

South Africa

Disaster Management Act, 2002

Water and Sanitation Emergency Procurement COVID-19 Disaster Response Directions, 2020

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South Africa

Disaster Management Act, 2002

Water and Sanitation Emergency Procurement COVID-19 Disaster Response Directions, 2020

Government Notice 464 of 2020

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Assented to on 15 April 2020

Commenced on 15 April 2020

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I, Lindiwe Nonceba Sisulu, Minister of Human Settlements, Water and Sanitation, in terms of regulation 10(8) of the Regulations issued under section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)), as published under Government Notice No. 318, in Government Gazette No. 43107 of 18 March 2020, as amended, hereby issue the directions in the Schedule to address, prevent and combat the spread of COVID-19.

Lindiwe Nonceba Sisulu, MP

Minister of Human Settlements, Water, and Sanitation

1. Definitions

In these directions, a word or expression bears the meaning assigned to it in the Regulations published on 18 March 2020 by the Minister of Cooperative Governance and Traditional Affairs, as amended, issued in terms of section 27(2) of the Disaster Management Act, 2002, as well as the legislation applicable to the Department of Water and Sanitation, unless the context indicate otherwise—

"**Department**" means the Department of Water and Sanitation;

"**Disaster Management Plan**" means the plan that details the deliverables to be provided by specified entities in order to achieve the purpose of combating and preventing the spread of COVID-19;

"**essential services official**" means an official required by the National Disaster Water Command Centre to perform the tasks set out in these directions, and includes officials from the water boards, irrigation boards, water user associations, catchment management agencies, as well as the water services association;

"**Implementation Protocol**" refers to the Implementation Protocol to be developed by Rand Water;

"**Minister**" means the Minister of Human Settlements, Water and Sanitation;

"**National Disaster Water Command Centre**" means a central operations centre established by the Minister under these directions to combat the spread of COVID-19;

"**water tanks**" means above ground water storage tanks;

"**water tankers**" means a vehicle or trailer used for transporting water from one place to another.

2. Application of directions

These directions apply to—

- (a) municipalities as defined in the Local Government: Municipal Structures Act, 1998 ([Act No. 117 of 1998](#));
- (b) all water boards and regional offices of the Department;
- (c) any district, metropolitan or local municipality that has been nominated and appointed to be a water

- services authorities;
- (d) Water user associations established under the National Water Act, 1998 ([Act No. 36 of 1998](#));
 - (e) irrigation boards;
 - (f) catchment management agencies; and
 - (g) any other essential services official required by the National Disaster Water Command Centre to give effect to these directions.

3. Scope

These directions are enacted in support of the following sectors:

- (a) Cooperative Governance and Traditional Affairs;
- (b) municipalities that have been nominated and appointed as water services authorities in any district, metropolitan or local municipality;
- (c) catchment areas, water user associations and irrigation boards;
- (d) health; and
- (e) social development.

4. Purpose of directions

The purpose of these directions is to—

- (a) give command control to the National Disaster Water Command Centre to take appropriate measures to prevent the spread of COVID-19;
- (b) direct the water services authorities, water boards, irrigation boards, catchment management agencies and water user associations to perform certain tasks and to cooperate with the officials comprising the National Disaster Water Command Centre, as well as any other person authorised by the Minister to give effect to these directions;
- (c) provide for the emergency procurement of goods and services required for the provision of water services through the manufacture, supply, delivery and procurement of water tanks, and related goods and services as a response to the coronavirus pandemic in terms of the National State of Disaster, declared by the Minister of Cooperative Governance and Traditional Affairs, to areas identified by the National Disaster Water Command Centre and the water services authorities;
- (d) establish and regulate the administration of the National Disaster Water Command Centre for the purpose of the centralisation of emergency procurement and provision of water and sanitation equipment;
- (e) capacitate the administration in the National Disaster Water Command Centre to conduct effective, accountable, efficient and transparent emergency procurement of water and sanitation equipment and provision thereof to the affected areas; and
- (f) authorise the National Disaster Water Command Centre to be responsible for the emergency procurement of water and sanitation equipment to procure directly with the manufacturers and suppliers.

