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

|  |
| --- |
| Instructions |
| * This form is used for obtaining approval from the Finance Department when a deviation from the tender and/or quotation procedure occurs.
* A detailed written motivation, with supporting documents (where appropriate), must accompany this request.
* See: [PUR004](https://staff.uct.ac.za/media/10334), UCT Quotations, Tenders and Requests for Proposal (RFPs) on [Policies & guidelines](https://staff.uct.ac.za/staff/finance-finance-operations/policies-and-guidelines) page.
* Send the completed form via email to Procurement & Payments Services: tenders@uct.ac.za.
* Complete each section thoroughly and attach all required documents.
* Clearly document the reason for any deviations, following the guidelines provided.
* Submit to [specific department email].
* Use Tab or arrow keys to move between expandable text fields.
 |

|  |
| --- |
| General provisions relating to deviations |
| 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. Approval to deviate from the procurement process must be obtained prior to requesting services and goods from a supplier, except in the case of emergencies.
3. 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.
4. The university shall not be bound to any contract or obligation made by any individual acting outside the express authority stated within the [GEN002](https://staff.uct.ac.za/media/10311) 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.
5. The Executive Director may authorise deviations within their Delegation of Authority [(GEN002)](https://staff.uct.ac.za/media/10311), with Council endorsement required for deviations above R35 million. Deviations in the thresholds R20 – R35 million are sent to Council for noting. All deviations are reported quarterly to the office of the CFO.
6. Contracts signed without authority do not bind the university, and individuals acting outside authority may be held personally accountable.
 |

|  |
| --- |
| Tender details |
| Tender No. |       |
| Vendor No. |       | BBBEE Level |       |
| Faculty |       | Department |       |
| Value |       | Budget confirmed | [ ]  | Yes | [ ]  | No |
| Research related expenditure | [ ]  | Yes | [ ]  | No | Date |       |
| Description  |       |

|  |
| --- |
| Tender deviation type (tick appropriate box): |
| **🗸** | **Type** | **Description of type** |
| [ ]  | Sole supplier  | * Only one supplier can fulfill this request due to specific circumstances, such as:
* No reasonable alternative or substitute is available
* Patent, copyright, or licensing restrictions
* Limited competition for technical reasons
 |
| [ ]  | Emergencies | * Unforeseen urgent circumstances make it impractical to follow the standard procurement process, where failure to act could result in significant disruption, financial loss, or safety issues
 |
| [ ]  | Incompatibility | * Switching suppliers would require incompatible parts or services, resulting in increased cost, downtime, or technical issues with existing systems already procured through the original supplier
 |
| [ ]  | Auctions/ disposals | * Unique, time-sensitive opportunities arise where goods or services can be obtained at significantly advantageous prices, including:
* Auction events
* Business liquidation or asset disposals
 |
| [ ]  | Alternative Procurement Method | * Alternative procurement approach is warranted, such as:
* Design competitions
* Closed tender for high-value contracts (>R5 million)
* Framework agreements with fixed pricing
* Direct negotiation due to strategic benefits or confidentiality
 |
| [ ]  | Practicalities | * Non-emergency urgency or specific constraints where deviation is justified due to:
* Donor/funder preferred suppliers or procurement conditions
* Aggregated Purchasing Card transactions (>$100k)
* Proof of concept projects with limited supply options
* Continuity of service where there is substantial cost associated to rework
* Confidentiality requirements associated with the required service thereby making it impractical to openly test the market.
 |
| Value for Money Checklist

|  |  |  |
| --- | --- | --- |
| **Item** | **Yes** | **No/NA** |
| Market rate checked against similar services/products | [ ]  | [ ]  |
| Best value achieved through discounts and negotiation | [ ]  | [ ]  |
| Cost savings identified and documented | [ ]  | [ ]  |
| Payment terms favorable and consistent with policy | [ ]  | [ ]  |

Risk Mitigation Checklist

|  |  |  |
| --- | --- | --- |
| **Risk Factor** | **Yes** | **No/NA** |
| Supplier reliability confirmed through performance history if applicable | [ ]  | [ ]  |
| Is there a conflict of interest | [ ]  | [ ]  |
| Latest BBBEE compliance certificate reviewed if applicable | [ ]  | [ ]  |
| Has the relevant Properties and Services department reviewed if applicable | [ ]  | [ ]  |
| Has the relevant ICTS department reviewed if applicable | [ ]  | [ ]  |

Documentation Checklist

|  |  |  |
| --- | --- | --- |
| **Documentation Attached** | **Yes** | **No/NA** |
| BBBEE certificate | [ ]  | [ ]  |
| Benchmarked quotations | [ ]  | [ ]  |
| Sole source justification letter | [ ]  | [ ]  |
| Contract or specific clauses restrictive clauses | [ ]  | [ ]  |

***Use the guidance below to draft a comprehensive motivation statement:**** ***Context:*** *Briefly outline the background and purpose of the project or procurement request.*
* ***Need:*** *Clearly explain the reason for this specific deviation, such as urgency or unique supplier requirements.*
* ***Impact:*** *Describe the consequences of not proceeding with the deviation and the expected benefits of proceeding.*
* ***Value and Assurance:*** *Provide evidence of value for money and risk management, such as discounts obtained, cost savings, and risk mitigations implemented.*
* ***Example:***
* *"The sewer infrastructure at Hiddingh Campus has significantly deteriorated, creating an urgent need for repair. Only [Vendor Name] meets the technical specifications required for this work due to compatibility with existing infrastructure. We secured a higher education discount and reviewed the supplier’s performance history for reliability."*
 |
| Motivation for request |
|       |

|  |
| --- |
| 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 |
|       |

|  |
| --- |
| Office use only |
| Reviewed |
| Senior Contracts Manager |       |  | [ ]  | Supported  | [ ]  | Not supported |
| Comments |       |
|       |
|       | Date |       |
|  Approved by > R1 Million and <= R10 Million |
| Dir: Procurement & Payment Services/ Nominee |       | Approval | [ ]  | Supported  | [ ]  | Not supported |
| Comments |       |
|       |
|       | Date |       |
| Approved by >R10 Million and <= R20 Million |
| Approval | [ ]  | Approved | [ ]  | Not approved |  |
| CFO  |       | Signature |  | Date |       |
| Comments |       |
| Approved by > R20 Million and <= R35 Million |
| Approval | [ ]  | Approved | [ ]  | Not approved |  |
| Chief Operating Officer |       | Signature |  | Date |       |
| Comments |       |

|  |
| --- |
| Office use only (cont.) |
| Approved by > R35 Million |
| Approval | [ ]  | Approved | [ ]  | Not approved |  |
| Council  |       | Signature |  | Date |       |
| Comments |       |