



**national treasury**

Department:  
National Treasury  
REPUBLIC OF SOUTH AFRICA

Private Bag X115, Pretoria, 0001

TO: ACCOUNTING OFFICERS OF ALL NATIONAL DEPARTMENTS AND  
CONSTITUTIONAL INSTITUTIONS

ACCOUNTING AUTHORITIES OF ALL SCHEDULE 2 AND 3 PUBLIC ENTITIES

HEAD OFFICIALS OF PROVINCIAL TREASURIES

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:**

**EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

**1. PURPOSE**

The purpose of this Instruction is to-

***General***

- 1.1 prescribe emergency procurement procedures to deal with the COVID-19 pandemic, which was declared a national state of disaster (the Disaster) on 15 March 2020;
- 1.2 avoid the abuse of the supply chain management (SCM) system to deal with the Disaster;

***Specific***

- 1.3 prescribe emergency procurement procedures of Covid-19 PPE items and cloth masks for ease of supply by small, medium and micro enterprises (SMMEs) and create an environment for stimulation of local supply and manufacturing; and
- 1.4 set the maximum prices to be paid by institutions for selected COVID-19 PPE items and cloth masks.

**2. BACKGROUND**

- 2.1 On 15 March 2020, President Cyril Ramaphosa announced the declaration of a national state of disaster following the World Health Organisation declaring the COVID-19 outbreak as a pandemic as well as measures that must be implemented in South Africa.
- 2.2 On 18 March 2020, regulations under the Disaster Management Act, 2002, regarding steps to prevent an escalation of the disaster or to alleviate, contain and minimise the effects of the Disaster were gazetted in Government Notice No. 318 of 18 March 2020, as amended and substituted from time to time (the DMA Regulations).
- 2.3 Regulation 9 of the DMA Regulations provides that emergency procurement for institutions is subject to-

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

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- (a) the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the applicable emergency provisions in the Regulations or Instructions made under section 76 of that Act; and
  - (b) the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and the applicable emergency provisions in the Regulations made under that Act.
- 2.4 In light of the above, the general and specific instructions and applicable procedures are described below.

**3. GENERAL EMERGENCY PROCUREMENT INSTRUCTIONS**

- 3.1 Accounting officers and accounting authorities must put in place the following additional procurement and expenditure measures to address the programme of preventing the spread of the COVID-19 virus:
- (a) internal system for financial control, risk management and reporting in order to account for the funds used for the COVID-19 disaster;
  - (b) ensure that officials committing any expenditure are duly authorised or properly delegated;
  - (c) avail internal audit functions to conduct audit checks in order to pick up and prevent irregularities pro-actively;
  - (d) regular monitoring of expenditure and generate frequent expenditure reports (at least weekly) including monitoring any risks that may arise.
- 3.2 National Treasury SCM Instruction Note 3 of 2016/17 – Preventing and Combating Abuse in the Supply Chain Management System, paragraph 8.1, states that accounting officers/accounting authorities must only deviate from inviting competitive bids in cases of emergency and sole supplier status. These deviations do not require the approval of the relevant treasury approval. Paragraph 8.2 thereof further states that emergency procurement may occur when there is a serious and unexpected situation that poses an immediate risk to health, life, property or environment which calls an agency to action and there is insufficient time to invite competitive bids.
- 3.3 The Covid-19 pandemic is a situation that justifies the use of emergency procurement provisions.
- 3.4 The emergency procurement provisions provide for accounting officers/authorities to procure the required goods or services by other means, such as price quotations or negotiations in accordance with Treasury Regulation 16A6.4. The reasons should be recorded and approved by the accounting officer/Authority or his / her delegate.
- 3.5 National Treasury Practice Note No. 8 of 2007/08, paragraph 3.4.3, requires accounting officers and accounting authorities to report within 10 working days to the relevant

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

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treasury and the Auditor-General all cases where goods and services above the value of R1 million (VAT inclusive) were procured in terms of Treasury Regulation 16A6.4. The report must include the description of the goods or services, the name/s of the supplier/s, the amount/s involved and the reasons for dispensing with the prescribed competitive bidding process.

