



Reference: T16/P

TREASURY CIRCULAR, NO. 31 /2012

THE PREMIER

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT
THE MINISTER OF COMMUNITY SAFETY
THE MINISTER OF CULTURAL AFFAIRS AND SPORT
THE MINISTER OF EDUCATION
THE MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM
THE MINISTER OF HEALTH
THE MINISTER OF HUMAN SETTLEMENTS
THE MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
THE MINISTER OF SOCIAL DEVELOPMENT
THE MINISTER OF TRANSPORT AND PUBLIC WORKS

THE SPEAKER: PROVINCIAL PARLIAMENT
THE DEPUTY SPEAKER: PROVINCIAL PARLIAMENT

THE ACCOUNTING OFFICER: VOTE 1: PREMIER (ADV B GERBER)
THE ACCOUNTING OFFICER: VOTE 2: PROVINCIAL PARLIAMENT (MR R HINDLEY)
THE ACCOUNTING OFFICER: VOTE 3: PROVINCIAL TREASURY (DR JC STEGMANN)
THE ACCOUNTING OFFICER: VOTE 4: COMMUNITY SAFETY (DR GA LAWRENCE)
THE ACCOUNTING OFFICER: VOTE 5: EDUCATION (MS P VINJEVOLD)
THE ACCOUNTING OFFICER: VOTE 6: HEALTH (PROF KC HOUSEHAM)
THE ACCOUNTING OFFICER: VOTE 7: SOCIAL DEVELOPMENT (MR M RICHARDSON)
THE ACCOUNTING OFFICER: VOTE 8: HUMAN SETTLEMENTS (MR M TSHANGANA)
THE ACCOUNTING OFFICER: VOTE 9: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING (MR P VAN ZYL)
THE ACCOUNTING OFFICER: VOTE 10: TRANSPORT AND PUBLIC WORKS (MR J FOURIE)
THE ACCOUNTING OFFICER: VOTE 11: AGRICULTURE (MS J ISAACS)
THE ACCOUNTING OFFICER: VOTE 12: ECONOMIC DEVELOPMENT AND TOURISM (MR S FOURIE)
THE ACCOUNTING OFFICER: VOTE 13: CULTURAL AFFAIRS AND SPORT (MR B WALTERS)
THE ACCOUNTING OFFICER: VOTE 14: LOCAL GOVERNMENT (DR H FAST)

For information

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 (MR A GILDENHUIJS)
THE CHIEF FINANCIAL OFFICER: VOTE 4: COMMUNITY SAFETY (MR M FRIZLAR)
THE CHIEF FINANCIAL OFFICER: VOTE 5: EDUCATION (MR L ELY)
THE CHIEF FINANCIAL OFFICER: VOTE 6: HEALTH (MR A VAN NIEKERK)
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 AA GAFFOOR)
THE CHIEF FINANCIAL OFFICER: VOTE 10: TRANSPORT AND PUBLIC WORKS (MR CR ISMAY)
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)

THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE GAMBLING AND RACING BOARD (MR R BENNIT) (ACTING)
THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE NATURE CONSERVATION BOARD (MS M MOROKA)
THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE INVESTMENTS AND TRADE PROMOTION AGENCY (MR N FLAATTEN)
THE CHIEF EXECUTIVE OFFICER: CAPE TOWN ROUTES UNLIMITED (DMO) (MR C GILFELLAN)
THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE CULTURAL COMMISSION (MS J MOLELEKI)
THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE LANGUAGE COMMISSION (MS J MOLELEKI)
THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE HERITAGE COMMISSION (MS J MOLELEKI)
THE CHIEF EXECUTIVE OFFICER: CASIDRA (MS T MLONYENI) (ACTING)
THE CHIEF EXECUTIVE OFFICER: WESTERN CAPE LIQUOR BOARD (MR S FOURIE)

