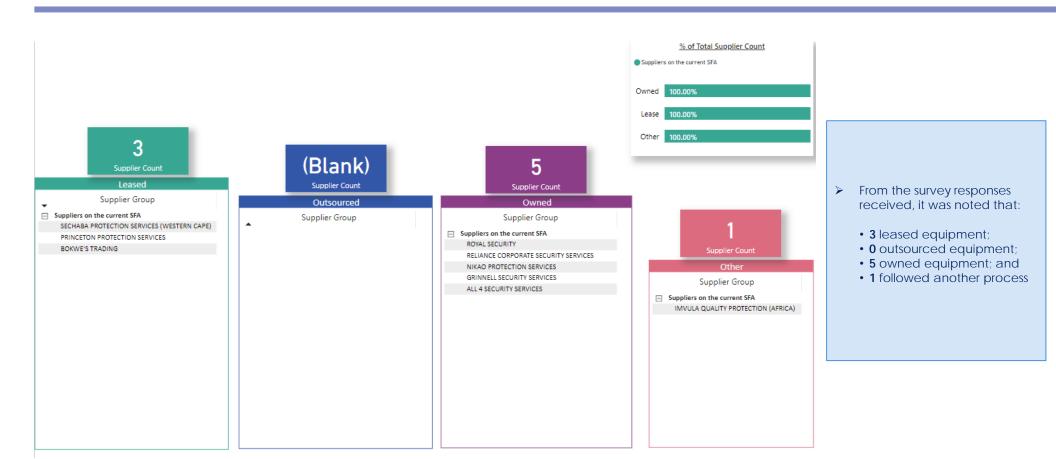
#### Survey Response: Suppliers Registered on the WCSEB

Registered on WCSEB	Supplier Count
□ YES	9
ALL 4 SECURITY SERVICES	1
BOKWE'S TRADING	1
GRINNELL SECURITY SERVICES	1
IMVULA QUALITY PROTECTION (AFRICA)	1
NIKAO PROTECTION SERVICES	1
PRINCETON PROTECTION SERVICES	1
RELIANCE CORPORATE SECURITY SERVICES	1
ROYAL SECURITY	1
SECHABA PROTECTION SERVICES (WESTERN CAPE)	1
Total	9

- > 20 service providers were appointed to the 2018 SFA and were requested to participate in the survey
- ➤ Only 9 (45%) of the current service providers responded to the survey request.
- ➤ It should be noted that at the time of the survey only 18 service providers were rendering services in terms of the SFA. 1 service provider had withdrawn, and 1 service provider was liquated.
- ➤ The response rate could therefore be assumed as 50%

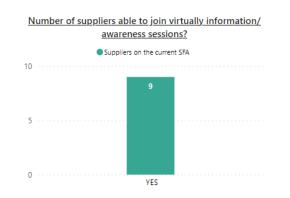


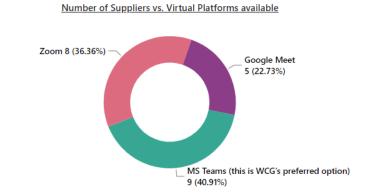
## **General Equipment (Outsourced, Leased or Owned)**





### **Awareness Sessions and Platforms**





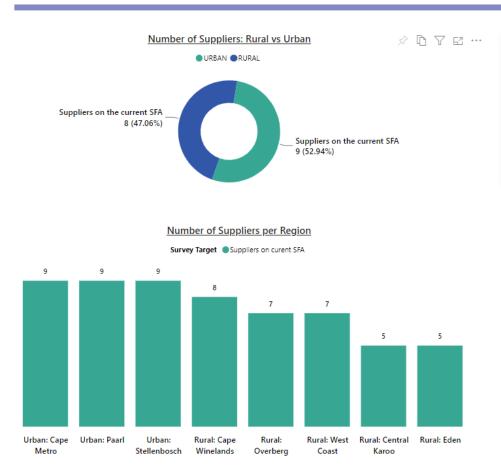
Regions (Where suppli are situated)
<u>Western Cape</u>
77.78%
<u>Gauteng</u>
11.11%
KwaZulu-Natal
11.11%

