



OFFICE OF THE CHIEF DIRECTOR SUPPLY CHAIN MANAGEMENT

Steve Vukile Tshwete Complex, Zone 6 Zwelitsha, 5608, Private Bag X0032, Bhisho, 5605 REPUBLIC OF SOUTH AFRICA:
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Website: www.ecdoe.gov.za

TO : OFFICE OF THE MEC
OFFICE OF THE SG
ALL DDGs
ALL CHIEF DIRECTORS
ALL DIRECTORS AT H/O AND DISTRICTS
ALL SCHOOL PRINCIPALS AND TEACHERS

FROM : SCM PERFORMANCE

SUBJECT : REMINDER TO IMPLEMENTATION OF CIRCULAR 12 OF
2020/21 AND SECTION 8 PUBLIC ADMINISTRATION AND
MANAGEMENT ACT, 2014 (ACT NO 11 OF 2014)- PROHIBIT
FROM CONDUCTING BUSINESS WITH AN ORGAN OF
STATE

DATE : 2 JUNE 2023

1. The above matter bears reference.
2. It has come to my attention that there are still employees who are linked to service providers, being directors or members of Service Providers. The Public Service Regulation 2016 states clearly that employees transacting with the state is an act of misconduct.
3. Attached hereto please find Section 8 of Public Administration and Management Act, 2014 which strengthens prohibition of government employees to transact with the state or be directors or members of a public or private company conducting a business with the state.
4. The Act is also stating that if an employee contravened the Act it is an offence, and the official is liable to a fine or imprisonment for a period of five (5) years or both. Such fine and imprisonment constitutes serious misconduct which may result in the termination of employment by the employer.
5. You are hereby again reminded to familiarise yourself with the attached Act as to prevent to be on the wrong side of the law also implementation of Circular 12 of 2022/21.
6. Please note that this is a serious offence which can lead to consequence as outline in paragraph 4 above.


DR AS NUKU
Acting HEAD OF DEPARTMENT: ECDoE

05.06.2023
DATE



OFFICE OF THE CHIEF DIRECTOR SUPPLY CHAIN MANAGEMENT

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ALL DIRECTORS AT H/O AND DISTRICTS
ALL SCHOOL PRINCIPALS AND TEACHERS
ALL GOVERNMENT EMPLOYEES

FROM : SCM PERFORMANCE AND RISK MANAGEMENT

SUBJECT : REMINDER TO IMPLEMENTATION OF SECTION 8 PUBLIC
ADMINISTRATION AND MANAGEMENT ACT, 2014 (ACT NO
11 OF 2014)- PROHIBIT FROM CONDUCTING BUSINESS
WITH AN ORGAN OF STATE

DATE : 22nd JULY 2023

1. The above matter bears reference.
2. It has come to our notice that there are still employees who are linked to service providers, being directors or members of the companies. The Public Service Regulation 2016 states clearly that employees transacting with the state is an act of misconduct.
3. The following are legislations that clearly outline consequences if anyone found contravening with the law.
 - 3.1 Section 30(1) of the Public Service Act states that no employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department.
 - 3.2 Section 8(2) of the Public Administration Management Act 11 of 2014 (PAMA) states that "An employee may not conduct business with the state or be a director of a public or private company conducting business with the state".
 - 3.3 PAMA prohibits employees (as defined in PAMA), from conducting business with the state or from being a director in a public or private company doing business with the state.
 - 3.4 Section 33(1) of the Employment of Educators Act states that unless an educator's conditions of service provide otherwise-
 - (a) an educator shall place such time as the Minister may determine at the disposal of the employer;



(b) no educator shall without permission of the employer perform or undertake to perform remunerative work outside the educator's official duty or work;

(c) no educator may claim additional remuneration in respect of any official duty or work which the educator-

(i) performs voluntarily; or

(ii) has been ordered to perform by a competent authority.

3.5 Regulation 13(c) of the Public Service Regulations of 2016 prohibits employees of departments from doing business with the state from 1 August 2016. The transitional provisions of the regulations require that the following actions must be taken by 1 February 2017 in relation to those contracts that were awarded before 1 August 2016. An employee shall:

- cease to conduct business with the organ of the state*
- resign as an employee, or*
- resign as a director of a company that conducts business with an organ of state or resign as an employee.*

3.5 The department's Ethics policy (paragraph 5) states that no employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant Department, except with the written permission of the Executive Authority of the department.

3.6 Paragraph 6 of the Ethics policy states that all employees of Education:

- Shall sign a declaration annually that they have read, are familiar with, understand and will conform with this code. Responsibility for ensuring that all employees and officials have signed and submitted the declaration lies with all managers, and*
- Who have doubts regarding a questionable situation that might arise should immediately consult their manager or supervisor for clarity.*

4. You are hereby requested to comply with the above legislations failure to do so will tantamount to misconduct.


DR S. NUKU
Acting HEAD OF DEPARTMENT - ECDoE

22.07.2023
DATE