**MM026 –** **Request for approval of deviation from tender procedure**

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| Instructions |
| * This form is used for obtaining approval from the Finance Department when a deviation from the tender procedure occurs.
* A detailed written motivation, with supporting documents (where appropriate), must accompany this request.
* See: [PUR004](http://www.staff.uct.ac.za/sites/default/files/image_tool/images/431/finance/operations/policies/pur004.pdf), UCT Quotations, Tenders and Requests for Proposal (RFPs) on [Policies & guidelines](http://www.staff.uct.ac.za/staff/finance/operations/policies-guidelines) page.
* Send the completed form via email to Vendor Management Section, Procurement & Payments Services: tenders@uct.ac.za.
* Use Tab or arrow keys to move between expandable text fields.
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| General Provisions Relating to Deviations

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| 1. As a rule, standard procurement processes must be followed, and deviations are discouraged. In all instances, the reasons for the deviation must be recorded using the MM026 together with supporting documentation.
2. Except in the case of emergencies, approval to deviate from the procurement process should be obtained prior to requesting services and goods from a supplier.
3. Subject to the provisions the respective procurement policies, the Executive Director may a authorise deviation from the standard procurement processes within their Delegation of Authority. All deviations above R20m will need to be endorsed by Council as per [GEN002](http://www.staff.uct.ac.za/sites/default/files/image_tool/images/431/finance/operations/policies/gen002.pdf).
4. Appropriate action where a department or an individual appears to have abused the system through seeking an unnecessary deviation(s) which may include Disciplinary action if deemed appropriate in the circumstances.
5. The university shall not be bound to any contract or obligation made by any individual acting outside the express authority stated within the [GEN002](http://www.staff.uct.ac.za/sites/default/files/image_tool/images/431/finance/operations/policies/gen002.pdf) policy notwithstanding any representations or misrepresentations that may be made about the individual’s apparent authority. University employees or agents signing agreements or otherwise attempting to bind the university without first obtaining authority may be personally liable for that contract, may be subject to legal action, and may also be subject to university disciplinary action up to and including termination of employment.
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Tender details |
| Tender No. |       |
| Vendor No. |       | BBBEE Level |       |
| Description  |       |
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| **Tender deviation type (tick appropriate box):** |
| **🗸** | **Type** | **Description of type** |
| [ ]  | Sole supplier  | Goods or services can only be supplied by a particular supplier due to:* Lack of reasonable alternative or substitute existing;
* Patent or copyright issues; or
* The absence of competition for technical reasons.
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| [ ]  | Emergencies | Unforeseen events or emergencies and the urgency to obtain certain goods or services where these goods or services could not be obtained by means of the formal tender/RFP process. |
| [ ]  | Incompatibility | A change of suppliers would compel UCT to obtain spare parts or additional equipment or services that are not compatible or interchangeable with existing equipment or services which were obtained from an original supplier. |
| [ ]  | Auctions/ disposals | UCT can purchase under exceptionally advantageous conditions which are only available for a short period. This provision covers the following circumstances: * Unusual disposals (e.g. auctions) by firms that are not normally suppliers, or
* Disposal of assets or businesses in liquidation or receivership.
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| [ ]  | Alternative Procurement Method | Where an alternative procurement process is followed: * Design Competition
* Close Tender above R5m
* Establishment of a Framework agreement with an agreed Price Book
* Where direct negotiations are warranted

**Note:** All P&S all deviations above R5m to be approved by Standing Tender Adjudication Committee (STAC).  |
| [ ]  | Practicalities | Instances of urgency not constituting an emergency, but which would nonetheless result in material risk and/or potentially result in material adverse consequences for the University;* Where a donor or funder has its own preferred suppliers of goods or services, or requests specific procurement conditions and/or processes, provided that such requirements do not materially conflict with those of the University;
* Purchasing Card transactions of over R100k as a result of an aggregated purchase of the same item for multiple persons;
* Approved proof of concept projects where evidence is presented to demonstrate that only selected service provider(s) can supply goods and/or services; and provided that the market is tested prior to any renewal.
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| Motivation for request |
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| Requester details |
| Full name |       | Department |       |
| Contact no. |       | Fund holder name |       |
| HOD/Line Manager name  |       | HOD/Line Manager signature |  | Date signed |
|       |
| Unit Head name |       | Unit Head signature |  | Date signed |
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| Office use only |
|  Approved by > R1 Million and <= R2 Million |
| Dir: Procurement & Payment Services/ Nominee |       | Approval | [ ]  | Supported  | [ ]  | Not supported |
| Comments |       |
|       |
|       | Date |       |

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| Office use only (cont.) |
| Approved by >R2 Million and <= R5 Million |
| Approval | [ ]  | Approved | [ ]  | Not approved |  |
| Executive Director of Finance |       | Signature |  | Date |       |
| Comments |       |
|       |
|       |
| Approved by > R5 Million and <= R20 Million |
| Approval | [ ]  | Approved | [ ]  | Not approved |  |
| Chief Operating Officer |       | Signature |  | Date |       |
| Comments |       |
|       |
|       |
| Approved by > R20 Million |
| Approval | [ ]  | Approved | [ ]  | Not approved |  |
| Council  |       | Signature | Shape  Description automatically generated with low confidence | Date |       |
| Comments |       |
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