5. National Disaster Water Command Centre

- (1) The National Disaster Water Command Centre is hereby established by the Minister.
- (2) The National Disaster Water Command Centre is coordinated by the Chief Executive of Rand Water, under the supervision of the Minister and the Rand Water Board, and comprise representatives from the various water boards, as well as officials of the Department and water services authorities.

- (3) The Minister designates and appoints Rand Water, pursuant to the conclusion of an the agreement concluded, to coordinate the procurement of the goods and services outlined in these directions.
- (4) The procurement of all equipment for distribution and provision of water and sanitation equipment under these directions will be conducted from the National Disaster Water Command Centre.
- (5) The National Disaster Water Command Centre is located at the Head Office of Rand Water.

6. Interventions in implementation of directions

- (1) The relevant provisions of the Water Services Act, 1997 ([Act No. 108 of 1997](#)), as well as the water services development plan, where applicable, must be complied with in the implementation of these directions.
- (2) Water services authorities must—
 - (a) identify appropriate public spaces for the placement of water tanks and water tankers from which water shall be provided to the public;
 - (b) provide appropriate and adequate security for the tanks and tankers against vandalism and theft; and
 - (c) provide human resources for the monitoring of the continued availability of the water in the water tanks and the water tankers and must report to the Director-General of the Department, in writing, every 48 hours with regard thereto.
- (3) Irrigation boards, water users associations and catchment management agencies must—
 - (a) when so directed by the National Disaster Water Command Centre, make available water and other water resources under their authority and control for use by the Department or its authorised agent for purposes of combating and preventing the spread of COVID-19; and
 - (b) keep record of the quantities and costing of the water taken or uplifted and invoices submitted to the Department for reimbursement.
- (4) The Department or its authorised agent may, in writing, require any of the services, property and assets of the irrigation boards, water user associations and catchment management agencies, to be put at the disposal of the Department or its authorised agents for use in executing any activities for purposes of combating and preventing the spread of COVID-19 until the national state of disaster is terminated.
- (5) A record of the quantity and costs, where relevant, shall be kept by the National Disaster Water Command Centre for reimbursement and replenishing by the Department.

7. Nature of goods and services

- (1) In fulfilling its constitutional obligations of providing access to basic water supply and to basic sanitation necessary to secure sufficient water and an environment not harmful to human health or well-being, and, specifically to mitigate the impact of COVID-19 epidemic, the Department may employ emergency procurement measures for the procurement of the following goods and services:
 - (a) Water;
 - (b) water tankers;
 - (c) water tanks;
 - (d) installation of water tanks and stands;
 - (e) taps and communal stand pipes; and
 - (f) sanitation packs consisting of—
 - (i) hand soap;

- (ii) sanitisers;
 - (iii) rubber gloves; and
 - (iv) masks; and
 - (g) ablution blocks and toilets.
- (2) Water services authorities must identify the mechanisms for the distribution of water and sanitation packs, in compliance with established policies.
- (3) The collection of water and sanitation packs must comply with the established guidelines concerning social distancing