THE CHIEF FINANCIAL OFFICER: WESTERN CAPE GAMBLING AND RACING BOARD (MR P ABRAHAMS)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE NATURE CONSERVATION BOARD (MR A PRESTON)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE INVESTMENTS AND TRADE PROMOTION AGENCY (MR I BLACKIE)
THE CHIEF FINANCIAL OFFICER: CAPE TOWN ROUTES UNLIMITED (DMO) (MR H BONESCHANS)
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THE CHIEF FINANCIAL OFFICER: WESTERN CAPE HERITAGE COMMISSION (MS B RUTGERS)
THE CHIEF FINANCIAL OFFICER: CASIDRA (MR F VAN ZYL)
THE CHIEF FINANCIAL OFFICER: WESTERN CAPE LIQUOR BOARD (MS M ABRAHAMS)

THE HEAD OFFICIAL: PROVINCIAL TREASURY (DR JC STEGMANN)
THE HEAD: BRANCH FISCAL AND ECONOMIC SERVICES (MR H MALILA)
THE HEAD: BRANCH GOVERNANCE AND ASSET MANAGEMENT (VACANT)
THE HEAD: PUBLIC POLICY SERVICES (MR A PHILLIPS)
THE HEAD: PUBLIC FINANCE (MR H MALILA) (PRO TEM)
THE HEAD: LOCAL GOVERNMENT FINANCE (MR TC ARENDSE)
THE HEAD: FINANCIAL GOVERNANCE (MR A HARDIEN)
THE HEAD: ASSET MANAGEMENT (MR I SMITH)
THE CHIEF FINANCIAL OFFICER (MR A GILDENHUY)
THE SENIOR MANAGER: ACCOUNTING SERVICES: PROVINCIAL GOVERNMENT (MR A REDDY)
THE SENIOR MANAGER: ACCOUNTING SERVICES: LOCAL GOVERNMENT (MS L NGXONONO)
THE SENIOR MANAGER: CORPORATE GOVERNANCE (MR B VINK)
THE SENIOR MANAGER: BUDGET MANAGEMENT: PROVINCIAL GOVERNMENT (MS M SHERATON-KORSTEN)
THE SENIOR MANAGER: BUDGET MANAGEMENT: LOCAL GOVERNMENT (MR ML BOOYSEN)
THE SENIOR MANAGER: PROVINCIAL GOVERNMENT FINANCE (MS A PICK)
THE SENIOR MANAGER: LOCAL GOVERNMENT FINANCE (GROUP ONE) (MR F SABBAT)
THE SENIOR MANAGER: LOCAL GOVERNMENT FINANCE (GROUP TWO) (MR M SIGABI)
THE SENIOR MANAGER: PUBLIC FINANCE POLICY RESEARCH AND MODELLING (MS C HORTON)
THE SENIOR MANAGER: IMMOVEABLE ASSET MANAGEMENT (MR NB LANGENHOVEN)
THE SENIOR MANAGER: MOVEABLE ASSET MANAGEMENT (MS N EBRAHIM)
THE SENIOR MANAGER: SUPPORTING AND INTERLINKED FINANCIAL SYSTEMS (MR A BASTIAANSE)
THE SENIOR MANAGER: STRATEGIC AND OPERATIONAL MANAGEMENT SUPPORT (MS A SMIT)
THE HEAD: OFFICE OF THE FINANCE MINISTRY (MS T EVANS)

THE PROVINCIAL AUDITOR

MASTER RECORDS OFFICIAL: FINANCIAL MANAGEMENT

1) STATUS OF NATIONAL TREASURY INSTRUCTION NOTE 32 OF 2011; AND

2) ISSUANCE OF NATIONAL TREASURY CIRCULAR: POSTPONING IMPLEMENTATION OF SUBPARAGRAPH 3.9.4 OF INSTRUCTION NOTE 32: ENHANCING COMPLIANCE MONITORING AND IMPROVING TRANSPARENCY AND ACCOUNTABILITY IN SUPPLY CHAIN MANAGEMENT (SCM), DATED 31 MAY 2011

1. PURPOSE

1.1 The purpose of this communiqué is to inform departments on the requirements of:

- a) The current status in the Provincial context of the implementation of National Treasury's Instruction Note 32 of 2011, and
- b) To disseminate the attached National Treasury Circular (included as "Annexure A").