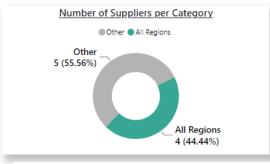
SupplierExtract.Province	SupplierExtract.District	Google Meet	MS Teams (this is WCG's preferred option)	Zoom	Total
□ Western Cape	City of Cape Town	2	6	5	6
	Cape Winelands	1	1	1	1
Total		3	7	6	7
<b>⊞</b> Gauteng		1	1	1	1
■ KwaZulu-Natal Total		1	1	1	1
		5	9	8	9

- ➤ Only 9 service providers who are currently part of the SFA responded to the survey request.
- ➤ All 9 were amenable to virtual information session.
- All 9 indicated that they have access to MS Teams to join awareness sessions. 8 of the respondents indicated that Zoom is also an option available to them whereas 5 indicated that Google Meet is also an additional option.
- ➤ 77.78% of the service providers are based in the Western Cape, and 11.11% in Gauteng and KwaZulu Natal, respectively.



## **Supplier Regional Analysis**



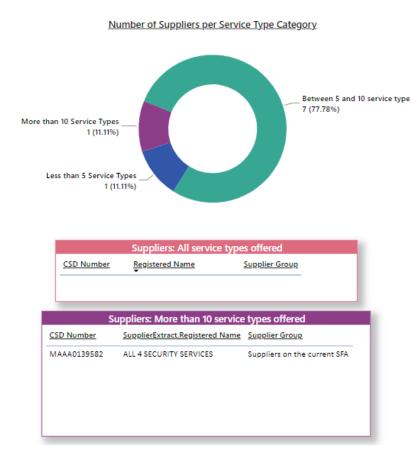


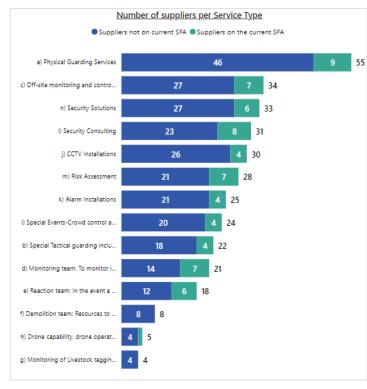
<u>Supplie</u>	ers offering services in All Regions
CSD Number	Supplier Name
MAAA0010169	ROYAL SECURITY
MAAA0463286	RELIANCE CORPORATE SECURITY SERVICES
MAAA0435294	NIKAO PROTECTION SERVICES
MAAA0028572	IMVULA QUALITY PROTECTION (AFRICA)

- ➤ 100% (9) surveyed service providers indicated a footprint in the Cape Metro, Stellenbosch and Paarl areas.
- > 88.88% (8) surveyed service providers have a presence in the Cape Winelands with 77.77% (7) indicating a presence in the West Coast and Overberg regions respectively.
- ➤ In Eden and Central Karoo only 55.55% (5) of the surveyed service providers have indicated a presence in these areas.



## **Service Type Analysis**





#### Service providers on framework

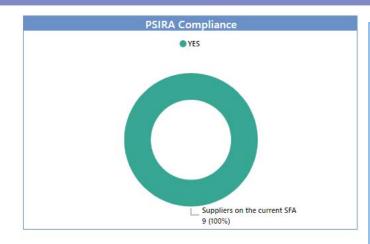
- Only 1 service provider (11.11%) provides less than 5 types of security service, followed by 7 (77.78%) providing between 5 and 10 services;
- ➤ 11.11% (1) service provider indicated that they rendered more than 10 services;
- None of the service providers can provide all service types;
- > 100% indicated that physical guarding services are provided;
- Only 77.77% (7) service providers indicated off-site monitoring and control room, 1 (11.11%) indicated drone capability and none have the capability to monitor livestock



## **Security Industry Compliance**









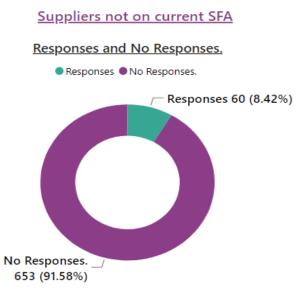
The service providers on the SFA were requested to indicate compliance to industry requirement at the time of the survey.