- 3.6 In terms of paragraph 9.1 of the National Treasury SCM Instruction No. 3 of 2016/17 - Preventing and Combating Abuse in the Supply Chain Management System, accounting officers and accounting authorities may, under normal circumstances, vary/expand contracts up to 20% or R20 million (including VAT) for construction-related goods, works or services and up to 15% or R15 million for all other goods and services of the original contract value without treasury approval. For this Instruction and the period until the COVID-19 pandemic is declared over, the thresholds are increased to 30% or R30 million for construction-related goods, works or services and 25% or R25 million of the original contract value if the variation is for goods, works or services to prevent an escalation of the Disaster or to alleviate, contain or minimise the effects of the Disaster.
- 3.7 Any contract variation, extension and or expansion in excess of these revised thresholds will only be allowed in exceptional cases subject to prior written approval of the relevant treasury.

**4. EMERGENCY PROCUREMENT INSTRUCTIONS OF PPE ITEMS AND CLOTH MASKS**

- 4.1 National Treasury has provided the specifications and maximum prices the institutions must use to procure the basic preventative PPE items and cloth masks to contain and manage the transmission of the COVID-19 virus.
- 4.2 National Treasury has set the maximum prices for the identified PPE items and cloth masks to reflect realistic current market prices.
- 4.3 The list of PPE items and cloth masks with their maximum prices are attached as **Annexure A** that may be updated from time to time.
- 4.4 During the duration of the national state of disaster, the supply of the PPE items will be open to all suppliers that conform to the COVID-19 item specifications as issued by the World Health Organisation (WHO) and the National Department of Health (NDOH).
- 4.5 The specification for the cloth masks is determined by the Department of Trade, Industry and Competition (DTIC) and the National Department of Health (NDoH) and is attached as **Annexure B**.
- 4.6 Institutions may approach any supplier to obtain quotes and may procure from such suppliers on condition that-

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

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- (a) the items are to the specifications as determined by the WHO and NDOH;
  - (b) the prices are equal or lower than the prices in **Annexure A**; and
  - (c) the supplier is registered in the Central Supplier Database and any other database as may be approved by National Treasury.
  - (d) For the cloth masks, only suppliers that are registered with the Department of Small Business Development and are registered on CSD will be considered. The details of these suppliers will be updated and published on the National Treasury Website on weekly basis.
- 4.7 Institutions are encouraged to use small enterprises that fall under the designated group in terms of the Preferential Procurement Regulations, 2017.
- 4.8 Where an institution or a provincial treasury already have a contract(s) in place for the items listed in Annexure A, the institution must honour the contract and continue to procure from that contract. Institutions must not pay prices in excess of the prices provided in Annexure A.
- 4.9 If prices are higher than those provided on Annexure A, a price variance of up to 10% of prices on Annexure A will be allowed. Any deviation to this provision must be approved by the accounting officer or accounting authority or delegated person based on a justifiable reason.
- 4.10 If any of the items listed in Annexure A is provided for in existing Facilities Management Contracts, institutions may negotiate with the Facilities Management Service Provider to provide the items. Contracts may be expanded or varied (refer paragraph 3.6 above), but only for items to prevent an escalation of the Disaster or to alleviate, contain or minimise the effects of the Disaster. Institutions may not pay prices in excess of the prices provided for in Annexure A except as provided for in paragraph 4.9.
- 5. USE OF TRANSVERSAL CONTRACTS**
- 5.1 Institutions that are already participants in transversal contracts may continue placing orders as usual and may opt to use any other supplier.
- 5.2 The accounting officer or accounting authority may procure the listed PPE items on Annexure A without obtaining participation approval from the National Treasury Transversal Contracting Unit.
- 5.3 The transversal contract suppliers' prices will default to Annexure A prices and may vary as provided for in paragraph 4.9.

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

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**6. IMPACT ON OTHER PROCUREMENT PROCESSES**