2. BACKGROUND

- 2.1 Since the issuing of Instruction Note 32 on 31 May 2011 and rendering of provincial comments at various stages, National Treasury Circular dated 28 September 2011 was issued, postponing paragraph 3.3, 3.4 and 3.5 of the Instruction Note. Subsequent to this, National Treasury Circular dated 24 April 2012 (attached Circular) was issued, postponing the implementation of sub-paragraph 3.9.4.
- 2.2 The Provincial Treasury submitted comments in writing and met with the National Treasury regarding our concerns in respect of the Instruction Note and afforded National Treasury an opportunity to interrogate the concerns to which it issued a revised Instruction Note for comment.
- 2.3 Whilst we have tabled our concerns/ comments to the revised Instruction Note the National Treasury has to date not issued the final Instruction Note 33 (the revised version of Instruction Note 32), nor responded to our concerns/ comments.
- 2.4 Therefore the sections under dispute have not been taken up in the revised Provincial Treasury Instructions (PTIs) issued 28 March 2012.
- 2.5 Taking cognisance of the above, the following requirements of Instruction Note 32 are reflected in the Table hereunder depicting the extent to which the requirements of NT Instruction Note 32 has been taken up in the PTIs, and what the current Provincial requirements are as well as those which have been postponed by National Treasury and those that have not been implemented by the Province including the reasons for non-implementation.

RELEVANT PARAGRAPH OF INSTRUCTION NOTE 32	REFERENCE TO ISSUE TAKEN UP IN PTIs ISSUED 28 MARCH 2012	PROVINCIAL TREASURY COMMENTS TO NATIONAL TREASURY / REASONS WHY RELEVANT SECTIONS NOT TAKEN UP IN PTIs
3.1 Submission of procurement plans in respect of advertised competitive bids	<p>PTIs Chapter 16A Part 4: Paragraph 4.3.5</p> <p>"The accounting officer of a department must submit a procurement schedule containing all planned procurement for the financial year in respect of goods or services which exceed R500 000 (all applicable taxes included) to the Provincial Treasury by 30 April of each year in the prescribed format for monitoring purposes</p>	
3.2 Publication of names of bidders in respect of advertised competitive bidding above the threshold value of R500 000.00	<p>Not taken up in PTIs</p> <p>See: PT Circular 14/2012 paragraph 6.3 (e) and (f)</p> <p>PT circular 26/2011 and PT circular 14 of 2010 (Reporting requirements)</p>	<p>Letter to NT dated 03/09/2011 by the Provincial Treasury.</p> <p>The requirement is highlighted as a risk as it would create expectations by bidders as this would involve publication of points claimed before verification. One needs to balance risk against transparency.</p>

	<p><u>New PTL requirements:</u></p> <p>PTIs Chapter 16A Part 11: Paragraph 11.1.2 (c) (vi)</p> <p>“ Accounting Officers or authorities must within two working days:</p> <p>aa) Notify the Provincial Treasury of all bids advertised via the open bidding process as and when they advertised in Government Tender Bulletin (GTB) or the local newspaper;”</p> <p><i>This information is sent to the PT website collator for publication on the PT website</i></p>	<p>NB: It is already a practice in the Construction industry to read out this information when the bid box is opened.</p> <p>There is also the assumption created that all bidders are responsive.</p> <p>It will also be an administrative nightmare for bigger departments as information would have to be uploaded daily on the website.</p>
<p>3.3 Verifying the names and identity numbers of directors/trustees/shareholders of companies/enterprises/closed corporations and trusts against relevant trust structure</p>	<p>POSTPONED BY NATIONAL TREASURY</p> <p>See: PT Circular 14/2012 paragraph 6.3 (b) (i-iii)</p>	
<p>3.4 Information on bids in excess of R10 million (including applicable</p>	<p>POSTPONED BY NATIONAL TREASURY</p>	