- ➤ 100% were complaint to Public Liability requirements;
- ➤ 100% were compliant to Private Security Industry Regulation Act (PSIRA) requirements;
- ➤ 100% were compliant to Compensation for Occupational Injuries and Diseases Act (COIDA), requirements; and
- ➤ 100% were complaint to Private Security Sector Provident Fund (PSSPF) requirements

It should be noted that compliance / non-compliance status to these requirements are subject to change.



## **Security Service Providers NOT on the Framework**



Survey Response: Suppliers Registered on the WCSEB

Registered on WCSEB	Supplier Count
⊕ NO	4
⊕ YES	56
Total	60

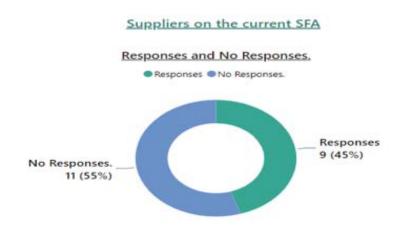
- 713 security service providers not on the current framework agreement were approached (SEB / CSD);
- ▶ 60 (8.42%) responses were received;
- ➤ 653 (91.58%) service providers did not respond;

It should be noted that the survey was undelivered to **41.6%** of service provider engaged.

The low response rate can be attributed to the fact that **more than 40%** of the identified potential service providers did not receive the survey



## **Security Service Provider on the Framework**



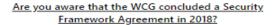
#### Survey Response: Suppliers Registered on the WCSEB

Registered on WCSEB	Supplier Count
□ YES	9
ALL 4 SECURITY SERVICES	1
BOKWE'S TRADING	1
GRINNELL SECURITY SERVICES	1
IMVULA QUALITY PROTECTION (AFRICA)	1
NIKAO PROTECTION SERVICES	1
PRINCETON PROTECTION SERVICES	1
RELIANCE CORPORATE SECURITY SERVICES	1
ROYAL SECURITY	1
SECHABA PROTECTION SERVICES (WESTERN CAPE)	1
Total	9

- ➤ 20 service providers were appointed to the 2018 SFA and were requested to participate in the survey
- ➤ Only 9 (45%) of the current service providers responded to the survey request.
- ➤ It should be noted that at the time of the survey only 18 service providers were rendering services in terms of the SFA. 1 service provider had withdrawn, and 1 service provider was liquated.
- ➤ The response rate could therefore be assumed as 50%

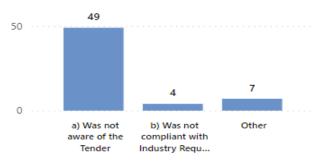


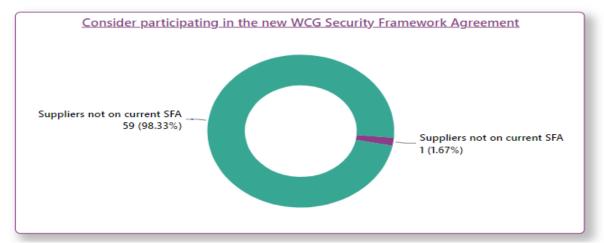
## Outcome of the Survey





#### Why did your entity not participate in the current WCG Security Framework Agreement?





- ➤ 60 security service providers, not on the current SFA responded to the survey.
- ➤ 43 (71.6%) indicated that they were not aware of the PT's SFA whereas 17 (28.3%) of service providers indicated that they were aware of the SFA.
- In response to the question "why service providers did not participate", 49 indicated that they were not aware of the tender, this is followed with 4 who indicated that they were not compliant to industry and 7 responded they were:
  - not established or registered; and/or
  - not to specification; and/or
  - red tape
- Only 1 of the 60 service providers indicated that there was no interest in participating in the new SFA.



