

**STATE ATTORNEY  
DX 298 PRETORIA**

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA**

**CASE NO: CCT 48/2013**

In the matter between:-

<b>ALLPAY CONSOLIDATED INVESTMENT HOLDINGS (PTY) LTD</b>	First Applicant
<b>ALLPAY FRESS STATE (PTY) LTD</b>	Second Applicant
<b>ALLPAY WESTERN CAPE (PTY) LTD</b>	Third Applicant
<b>ALLPAY GAUTENG (PTY) LTD</b>	Fourth Applicant
<b>ALLPAY EASTERN CAPE (PTY) LTD</b>	Firth Applicant
<b>ALLPAY KWAZULU NATAL (PTY) LTD</b>	Sixth Applicant
<b>ALLPAY MPUMALANGA (PTY) LTD</b>	Seventh Applicant
<b>ALLPAY LIMPOPO (PTY) LTD</b>	Eighth Applicant
<b>ALLPAY NORTH WEST (PTY) LTD</b>	Nineth Applicant
<b>ALLPAY NORTHERN CAPE (PTY) LTD</b>	Tenth Applicant
<b>MICAWBER 851 (PTY) LTD</b>	Eleventh Applicant
<b>MICAWBER 852 (PTY) LTD</b>	Twelfth Applicant
<b>MICAWBER 853 (PTY) LTD</b>	Thirteenth Applicant
<b>MICAWBER 854 (PTY) LTD</b>	Fourteenth Applicant

and

<b>THE CHIEF EXECUTIVE OFFICER OF THE SOUTH AFRICAN SOCIAL SECURITY AGENCY</b>	First Respondent
<b>THE SOUTH AFRICAN SOCIAL SECURITY AGENCY</b>	Second Respondent
<b>CASH PAYMASTER SERVICE (PTY) LTD</b>	Third Respondent

<b>EZIDLUBHEDU INVESTMENT HOLDINGS (PTY) LTD</b>	Fourth Respondent
<b>FLASH SAVINGS AND CREDIT COOPERATIVE</b>	Fifth Respondent
<b>ENLIGHTENED SECURITY FORCE (PTY) LTD</b>	Sixth Respondent
<b>MOBA COMM (PTY) LTD</b>	Seventh Respondent
<b>EMPILWENI PAYOUT SERVICES (PTY) LTD</b>	Eighth Respondent
<b>PENSION MANAGEMENT (PTY) LTD</b>	Ninth Respondent
<b>MASINGITA FINANCIAL SERVICE (PTY) LTD</b>	Tenth Respondent
<b>THE SOUTH AFRICAN POST OFFICE</b>	Eleventh Respondent
<b>ROMAN PROTECTION SOLUTIONS CC</b>	Twelfth Respondent
<b>UBANK LIMITED</b>	Thirteenth Respondent
<b>AFRICAN RENAISSANCE INVESTMENT MANAGEMENT (PTY) LTD</b>	Fourteenth Respondent
<b>STANDARD BANK GROUP LIMITED</b>	Fifteenth Respondent
<b>NEW SOLUTIONS (PTY) LTD</b>	Sixteenth Respondent
<b>ITHALA LIMITED</b>	Seventeenth Respondent
<b>KTS TECHNOLOGY SOLUTIONS CONSORTIUM</b>	Eighteenth Respondent

<b>FILING SHEET</b>
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**DOCUMENT:**

**PROGRESS REPORT ON THE IMPLEMENTATION  
OF THE CONSTITUTIONAL COURT JUDGMENT**

**FILED BY:**

**1<sup>ST</sup> AND 2<sup>ND</sup> RESPONDENTS' ATTORNEYS  
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**TO:** THE REGISTRAR OF THE  
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**AND TO:** ATTORNEYS FOR CORRUPTION WATCH  
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**2<sup>ND</sup> PROGRESS REPORT TO THE CONSTITUTIONAL COURT**  
**IMPLEMENTATION OF THE CONSTITUTION COURT JUDGEMENT**

On the 05<sup>th</sup> of June 2014 SASSA provided the Constitutional Court with a progress report regarding the initiation of the new tender process. In that report SASSA made a firm commitment to honour the Constitutional Court Order and stated time frames within which key activities were to be achieved.

In the ensuing period, SASSA has conducted various processes and engaged with various stake holders and government departments with a view to complying and giving effect to the court order and the directions issued. As a consequence, a Bid Specification Committee was appointed which compiled the draft specification document. Although the intention was to have the Bid document advertised within three months post the pre-planning process, the process however took an unavoidably lengthy period of time.

In compiling the bid document the following pertinent factors came to the fore:

- a. the extent to which the current payment system gave rise to unintended consequences (some of which were alluded to in the judgment of this court) which impacted negatively on the beneficiaries;
- b. the concerns raised by certain government departments insofar as the current payment system could give rise to skewed positions and the need to create best practices taking into account governments overall fiscal and banking imperatives;
- c. input from beneficiaries and and stakeholders by way of a survey in order to establish preferences, undesirable outcomes and to eradicate harmful practices;
- d. the need to define and stipulate more clearly the bid criteria.

The Bid Specification Committee has now completed the draft Bid Specification Document. The document has been consulted upon at Ministerial level, within both the Department of Social Development and SASSA at various levels. The outstanding consultations before final release of the documents have been scheduled for the week of 22<sup>nd</sup> – 26<sup>th</sup> of September with National Treasury (Office of the Chief Procurement officer) and the South African Reserve Bank. These consultations have always been necessary and are integral to the roll out and enhancement of the payment system.

It is envisaged that the tender will be published during the week of the 6<sup>th</sup> – 12<sup>th</sup> October 2014 and the advertisement will appear in the Government printing, daily and weekly newspapers.

The appointment of the Bid Evaluation Committee and the Bid Adjudication Committee will be finalised once the Bid has been advertised and the submission of the tender closed<sup>1</sup>.

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<sup>1</sup> In terms of SASSA Supply Chain Management Policy (2012), Section 9.2.1, the appointment of the BEC should only be made after the closing of the Bid