

NATIONAL TREASURY REGULATION	SHORT DESCRIPTION OF AUTHORITY OR DUTY	AUTHORITY ASSIGNED TO	DELEGATION TO	SUB-DELEGATION TO
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption.	Accounting Officer	Chief Financial Officer	Head: SCM
3(1)(b)	Review at least annually the implementation of the policy.	Accounting Officer	Chief Financial Officer	Head: SCM
3(1)(c)	Submit when considered necessary, proposals for the amendment of the policy to the council.	Accounting Officer	Chief Financial Officer	Relevant Sec 57 Manager
3(2)(a)	Make use of any Treasury guidelines determining standards for municipal supply chain management policies, and submit to the council that guideline standard, or any modified version thereof, as a draft policy.	Accounting Officer	Chief Financial Officer	Head: SCM
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with Regulation 2.	Accounting Officer	Chief Financial Officer	Head: SCM
3(2)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury.	Accounting Officer	Chief Financial Officer	Head: SCM
3(4)	Must, in terms of section 62(1) (f) (iv) of the MFMA take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2.	Accounting Officer	Chief Financial Officer	Head: SCM

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5(2)(a)	Make a final award above R10 million (VAT included).	Municipal Council	Accounting Officer (after considering recommendation of Bid Adjudication Committee)	May not be sub-delegated.
5(2) (b)	Make a final award above R2million (VAT included), but not exceeding R10 million (VAT included).	Municipal Council	Accounting Officer	Chief Financial Officer, Senior Manager, Bid Adjudication Committee
5(2) (c)	Make a final award not exceeding R2million (VAT included).	Municipal Council	Accounting Officer	Chief Financial Officer, Senior Manager, Bid Adjudication Committee
5(3)	<p>Submit to the official referred to in subsection (4) within five days of the end of each month a written report containing particulars of each final award, except procurements made out of petty cash, made during that month, including-</p> <p>-----</p> <p>(a) the amount of the award;</p> <p>-----</p> <p>(b) the name of the person to whom the award was made;</p> <p>-----</p> <p>(c) the reason why the award was made to that person; and</p> <p>-----</p> <p>(d) the BEE/HDI status of that entity/person</p>		Applicable to the relevant individuals delegated with the power to make a final award in terms of Regulation 5(2)	
6(1)	Maintain oversight over the implementation of the supply chain management policy.	Municipal Council	Power reserved by Council	Power reserved by Council

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6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Accounting Officer	Chief Financial Officer	Head: SCM
6(2)(a) (ii)	Submit to council a report from any municipal entity made in terms of this Regulation 6(2) (a) (ii) regarding implementation of the municipal entity's supply chain management policy.	N/A	N/A	N/A
6(2)(a) (iii)	Immediately submit a report to council whenever there are serious and material problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2) (a) (iii).	Accounting Officer	Chief Financial Officer	Head: SCM
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Accounting Officer	Chief Financial Officer	Head: SCM
7(1)	Establish a supply chain management unit.	Municipal Council	Chief Financial Officer	Head: SCM
7(2)	Establish a joint supply chain management unit between the parent municipality and any municipal entity under its sole or shared control.	N/A	N/A	N/A
11(3)	Must make public the fact that the municipality procures goods or services contemplated in section 110(2) of the MFMA.	Municipal Council	Chief Financial Officer	Head: SCM

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12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub regulation 12 (1).	Accounting Officer	Chief Financial Officer	Head: SCM
12(2)(b)	Direct that: ----- (i) written quotations be obtained for any specific procurement of a transaction value lower than R2000; ----- (ii) formal written price quotations be obtained for any specific procurement of a transaction value lower than R10 000; or ----- (iii) a competitive bidding process be followed for any specific procurement of a transaction value lower than R200 000.	Accounting Officer	Chief Financial Officer	Head: SCM
14(1)(a)(i)	Keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through written or verbal quotations and formal written price quotations.	Accounting Officer	Chief Financial Officer	Head: SCM
14(1)(a)(ii)	Invite prospective providers of goods or services at least once a year through newspapers commonly circulating locally, the website of the municipality and any other appropriate ways, to apply for evaluation and listing as accredited prospective providers	Accounting Officer	Chief Financial Officer	Head: SCM
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Accounting Officer	Chief Financial Officer	Head: SCM