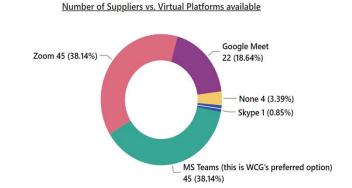
## **General Equipment (Outsourced, Leased or Owned)**





### **Awareness Sessions and Platforms**





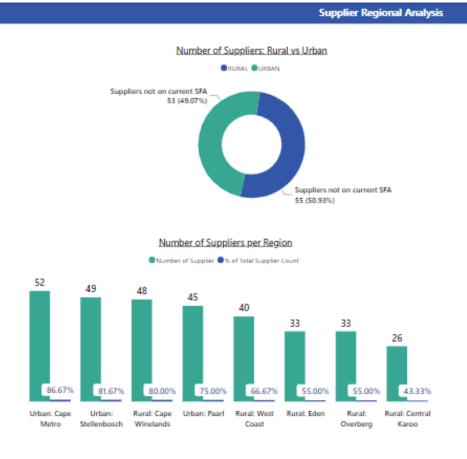
Regions (Where suppliers are situated)
Western Cape
78.33%
(Blank)
8.33%
Eastern Cape
5.00%
Gauteng
5.00%
KwaZulu-Natal
1.67%
<u>Mpumalanga</u>
1.67%

SupplierExtract.Province	SupplierExtract.District	Duo	Google Meet	MS Teams (this is WCG's preferred option)	None	Skype	Zoom	Total
☐ Western Cape	City of Cape Town	1	16	25	1	1	28	35
	Cape Winelands		2	3	1		3	4
	Eden			3	1		2	4
	Central Karoo			2				2
	Overberg						1	1
	West Coast		1	1			1	1
	Total	1	19	34	3	1	35	47
<b>E</b>			2	3	1		4	5
Eastern Cape				3			3	3
<b>■</b> Gauteng			1	3			2	3
■ KwaZulu-Natal				1			1	1
■ Mpumalanga				1				1
Total	*	1	22	45	4	1	45	60

- ➤ 60 service providers not on the SFA responded to the survey request.
- ▶ 58 of service provider was amenable to virtual information session whereas 2 were not.
- ➤ 38.14% preferred using MS teams or Zoom, followed by 18.64% that preferred Google Meet.
- ➤ 78.33% of the service providers are based in the Western Cape, and 5% in the Eastern Cape and Gauteng.
- ➤ 1.67% of service providers were based in either Kwazulu-Natal or Mpumalanga.
- ➤ 8.33% of service providers did not indicate their footprint.



## **Supplier Regional Analysis**





CSD Number	Supplier Name	
MAAA0101761	XHOBANI CLEANING AND SECURITY SERVICES	
MAAA0784437	SS SALUTIONS	
MAAA0821651	SKDNZA LOGISTICS	
MAAA0777284	SECURE ELECTRONICS	
MAAA0541825	SEBENZISANA TRADING 10	
MAAA0795182	SEBELETSA OPERATIONS	
MAAA0010169	ROYAL SECURITY	
MAAAD463286	RELIANCE CORPORATE SECURITY SERVICES	
MAAA0576311	QUANTUM FIRE AND ACCESS	
MAAA0064835	PIEZO CORP	
MAAA0435294	NIKAO PROTECTION SERVICES	
MAAA0527622	MERINGATA TRADING	
MAAA0126607	MATHARA INVESTMENTS	
MAAA0026933	KHESANDE SECURITY SERVICES	
MAAA0909639	JOHNSON SECURITY SERVICES	
MAAA0028572	IMVULA QUALITY PROTECTION (AFRICA)	
MAAA0025587	HBC SYSTEMS	
MAAA1165908	G FIVE SECURITY LABOUR SOLUTIONS	