**6.1 TENDER BRIEFING SESSIONS**

- 6.1.1 Procurement is essential in preventing the spread of the virus and some processes within the procurement process are prone to interact with various stakeholders, such as tender briefing sessions and public tender opening.
- 6.1.2 To ensure that service delivery is not negatively impacted and to complement the measures announced by the President, National Treasury advises that institutions must, as far as possible, avoid convening briefing sessions.
- 6.1.3 Briefing sessions should not be made compulsory or mandatory unless otherwise approved by the accounting officer or accounting authority.
- 6.1.4 Bidders may be requested to send electronic mails for any enquiries related to the bid. The institution must specify the period within which the e-mail enquiries must be sent. The institution must respond to all enquiries related to the bid at least a week before the closing date of the bid. A schedule of the questions and answers must be uploaded on the institution's website and or any other measure to ensure that all bidders receive the information.
- 6.1.5 Institutions may extend the response period for bids beyond the required 21 days to accommodate the enquiry process, but not more than 40 days.
- 6.1.6 Where briefing session cannot be avoided and to the extent permitted by the DMA Regulations, the session must be arranged by other means such as podcasting, teleconferencing, Microsoft Teams, Zoom, and similar enablers as well as combination of any of these enablers and face-face meetings.
- 6.1.7 In the case of bids that have already been advertised with a determined briefing date, the bid closing date and briefing session date may be extended to accommodate the logistical arrangements to effect the necessary health requirements as published. The revised dates must be republished on the eTender publication portal and the organ of state's website where possible. However, bidders who have submitted their bids already may not submit new bids as a result of the extensions.
- 6.1.8 Institutions must ensure that, in respect of all procurement activities, all precautionary measures issued by the Department of Health and other relevant authorities are strictly observed to prevent the spread of the COVID-19 virus.



**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

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**6.2 PUBLIC OPENING OF TENDERS**

Where there is a public bid opening, the institution must comply with the regulations made under the Disaster Management Act, 2002, published in the *Gazette* on 18 March 2020.

**7. REPORTING REQUIREMENT**

7.1 Institutions must amend their procurement plans to reflect their planned COVID-19 related procurement and available budget.

**8. APPLICABILITY**

This Instruction applies to all national and provincial departments, constitutional institutions and public entities listed in Schedules 2 and 3 to the Public Finance Management Act, 1999.

**9. REPEAL OF NATIONAL TREASURY INSTRUCTION NO. 03 OF 2020/21**

9.1 National Treasury Instruction No. 03 of 2020/2021: Covid-19 Disaster Management Central Emergency Procurement Strategy for PFMA Organs of State, is hereby repealed.

9.2 Communication will be sent to Institutions that have already placed orders in terms of instruction Note 3 of 2020/21.

**10. DISSEMINATION OF INFORMATION CONTAINED IN INSTRUCTION**

10.1 Heads of provincial treasuries are requested to bring the contents of this Instruction to the attention of accounting officers and supply chain management officials of their respective provincial departments.

10.2 Accounting officers of national and provincial departments are requested to bring the contents of this Instruction to the attention of accounting authorities and the supply chain management officials of Schedule 3A and 3C public entities reporting to their respective executive authorities.

10.3 Accounting authorities of Schedule 2, 3B and 3D public entities are requested to bring the contents of this Instruction to the attention of the supply chain management officials of their public entities.

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

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**11. NOTIFICATION TO THE AUDITOR-GENERAL**

A copy of this Instruction will be submitted to the Auditor-General for notification.

**12. AUTHORITY FOR THIS CIRCULAR AND EFFECTIVE DATE**

12.1 This Instruction is issued in terms of section 76(4)(c) and (g) of the Public Finance Management Act, 1999 and takes effect from the date of issue.

12.2 This Instruction will be in effect until the national state of disaster, declared on 15 March 2020, lapses or terminates or until this Instruction is withdrawn.

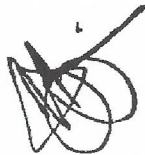
**13. CONTACT INFORMATION**

**Any enquiries in respect of this instruction must be submitted to:**

Mr Molefe Fani  
Chief Director: Transversal Contracting  
Tel: (012) 395 6741  
EMAIL: [Molefe.Fani@treasury.gov.za](mailto:Molefe.Fani@treasury.gov.za)

Or

Estelle Setan  
Acting Chief Procurement Officer  
EMAIL: [cpo@treasury.gov.za](mailto:cpo@treasury.gov.za)



**DONDO MOGAJANE**  
**DIRECTOR-GENERAL: NATIONAL TREASURY**  
Date: 28 April 2020

**Attachments:**

**Annexure A: Covid-19 Personal Protective Equipment Price List (as at 28 April 2020)**

**Annexure B: Recommended Guidelines – updated. Fabric Face Masks Manufactured by South Africa's Clothing and Textile Manufacturing Industry for General Public Use**



# ANNEXURE A

## COVID-19 PERSONAL PROTECTIVE EQUIPMENT PRICE LIST

28 April 2020

Prices as at:

Product	Product description	WHO standards / description	Pack size	Unit Price per single item (Incl. VAT)	Price per Unit of Measure (Incl. VAT)
Surgical Mask - Patient	Mask, face, aseptic: Fluid Resistant, Molded, Blue (3 PLY), good breathability, internal and external faces should be clearly identified <b>Type I</b> , with ear loops or tie on	<ul style="list-style-type: none"> <li>EN 14683 any type including Type I</li> <li>ASTM F2100 minimum level 1 or equivalent</li> </ul>	Box of 50 pieces	R10,22 per mask	R511,00 per box of 50 pieces
Surgical Mask - Health Care Worker	Mask, face, aseptic: Fluid Resistant, Molded, Blue (3 PLY), good breathability, internal and external faces should be clearly identified <b>Type II or higher</b> , with ear loops or tie on	<ul style="list-style-type: none"> <li>EU MDD Directive 93/42/EEC Category III or equivalent</li> <li>EN 14683 Type II, IR, IIIR</li> <li>ASTM F2100 minimum level 1 or equivalent</li> </ul>	Box of 50 pieces	R12,48 per mask	R624,00 per box of 50 pieces
Mask Respirator	N95 or FFP2 - Mask Respirator / Dust Mask, or higher. Good breathability with design that does not collapse against the mouth (e.g. duckbill, cup-shaped)	<ul style="list-style-type: none"> <li>Minimum "N95" respirator according to FDA Class II, under 21 CFR 878.4040, and CDC NIOSH, or</li> <li>Minimum "FFP2 according to EN149, EU PPE Regulation 2016/425 Category III, or equivalent</li> </ul>	Box of 10 Pieces	R37,80 per mask	R378,00 per box of 10 pieces

Only Health departments may procure this item



**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

<p style="text-align: center;">Apron</p>	<p>Straight apron with bib, Fabric: 100% polyester with PVC coating, or 100% PVC, or 100% rubber, or other fluid resistant coated material. Waterproof, sewn strap for neck and back fastening. Minimum basis weight: 300 g/m2, Covering size: 70 - 90 cm (width) x 120 - 150 cm (height). Reusable (provided appropriate arrangements for decontamination are in place)</p>	<ul style="list-style-type: none"> <li>▪ EN ISO 13688</li> <li>▪ EN 14126-B and partial protection (EN 13034 or EN 14605)</li> <li>▪ EN 343 for water and breathability or equivalent</li> </ul>	<p style="text-align: center;">Box of 100 Pieces</p>	<p style="text-align: center;">R2,97 per Apron</p>	<p style="text-align: center;"><del>R297,00</del> per box of 100 Apron</p>
<p style="text-align: center;">Eye Protection</p>	<p>Goggles Good seal with the skin of the face, flexible PVC frame to easily fit with all face contours with even pressure, enclose eyes and the surrounding areas, accommodate wearers with prescription glasses, clear plastic lens with fog and scratch resistant treatments, adjustable band to secure firmly so as not to become loose during clinical activity, indirect venting to avoid fogging. May be re-usable (provided appropriate arrangements for decontamination are in place) or disposable.</p>	<ul style="list-style-type: none"> <li>▪ EU PPE Regulation 2016/425</li> <li>▪ EN 166</li> <li>▪ ANSI/ISEA Z87.1 or equivalent</li> </ul>	<p style="text-align: center;">Each</p>	<p style="text-align: center;">R100,44 per each</p>	<p style="text-align: center;">R 100,44 per each</p>

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

<p>Visor / Face Shield</p>	<p>Made of clear plastic and providing good visibility to both the wearer and the patient. Adjustable band to attach firmly around the head and fit snugly against the forehead, fog resistant (preferable). Completely cover the sides and length of the face. May be reusable (made of robust material which can be cleaned and disinfected) or disposable.</p>	<ul style="list-style-type: none"> <li>▪ EU PPE Regulation 2016/425</li> <li>▪ EN 166</li> <li>▪ ANSI/ISEA Z87.1 or equivalent</li> </ul>	<p>Each</p>	<p>R108,00 per each</p>
<p>Gowns</p>	<p>Isolation gown Protective 3- layers of spunbond melblown spunbound fabric( Top layer of spunbound polypropylene, a middle layer of meltdown polypropylene and a bottom layer of meltdown polypropylene for light fluid contact and contact Isolation, elastic cuff, Tape-tab neck closure, Tie waist, Non Sterile Dimensions: Large Length: (from shoulder to hem) 116cm Sleeve length: (from shoulder to wrist) 56cm Belt length: 167cm; Belt Width: 5cm; Belt place: (neck to top of belt) 38cm</p>	<ul style="list-style-type: none"> <li>▪ EU PPE Regulation 2016/425 and EU MIDD Directive 93/42/EE</li> <li>▪ FDA Class I or II medical device, or equivalent</li> <li>▪ EN 13795 any performance level, or</li> <li>▪ AAMI PB70 all levels acceptable, or equivalent</li> </ul>	<p>Each</p>	<p>R113,40 per each</p>