taxes)	See: PT Circular 14/2012 paragraph 6.3 (b) (i-iii)	
3.5 Auditing of bidding process for bids in excess of R10 million	POSTPONED BY NATIONAL TREASURY	
3.6 Legal vetting of formal contracts/SLA	See: PT Circular 14/2012 paragraph 6.3 (b) (i-iii) PTIs Chapter 16A Part 7: Paragraph 7.1(a) "The accounting officer or accounting authority must ensure that all contracts entered into by the institution are legally sound"	
3.7 Publication of awards	<u>New PTI requirements:</u> PTIs Chapter 16A Part 11: Paragraph 11.1.2 (c) (vi) "bb) for awards, forward a copy of the acceptance letter sent to the successful bidder to the Provincial Treasury." <i>This information is sent to the PT website collator for publication on the PT website</i> Also requirement of NTR 16A6.3 (d)	

<p>3.8 Placing of orders for payments in another financial year</p>	<p>See: PTIs issued November 2009; Chapter 8: Paragraph 8.3: Date of Payment is date of Charge</p> <p>Paragraphs 8.3.1 – 8.3.4</p>
<p>3.9 Management of expansion or variations of orders against the original contract</p>	<p>NT Supply Chain Circular dated 24/04/2012 : Postponing implementation of subparagraph 3.9.4 in Instruction Note dated 31 May 2011, related to enhancing Compliance monitoring and Improving Transparency and Accountability in Supply Chain Management.</p> <p>Paragraphs 3.3 -3.5</p> <p><u>New Requirement:</u></p> <p><i>Prior approval by PT no longer required. PT to be notified and to take appropriate steps where deemed necessary.</i></p>
<p>3.10 Payment within 30 days</p>	<p>See: PTIs issued November 2009; Chapter 8: Paragraph 8.2.3:</p>

2.6 It should be noted that the National Treasury has in the interim amended the requirement of sub-paragraph 3.9.4, unpacked further in paragraph 3 below.

3. POSTPONEMENT OF THE IMPLEMENTATION OF SUB-PARAGRAPH 3.9.4

3.1 Following consultations with departments and Provincial Treasuries by the National Treasury, it was found that the implementation of sub-paragraph 3.9.4 was problematic. The National Treasury has therefore taken a decision to postpone the implementation of the abovementioned paragraph pending the issuance of a revised instruction note.

3.2 Sub-paragraph 3.9.4 reads as follows:

"Any deviation in excess of these thresholds (20% or R20 million in respect of construction related goods, works and/ services and 15% or R15 million in respect of all other goods and/ services, whichever is the lower amount) will only be allowed subject to the prior written approval of the relevant treasury. Whilst provision is made for deviations, it is imperative to note that requests for such deviations may only be submitted to the relevant treasury where good reasons exist."

3.3 The requirement has however in the interim been amended, where institutions are required to forward motivations for all expansions/ extensions in excess of these thresholds (mentioned in 3.2 above) to the Provincial Treasury and to the Auditor-General within 10 (ten) working days after the Accounting Officer or Accounting Authority has granted approval for the deviation.

3.4 The Provincial Treasury will scrutinise such reports and take appropriate action where deemed necessary.

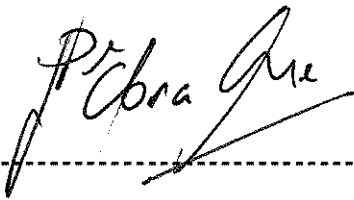
3.5 Reports sent to the Provincial Treasury will assess the case against current policy and prescripts and institutions should note that the Provincial Treasury will only provide a written response if any findings of non-compliance are noted.