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14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	Head: SCM
14(2)	Update the list of accredited prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Accounting Officer	Chief Financial Officer	Head: SCM
16(c)	If it is not possible to obtain at least three written or verbal quotations, record and report quarterly to the accounting officer, or another official designated by the accounting officer, the reasons for this.	N/A	Relevant Sec 57 Manager	N/A
16(d)	Record the names of potential providers requested to provide written or verbal quotations with their quoted prices.	Accounting Officer	Relevant Sec 57 Manager	N/A
17(1)(c)	Record the reasons for not obtaining at least three formal written price quotations.	Chief Financial Officer	Relevant Sec 57 Manager	N/A
17(1)(c)	Approve the recorded reasons for not obtaining at least three formal written price quotations.	Chief Financial Officer	Director: Supply Chain Management	N/A
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Accounting Officer	Relevant Sec 57 Manager	N/A

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17(2)	Report to the CFO within three days of the end of the month on any approvals given during that month by that the designated official referred to in sub-regulation 17 (1) (c).	N/A	Director: Supply Chain Management	N/A
18(b)	Must promote on-going competition amongst providers, including by inviting providers to submit quotations on a rotation basis, when using the list of accredited prospective providers.	Accounting Officer	Chief Financial Officer	Head: SCM
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written or verbal quotations, or formal written price quotations is not abused.	Accounting Officer	Chief Financial Officer	Head: SCM
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written or verbal quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation.	N/A	Relevant Sec 57 Manager	N/A
22(2)	Determine a closure date for submission of bids which is less than the 30 or 14 day requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.	Accounting Officer	Chief Financial Officer	Head: SCM
23(c)	(i) record in a register all bids received in time; ----- (ii) make the register available for public inspection; ----- (iii) publish the entries in the register and the bid results on the website of the municipality.	Accounting Officer	Chief Financial Officer	Head: SCM

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24(1) & (2)	<p>Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation-</p> <p>(a) does not allow any preferred bidder a second or unfair opportunity;</p> <p>(b) is not to the detriment of any other bidder; and</p> <p>(c) does not lead to a higher price than the bid submitted.</p> <p>Minutes of such negotiations must be kept.</p>	Accounting Officer	Relevant Sec 57 Manager	N/A
26 1 (b)	Appoint the members of the bid specification, evaluation and adjudication committees, taking into account section 117 of the MFMA.	Accounting Officer	Not Delegated	Not Sub-delegated
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Accounting Officer	Not Delegated	Not Sub-delegated
26(3)	Apply the committee system to formal written price quotations.	Accounting Officer	Chief Financial Officer	Head: SCM
27(1)	Compile specifications for the procurement of goods or services by the municipality.	Bid Specification Committee	Not to be sub-delegated	Not to be sub-delegated
27(2)(g)	Approve specifications compiled by the bid specification committee prior to publication of the invitation for bids.	Accounting Officer	Relevant Sec 57 Manager	N/A

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28(1)(a)	Evaluate bids in accordance with- ----- (i) the specifications for a specific procurement; and ----- (ii) the points system as must be set out in the supply chain management policy of the municipality in terms of Regulation 27(2) (f) and as prescribed in terms of the Preferential Procurement Policy Framework Act.	Bid Evaluation Committee	Not to be sub-delegated	Not to be sub-delegated
28(1)(b)	Evaluate each bidder's ability to execute the contract.	Bid Evaluation Committee	Not to be sub-delegated	Not to be sub-delegated
28(1)(c)	Check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears.	Bid Evaluation Committee	Not to be sub-delegated	Not to be sub-delegated
28(1)(d)	Submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.	Bid Evaluation Committee	Not to be sub-delegated	Not to be sub-delegated
29(1)(a)	Consider the report and recommendations of the bid evaluation committee where the award value exceeds R200 000 (VAT incl).	Bid Adjudication Committee	Not to be sub-delegated	Not to be sub-delegated