DYNAMIC INCIDENT MANAGEMENT

CAPITAL SHIP TRADING 605

MAAA0567840

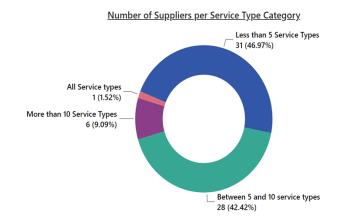
MAAA0057050

MAAA0024727

- ▶ 49.07% of surveyed service providers not on the SFA has a footprint in areas deemed urban and 50.93% a rural footprint.
- ➤ The Cape Town Metro (CoCT) has 86.67% of service providers, followed by the Stellenbosch region with 81.67%.
- ➤ The Central Karoo region has the lowest number of service provers at 43.33%.
- ➤ 34.78 (24) of service providers surveyed (on and not on SFA) have a footprint in all the regions of the Western Cape.

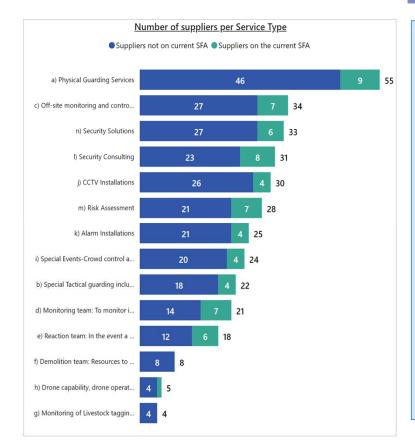


## **Service Type Analysis**



Suppliers: All service types offered			
CSD Number	Registered Name	Supplier Group	
MAAA0075666	WORLD FOCUS 1322	Suppliers not on current SFA	

Suppliers: More than 10 service types offered			
<u>SupplierExtract.Registered Name</u>	Supplier Group		
SSG SECURITY SOLUTIONS	Suppliers not on current SFA		
MATHARA INVESTMENTS	Suppliers not on current SFA		
ALL 4 SECURITY SERVICES	Suppliers on the current SFA		
	Suppliers not on current SFA		
SIJOBO SECURITY	Suppliers not on current SFA		
SS SALUTIONS	Suppliers not on current SFA		
	SupplierExtract.Registered Name SSG SECURITY SOLUTIONS MATHARA INVESTMENTS ALL 4 SECURITY SERVICES SIJOBO SECURITY		



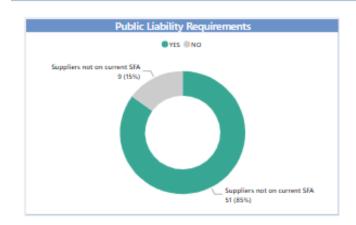
#### <u>Service providers on / not on</u> framework

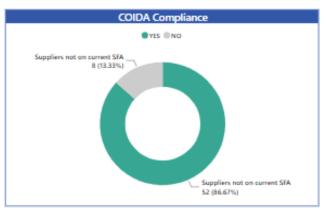
- Most service providers 46.97% provide less than 5 types of security service, followed by 42.42% providing between 5 and 10 services;
- ➤ 9.09% (6) of service providers indicated that they rendered more than 10 services (Basiya Group Holdings name missing from the table);
- ➤ 1 service provider indicated that they could provide all service types;
- ➤ 79.7% (55) indicated that physical guarding services are provided;
- Only 7.2% (5) service providers indicated drone capability and
   5.7% (4) monitoring of livestock

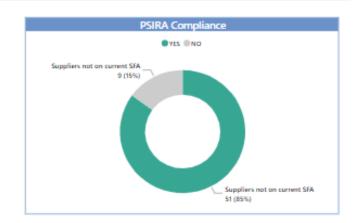


## **Security Industry Compliance**











The service providers not on the SFA were requested to indicate compliance to industry requirement at the time of the survey.

