

Office of the Public Protector

Public Procurement Law Training 2016

Unit 1

In unit 1 participants will be introduced to public procurement law. The notion of this field of law will be discussed and distinguished from other related fields, such as supply chain management. Brief attention will be given to the approach to public procurement law in global perspective to frame the study of domestic law. The basic legal framework in terms of which public procurement occurs in South Africa will be set out. This involves general constitutional and administrative law at the highest level as well as the largely statutory framework that governs public procurement in particular.

The overall purpose of unit 1 is to create the common basis upon which more detailed study of specific issues will follow in subsequent units.

The outcome of unit 1 is to develop an appreciation for:

- The notion of public procurement law;
- The distinction between public procurement law and other fields impacting on public procurement;
- The regulation of public procurement in global perspective;
- The general legal framework in South Africa in terms of which public procurement law exists;
- The main statutory instruments governing public procurement in South Africa:
 - Public Finance Management Act 1 of 1999 & regulations
 - Local Government: Municipal Finance Management Act 56 of 2003 & regulations
 - Preferential Procurement Policy Framework Act 5 of 2000 & regulations
 - Construction Industry Development Board Act 38 of 2000 & regulations
 - National Land Transport Act 5 of 2009 & regulations
 - State Information Technology Agency Act 88 of 1998 & regulations
- The scope of public procurement law in South Africa:
 - What type of transactions are covered
 - Which institutions are covered
 - What stages of procurement are covered
- The main legal requirements for a valid public procurement.

Programme

Thursday, 21 July 2016 - Day 1

TIME	ITEM
09:00 – 09:10	Opening and Welcoming Remarks, Adv Kevin Malunga
09:10 – 09:20	Remarks from the Konrad Adenauer Stiftung, Dr Dix
09:20 – 09:30	Remarks and Introduction of Prof Quinot, Ms Young
09:30 – 09:40	Group Photograph
09:40 – 11:15	Introduction to public procurement law
11:15 – 11:30	Break
11:30 – 13:00	Public procurement regulation globally Constitution and procurement
13:00 – 14:00	Lunch
14:00 – 15:00	Administrative law and procurement
15:00 – 15:30	Break
15:30 – 16:30	Statutory instruments governing procurement I

Friday, 22 July 2016 - Day 2

TIME	ITEM
09:00 – 09:10	Recap of Day 1
09:10 – 11:15	Statutory instruments governing procurement II
11:15 – 11:30	Break
11:30 – 13:00	Coverage of public procurement law
13:00 – 14:00	Lunch
14:00 – 16:00	The main legal requirements for a valid public procurement
16:00 – 16:20	Evaluation session
16:20 – 16:25	Vote of Thanks, Mr Tyelela
16:25 – 16:30	Closing, Adv Kevin Malunga

Readings:

G Quinot & S Arrowsmith (eds) *Public Procurement Regulation in Africa* (Cambridge University Press, 2013): chapter 1

S Schooner “Desiderata: Objectives for a System of Government Contract Law” (2002) 11 *Public Procurement Law Review* 103

G Quinot *An Institutional Legal Structure for Regulating Public Procurement in South Africa – Research Report for National Treasury: Office of the Chief Procurement Officer* (2014) chapter 3