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29(1)(b) (i)	For bids above R10 million, the SCMBAC will make recommendation to the City Manager to make the final award.	Accounting Officer	Not to be sub-delegated	Not to be sub-delegated
29(1)(b)(ii)	Make another recommendation to the accounting officer on how to proceed with the relevant procurement.	Bid Adjudication Committee	Not to be sub-delegated	Not to be sub-delegated
29(3)	Appoint the chairperson of the bid adjudication committee.	Accounting Officer	Chief Financial Officer	Not to be sub-delegated
29(5)(a)	<p>If a bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must prior to awarding the bid-</p> <p>-----</p> <p>(i) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and</p> <p>-----</p> <p>(ii) notify the accounting officer.</p>	Bid Adjudication Committee	Not to be sub-delegated	Not to be sub-delegated
29(5)(b)	<p>(i) After due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in Regulation 29 (5) (a); and</p> <p>-----</p> <p>(ii) If the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.</p>	Accounting Officer	Not to be sub-delegated	Not to be sub-delegated

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29(6)	Refer any recommendation made by the evaluation committee or adjudication committee back to that committee for reconsideration of the recommendation.	Accounting Officer	Not to be sub-delegated	Not to be sub-delegated
29(7)	Comply with section 114 of the MFMA within ten working days.	Accounting Officer	Not to be sub-delegated	Not to be sub-delegated
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Accounting Officer	Chief Financial Officer	Not to be sub-delegated
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Accounting Officer	Chief Financial Officer	Not to be sub-delegated
31(3)	<p>Notify SITA together with a motivation of the IT needs of the municipality if-</p> <p>-----</p> <p>(a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT included); or</p> <p>-----</p> <p>(b) the transaction value of a contract to be procured by the municipality whether for one or more years exceeds R50 million.</p>	Accounting Officer	Chief Financial Officer	Not to be sub-delegated

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31(4)	Submit to the council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Accounting Officer	Chief Financial Officer	Not to be sub-delegated
32(1)	<p>To procure goods or services for the municipality under a contract secured by another organ of state, but only if-</p> <p>(a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state;</p> <p>(b) the municipality has no reason to believe that such contract was not validly procured;</p> <p>(c) there are demonstrable discounts or benefits for the municipality; and</p> <p>(d) that other organ of state and the provider have consented to such procurement in writing.</p>	Accounting Officer	Chief Financial Officer	Head: SCM
35(1)	Procure consulting services up to the value of R200 000 (VAT included) provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.	Accounting Officer	Relevant Sec 57 Manager	N/A
35(1)	Procure consulting services above the value of R200 000 (VAT included) and /or the duration period exceeds one year provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.	Bid Adjudication Committee	Not to be sub-delegated	Not to be sub-delegated

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35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Council	Accounting Officer	Relevant Sec 57 Manager
36(1)(a)	<p>Dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only-</p> <p>(i) in an emergency;</p> <p>(ii) if such goods or services are produced or available from a single provider only;</p> <p>(iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;</p> <p>(iv) acquisition of animals or zoos; or</p> <p>(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes.</p>	Accounting Officer	Chief Financial Officer	Head: SCM
36(1)(b)	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.	Accounting Officer	Not to be sub-delegated	Not to be sub-delegated
36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and report them to the next meeting of the council and include as a note to the annual financial statements	Accounting Officer	Not to be sub-delegated	Not to be sub-delegated
	Decide to consider an unsolicited bid but only if-			