3.6 Cases submitted to the Provincial Treasury must address the following key criteria and Departments are requested to submit such cases in the attached format (Annexure B).

4. REQUEST

4.1 Accounting officers / accounting authorities are requested to:

- (a) Note and adhere to the requirements of this Circular; and
- (b) Ensure that the content of the Circular is brought to the attention of all relevant officials within their institution and schedule 3A and 3C public entities reporting to their executive authorities.



NADIA EBRAHIM

DIRECTOR: PROVINCIAL AND LOCAL GOVERNMENT SCM

DATE: 21/06/2012



national treasury

Department:
National Treasury
REPUBLIC OF SOUTH AFRICA

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**TO ALL: ACCOUNTING OFFICERS OF DEPARTMENTS AND
CONSTITUTIONAL INSTITUTIONS**

**: ACCOUNTING AUTHORITIES OF SCHEDULE 3A AND 3C
PUBLIC ENTITIES**

: HEAD OFFICIALS OF PROVINCIAL TREASURIES

SUPPLY CHAIN MANAGEMENT CIRCULAR

**POSTPONING IMPLEMENTATION OF SUB-PARAGRAPH 3.9.4 IN
INSTRUCTION NOTE NUMBER 32 DATED 31 MAY 2011, RELATED TO
ENHANCING COMPLIANCE MONITORING AND IMPROVING TRANSPARENCY
AND ACCOUNTABILITY IN SUPPLY CHAIN MANAGEMENT (SCM)**

1 PURPOSE

- 1.1 This Circular serves to inform accounting officers and accounting authorities that sub-paragraph 3.9.4 in Instruction Note Number 32 dated 31 May 2011 has been postponed for implementation.
- 1.2 This postponement shall be for the period up until a revised Instruction Note is issued.

2. BACKGROUND

- 2.1 On 31 May 2011, the National Treasury issued Instruction Note No. 32 to, amongst others, improve accountability and provide supply chain management directives to accounting officers of departments and constitutional institutions and to accounting authorities of public entities listed in Schedules 3A and 3C to the Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999).
- 2.2 On 28 September 2011, the National Treasury issued a Circular postponing implementation of paragraphs 3.3, 3.4 and 3.5 as contained in Instruction Note 32 dated 31 May 2011 pending the issuance of a revised Instruction Note.
- 2.3 After consultation with departments and provincial treasuries, it has since come to light that sub-paragraph 3.9.4, as contained in Instruction Note 32 dated 31 May 2011, is also problematic for implementation.

3. POSTPONEMENT OF IMPLEMENTATION

3.1 Taking cognisance of paragraph 2.3 above, sub-paragraph 3.9.4, as contained in Instruction Note No. 32 dated 31 May 2011 is also postponed for implementation pending the issuance of a revised Instruction Note.

3.2 The sub-paragraph in question reads as follows:

Sub-paragraph 3.9.4

Any deviation in excess of these thresholds will only be allowed subject to the prior written approval of the relevant treasury. Whilst provision is made for deviations, it is imperative to note that requests for such deviations may only be submitted to the relevant treasury where good reasons exist.

3.3 Institutions are, however, required to forward motivations for all expansions in excess of the thresholds to the relevant treasuries and to the Auditor-General within 10 (ten) working days after the Accounting Officer or Accounting Authority has granted approval for the deviation.

3.4 Such motivations must include, among others, the contract number, the description of the contract, the name of the contractor, the original contract amount, the value and percentage of the deviation and the reasons for the deviation.

3.5 The relevant treasuries will scrutinize such reports and take appropriate action, if deemed necessary. This may include the investigation of any system of financial management and internal control in terms of sections 6(2)(e) and 18(2)(f) of the PFMA and the institution of financial misconduct proceedings in terms of Chapter 10 of the PFMA and Chapters 4 and 33 of the Treasury Regulations.