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

Gowns	Gown, surgical, non-woven polypropylene body+- 54g/m sleeves +- 66g/m. Long sleeves with cuffs. Reinforced in chest and forearm areas. Resistant to liquid penetration. Lint free, non flammable, Bacteria barrier efficiency, to comply with SANS 53795, Compliance certificate to be submitted, Sterile, individual double peel packed	<ul style="list-style-type: none"> <li>▪ EU PPE Regulation 2016/425 and EU MDD Directive 93/42/EEC</li> <li>▪ FDA Class I or II medical device, or equivalent</li> <li>▪ EN 13795 any performance level, or</li> <li>▪ AAMI PB70 all levels acceptable, or equivalent</li> </ul>	Each	R135,00 per each
Coveralls	Protective cover bodysuits, disposable MEDIUM, LARGE, X-LARGE, XX-LARGE, 3X LARGE	<ul style="list-style-type: none"> <li>▪ Tunic/tops, woven, scrubs, reusable or single use, short sleeved (tunic/tops), worn underneath the coveralls or gown.</li> <li>▪ Trouser/pants, woven, scrubs, reusable or single use, worn underneath the coveralls or gown</li> </ul>	Each	R286,20 per coverall
Boot Covers	Overshoe, non-woven, single use. To be made from durable, water-repellent, opaque material Seam free under sole. Elasticated opening. Suitable for all size shoes		Box of 100 pieces	R130,00 per box of 100 pieces
Digital Thermometer	Digital Body Thermometer INFRARED NON CONTACT		Each	R2527,20 per each

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

Sanitisers and Disinfectants	Sanitizer, with not less than 70% alcohol must comply to WHO-recommended handrub formulations	Litre	R183,60 per litre	<del>R186,60 per litre</del>
Biohazard bags	Bright red colour PP bags are easy to open and are used to dispose used Micro tips, Tubes and other plastic products.	Each	R1,30 each	R1,30 each
Body Bags	Manufactured from 280 micron reinforced PVC, both ends are stitched and sealed to prevent any leakage, There must be 3 handles on each side with a full length curved zip, all handles must be box stitched using Polycotton Corespun Polished 36 Tex thread, and box stitching dimensions are all 4cm x 3cm. The dimensions are as follows: Length: 2.4 METERS Width: 1 METER, Zip: 1.8 METERS, Sizes:(Child, Small, Medium, Large, Extra-large)	Each	R210,60 per bag	R210,60 per bag

**NATIONAL TREASURY INSTRUCTION NO. 05 OF 2020/21:  
EMERGENCY PROCUREMENT IN RESPONSE TO NATIONAL STATE OF DISASTER**

Examination Gloves, non-sterile	Gloves, examination, nitrile, powder-free, non-sterile, single-use. Gloves should have long cuffs, reaching well above the wrist, ideally to mid-forearm. Sizes: small, medium, large.	<ul style="list-style-type: none"> <li>• EU MDD Directive 93/42/EEC Category III</li> <li>• EU PPE Regulation 2016/425 Category III</li> <li>• EN 455</li> <li>• EN 374</li> <li>• ANSI/ISEA 105,</li> <li>• ASTM D6319, or equivalent</li> </ul>	Box of 100 gloves	R0,46 per single glove	R46,44 per box of 100 pieces
Gloves, examination or surgical, sterile	Gloves - surgical or examination - nitrile, powder-free, sterile, single-use. Gloves should have long cuffs, reaching well above the wrist, ideally to mid-forearm. Sizes: small, medium, large.	<ul style="list-style-type: none"> <li>• EU MDD Directive 93/42/EEC Category III,</li> <li>• EU PPE Regulation 2016/425 Category III,</li> <li>• EN 455,</li> <li>• ANSI/ISEA 105,</li> <li>• ASTM D6319 or equivalent</li> </ul>	Box of 100 gloves	R5,78 per single glove	R577,37 per box of 100 pieces
Cloth Mask	Mask - 2 layers of fabric (As per the DTIC guidelines & Specifications) Mask - 3 layers of fabric (As per the DTIC guidelines & Specifications)		Each	R20,00 per each	R20,00 per each R25,00 per each