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37(2)	<p>(a) the product or service offered is a demonstrably or proven unique innovative concept;</p> <p>(b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages for, the municipality;</p> <p>(c) the person who made the bid is the sole provider of the product or service; and</p> <p>(d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.</p>	Municipal Council	Accounting Officer	Not to be sub-delegated
37(3)	<p>Make public in accordance with section 21A of the Municipal Systems Act the decision to consider an unsolicited bid that complies with Regulation 37(2) together with-</p> <p>(a) reasons as to why the bid should not be open to other competitors;</p> <p>(b) an explanation of the potential benefits for the municipality were it to accept the unsolicited bid; and</p> <p>(c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.</p>	Municipal Council	Accounting Officer	Not to be sub-delegated
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Municipal Council	Accounting Officer	Not to be sub-delegated
37(5)	Consider the unsolicited bid.	Municipal Council	Accounting Officer	Bid Adjudication Committee
37(5)	Award the bid if the value of the bid does not exceeding R10 million (VAT included).	Municipal Council	Accounting Officer	Bid Adjudication Committee

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37(5)	If the value of the bid exceeds R10 million (VAT included) make a recommendation to the accounting officer to award the bid.	Municipal Council	Accounting Officer (after considering recommendation of Bid Adjudication Committee)	May not be sub-delegated.
37(7)	Take into account when considering an unsolicited bid- ----- (i) any comments submitted by the public; and ----- (ii) any written comments and recommendations of the National Treasury or the relevant provincial treasury.	Bid Adjudication Committee	Not to be sub-delegated	Not to be sub-delegated
37(8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Accounting Officer	Chief Financial Officer	Not to be sub-delegated
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Accounting Officer	Chief Financial Officer	Head: SCM
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified-	Accounting Officer	Manager Internal Audit	Not to be sub-

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38(1)(b)	(i) take appropriate steps against such official or other role player; or ----- (ii) report any alleged criminal conduct to the South African Police Service.	Accounting Officer	Manager Internal Audit	delegated
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	Head: SCM
38(1)(d)	Reject any bid from a bidder- ----- (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months; ----- (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.	Accounting Officer	To all relevant delegates	N/A
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	Accounting Officer	To all relevant delegates	N/A
	Cancel a contract awarded to a person if-			

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38(1)(f)	<p>(i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or</p> <p>(ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.</p>	Accounting Officer	Director: Legal Services	Not to be sub-delegated
38(1)(g)	<p>Reject the bid of any bidder if that bidder or any of its directors-</p> <p>(i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;</p> <p>(ii) has been convicted for fraud or corruption during the last five years;</p> <p>(iii) has wilfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or</p> <p>(iv) has been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (no 12 of 2004).</p>	Accounting Officer	To all relevant delegates	N/A
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of regulation 38(1) (b) (ii), (e) or (f).	Accounting Officer	Chief Financial Officer	Head: SCM
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person	Accounting Officer	Chief Financial Officer	Head: SCM

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45	<p>Disclose on the notes to the annual financial statements of the municipality particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including-</p> <p>-----</p> <p>(a) the name of that person;</p> <p>-----</p> <p>(b) the capacity in which that person is in the service of the state; and</p> <p>-----</p> <p>(c) the amount of the award.</p>	Municipal Council	Chief Financial Officer	Not to be sub-delegated
46(3)(a)	Keep a register of all declarations in terms of Regulation 46(2) (d) and (e).	Accounting Officer	Chief Financial Officer	Head: SCM
46(3)(b)	Ensure that declarations from the accounting officer in terms of Regulation 46(2) (d) and (e) are recorded in the register.	Mayor	Chief Financial Officer	Head: SCM
46(5)	Adopt the National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management.	Municipal Council	Accounting Officer	Not to be sub-delegated
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Accounting Officer	Chief Financial Officer	Head: SCM

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48	<p>Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediary, by any person who is-</p> <p>-----</p> <p>(a) a provider or prospective provider of goods or services to the municipality; or</p> <p>-----</p> <p>(b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.</p>	Accounting Officer	Relevant Sec 57 Manager	N/A
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes and to deal with objections, complaints or queries as described more fully in Regulation 50(1).	Accounting Officer	Not to be sub- delegated	Not to be sub- delegated
50(3)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Accounting Officer	Not to be sub- delegated	Not to be sub- delegated