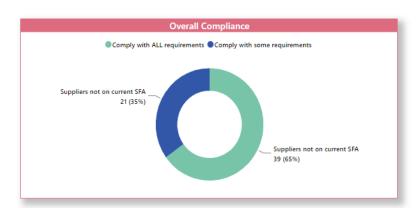
- ➤ **85%** were complaint to Public Liability requirements;
- ➤ 85% were compliant to Private Security Industry Regulation Act (PSIRA) requirements;
- ➤ 86.6% were compliant to Compensation for Occupational Injuries and Diseases Act (COIDA), requirements; and
- ➤ 68.3% were complaint to Private Security Sector Provident Fund (PSSPF) requirements

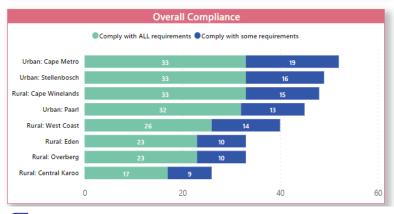
It should be noted that compliance / non-compliance status to these requirements are subject to change.



## **Overall Compliance to Industry Requirements**









In terms of overall compliance to industry requirements:

- > 56.52% of service providers not on the SFA indicated that they were fully complaint;
- ➤ 30.43% of service provider not on the SFA indicated that they were partially complaint

In term of geographical location, the Cape Metro, Stellenbosch and Cape Winelands regions have the highest number of fully compliant service providers (33), with the Central Karoo having the lowest number, at 17 service providers.

It should be noted that complaince / non-complaince status to these requirements are subject to change.



## Request to the Forum



#### **WAY FORWAD**

- To Proceed with renewal of framework with improvements based on proposals made and appointment of committee members.
- Committee members to represent departments and ensure departmental needs/requirements are taken up into the TOR.
- Framework agreement and call-offs to be concluded by end February 2023 for commencement of contracts on 1 April 2023.
- Accounting officers to complete consent to participate letter for the transversal framework agreement.



## Feedback on Court Judgment



### **Court Order**

- 1. Bid No WCPT TR 01/2017/2018 and all decisions made in terms of it are declared invalid;
- 2. All contracts awarded in terms of Bid No WCPT TR 01/2017/2018, are declared invalid, subject to part 3 of the court order;
- 3. All contracts concluded by the Western Cape Provincial Department of Community Safety pursuant to Bid No WCPT TR 01/2017/2018 shall remain in full force and effect until their termination dates as if the court had not made parts 1 and 2 of this order;
- 4. The Provincial Government shall constitute a fresh bid for the procurement of security services and, subject to part 3 of this order, commence the bid process de novo;
- 5. The Provincial Government shall pay the costs of all three Applicants, including the costs of two counsel where excluding any costs Distinctive Choice may have incurred in obtaining an expert opinion.



## **High Level Impact**

- 1. Clarity on impact on contracts procured by other departments is required.
- 2. Clarity on interdicts no dismissal of interdicts that were in place in respect 2 applications that were heard and joined to the main review process.

Clarity on this and a variation of the order is therefore sought

#### **Overall Impressions**

- 1. All representation made by the WCG is rejected and all arguments made by the applicants are upheld
- 2. No reasoning has been provided as to why it has taken two years to rule on the matter

#### ON THE MERITS OF THE CASE

- 1. Counsel indicates that despite our good arguments for decisions made but we could accept that the aspects on special conditions issues and regional locale was an area that we knew could go either way given the caselaw on these aspects we could have lived with a loss on this.
- 2. 180 days to do PAJA application rebuttable view on when the timeframe starts argument that starts only when we gave reasons to suppliers on call-off results
- 3. "providing reasons for decisions" - impact on future tenders-
- 4. An unreasonable expectation is created that the fact that bidders they were awarded previous tenders for the same type of services previously that they ought to have been successful in the replacement tender process irrational outcomes to ordinary procurement as well as framework contracts
- 5. Rotational processes and rationality is questioned nothing said on how to improve will create future issues when rotation is used -numerous jabs at the model throughout the judgment using words from the applicant's heads of arguments
- 6. Consequence of creating a precedent in the division and future negative impact on framework contracts as a model