4. STATUS OF INSTRUCTION NOTE NUMBER 32 DATED 31 MAY 2011

With the exception of paragraphs 3.3, 3.4, 3.5 and sub-paragraph 3.9.4 all other provisions in Instruction Note No. 32 dated 31 May 2011 are still effective until a revised Instruction Note is issued.

5. APPLICABILITY

This Circular applies to all departments and constitutional institutions and to public entities listed in Schedule 3A and 3C to the PFMA.

6. DISSEMINATION OF INFORMATION CONTAINED IN THIS CIRCULAR

6.1 Head Officials of Provincial Treasuries are requested to please bring the contents of this Circular to the attention of all accounting officers of their respective provincial departments.

6.2 Accounting officers of national and provincial departments are requested to please bring the contents of this Circular to the attention of accounting authorities of all Schedules 3A and 3C public entities reporting to their respective executive authorities.

7. NOTIFICATION TO THE AUDITOR-GENERAL

A copy of this Circular will be forwarded to the Auditor-General for notification.



**SF NOMVALO
ACCOUNTANT-GENERAL**

DATE: 24/04/2012

Jan2312(h)

Annexure B

Submission for extension/ expansion of a contract

Submission for extension/ expansion of a contract		Expansion of contract				
Type of process	Extension of contract	Yes / No				
1.		Yes / No				
2.	Does the Department's Accounting Officer's System make provision for expansions/ extensions? Please make reference to the relevant sections of the Department's AOS that details the process applicable	Yes / No				
3.	Contract number/ reference number					
4.	Name of contractor					
5.	Description of existing contract					
6.	How was the existing / principle contract procured? (tick appropriate box)	<table border="1"> <tr> <td>Quotation</td> <td>Competitive bidding</td> <td>Limited Bidding</td> <td>Emergency Procurement</td> </tr> </table>	Quotation	Competitive bidding	Limited Bidding	Emergency Procurement
Quotation	Competitive bidding	Limited Bidding	Emergency Procurement			
7.	Original contract value					
8.	Original contract period					

9.	Deliverables of the project	
10.	Value of extension/ expansion and percentage of deviation	
11.	Period of extension	
12.	Motivation for expansion/extension of contract	
13	Was the current contract previously extended/ expanded?	
a)		
b)	If yes, provide reason/s and nature of previous extension/ expansion	
c)	Value and period of previous extension/ expansion	
14.	Description of expansion/ extension (attach terms of reference and proposal of service provider)	
a)		
b)	How was the proposal evaluated and accepted? (process followed)	
c)	How and when were the additional requirements identified?	

d)	Why could the additional requirement not be conceptualised at the initiation of the contract?	
15.	Why was a new procurement process not initiated? Provide reasons/ motivation	
16.	Has the service provider agreed to render the expansion/ extension at the same terms and conditions / are there additional / amended terms and conditions?	
17. a)	Has the Department considered the reasonableness of the extension /expansion proposal and is the proposal considered reasonable?	
b)	If no to the latter (above), why is the Department continuing with the process?	
18.	Is budget adequately provided for the duration of the contract period?	

19.	How will the Department deal with additional expansions/ extensions?	
20.	Were all relevant stakeholders involved in the process? (Cost centre manager/ project manager/ service provider/ SCM unit etc.)	
21.	Has the case served before the departmental bid adjudication committee? (attach proof of submission to DBAC)	
a)	Was the extension/ expansion approved by the relevant delegate? (Indicate relevant delegation and attach proof of approval, if already not provided for in the submission to the DBAC)	
b)		

Note:

- ❖ Submissions should be drafted in a meticulous manner, should not be prone to interpretation and should provide detail of the expansion/ extension (**attach copy of all submissions, if already not provided for above**).
- ❖ Minutes of meetings should be clear, concise and should reflect all discussion or decisions that took place at the meetings (**attach copy of all bid committee minutes and minutes of meetings with the contractor, if applicable**).