8. Emergency procurement

- (1) The Department will first and foremost utilise its own resources and assets for water distribution, save in circumstances where private service providers have been specifically contracted to provide the service.
- (2) All procurement of water and sanitation equipment necessary for the emergency provision and distribution of water to affected areas will be conducted in accordance with these directions, subject to the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)) and the Treasury Regulations.
- (3) The Implementation Protocols as developed and adopted by Rand Water must be utilised to ensure that the goals of these directions are achieved and save to the extent that they comply with these directions.
- (4) Emergency procurement of water and sanitation equipment is hereby authorised to provide communities without adequate access to water and sanitation.
- (5) The Chief Executive of Rand Water, in consultation with the Director-General of the Department, must designate a procurement Officer who has the power to engage directly with manufacturers for the following purposes:
- (a) To negotiate directly with the manufacturers for the quantities needed for adequate provision of water and sanitation equipment and the distribution thereof;
 - (b) the details of the negotiations must be formally recorded, in writing, to ensure accurate information and details of the transaction;
 - (c) the exact quantities required must be recorded in writing;
 - (d) the price for the required quantities must be established, taking advantage of bulk purchase to ensure that value for money is achieved and inflated prices are prevented;
 - (e) the necessary agreements must be concluded with the manufacturers, which may include organs of state, on a transversal contract basis; and
 - (f) to ensure that contracts concluded under the emergency period are recorded in a central facility reflecting the above items, including the name of the manufacturers and the specific individuals responsible for the conclusion of the required agreements.
- (7) The records of all transactions relating to the emergency procurement will be specifically audited after the lockdown period.
- (8) All emergency procurement for the provision of water through the manufacture, supply, delivery and procurement of water tanks, water tankers, sanitation and related goods and services, are hereby centralised under the auspices of the National Disaster Water Command Centre.

9. Implementation Protocol

- (1) Rand Water, as the coordinator of the National Disaster Water Command Centre, implements and administers the Implementation Protocol.

- (2) Rand Water is mandated to implement projects under the COVID-19 Intervention Programme.
- (3) Rand Water is, amongst other obligations, required to develop a Disaster Management Plan detailing its deliverables in order to achieve the purpose of combating and preventing the spread of COVID-19.
- (4) The primary activities to be undertaken by Rand Water in mitigating the spread of COVID-19 largely involve the procuring of goods and services that must be deployed to all areas that have been identified to be in need of such services.
- (5) Rand Water is responsible for the procurement, at a national level, for all municipal areas within the Republic of South Africa.
- (6) Having regard to the magnitude of this appointment, Rand Water and the Department acknowledge that Rand Water may not be able to procure and monitor delivery standards in all areas at which the services and goods are required.
- (7) Rand Water, under the supervision of the Minister, has the authority to delegate to another water board or municipality, the procurement, delivery and monitoring of the service standards of goods and services required within such water board or Municipality's area of control.
- (8) Where a delegation, referred to in subdirection (7) has occurred, such water board or municipality must adhere to all terms and conditions contained in the Disaster Management Plan and Implementation Protocol, in order to limit the risk of exposure and liability of both the Rand Water and such water board or municipality.
- (9) Rand Water is responsible for the following key strategic areas as deliverables, which it must execute on behalf of the Department:
 - (a) water tanks;
 - (b) ancillary valves, pressure pumps and nozzles or taps;
 - (c) civil structures to carry the water tanks; and
 - (d) mobile water tanks.
- (10) Regions of the Department may not initiate procurement for matters covered by these directions on their own but must submit their requirements to the National Disaster Water Command Centre.
- (11) Rand Water must give guidance to regions of the Department, water boards and municipalities, to access water in order to prevent or reduce the risk of COVID-19.

10. Distribution of water and sanitation resources

- (1) The National Disaster Water Command Centre must set up a monitoring system which will track the emergency water and sanitation procurement and distribution, which will include the following:
 - (a) The outcome of urgent procurement decisions;
 - (b) the location of the manufacturer or supplier of the water and sanitation equipment; and
 - (c) the specific geographical location of areas to which water and sanitation equipment is to be distributed;
- (2) Regions of the Department must provide Geographical Information System (GIS) coordinates regarding the work done to implement the directions.
- (3) The National Disaster Water Command Centre must indicate where the water and sanitation equipment or tanks must be delivered, and provide the precise coordinates and identify the delivery points.
- (4) The National Disaster Water Command Centre must coordinate its activities in the municipalities through the Department of Cooperative Governance and Traditional Affairs and engage with municipal managers to secure the distribution points and ensure the safety of the equipment.

11. Short title and commencement

These directions are called the Water and Sanitation Emergency Procurement COVID-19 Disaster Response Directions, 2020, and take effect on the date of publication in the Government Gazette.