## Thank you



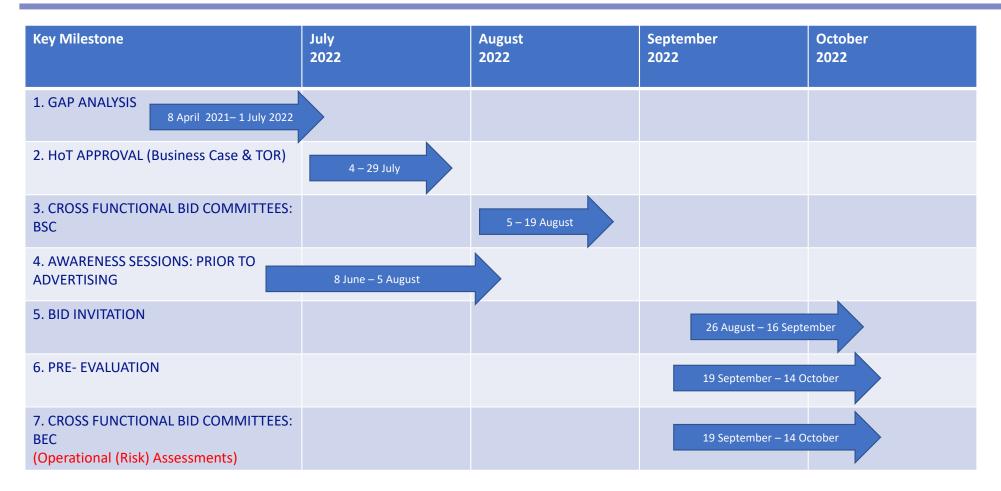
**Provincial Treasury** 

# Transversal Security Framework Agreement Project Plan

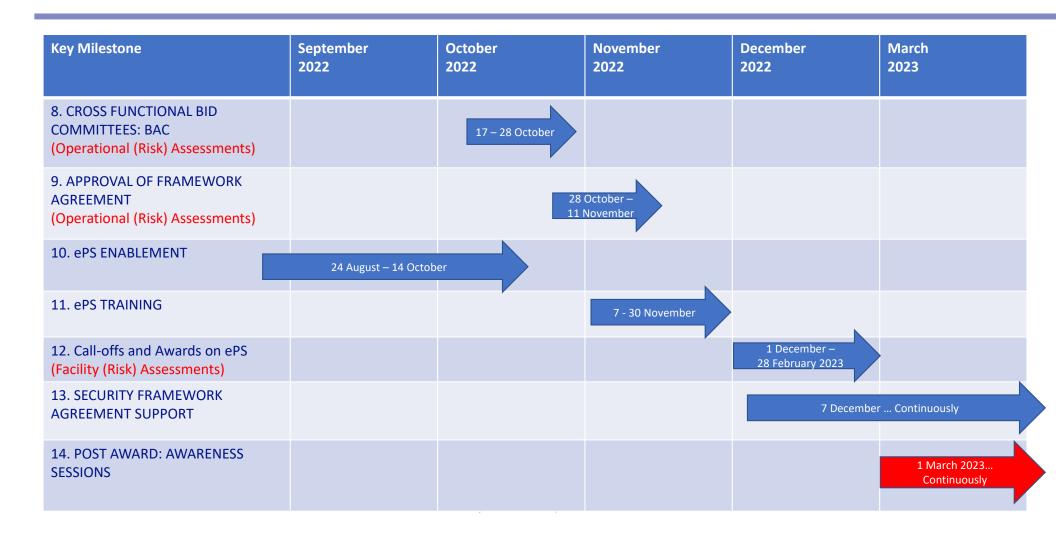
## PROJECT TIMELINE



## **PROJECT MILESTONES**



## **PROJECT MILESTONES**



## Thank you