

POSITION PAPER FOR DISCUSSION

# Professionalising Public Procurement

Establishing a Public Procurement Professional Body through the General Public Procurement Regulations

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*Giving effect to Recommendation 5 of the Judicial Commission of Inquiry into Allegations of State Capture (the Zondo Commission) and section 5(1) of the Public Procurement Act 28 of 2024*

Version 6.0  
June 2026

Public Procurement Act  
28 of 2024

**For discussion  
& public comment**

## THE PROPOSITION

# A statutory profession – by regulation, not by amending the Act

*No amendment to the Public Procurement Act 28 of 2024 is required. The existing framework empowers the Minister of Finance to lay the foundation of a profession through updated General Public Procurement Regulations.*

### **No amendment needed**

Sections 5(1)(b), 5(1)(c) and 63(1)(a) of the Act already provide sufficient authority to establish the profession's foundational architecture by regulation.

### **The vehicle: updated GPP Regulations**

A dedicated chapter on the Public Procurement Profession is inserted into the Regulations – law in the Gazette, subject to Parliamentary oversight.

### **The goal: mandatory, qualified, accountable**

Registration as a condition of practice, competency rooted in integrity, and an enforceable disciplinary regime – the three things Recommendation 5 demands.

## Three pillars of statutory authority, the PPA

### s 5(1)(b)

#### Integrity of procurement

The PPO must “...*develop and support measures to maintain the integrity of procurement.*”

Professionalisation is a recognised institutional mechanism for embedding integrity in an occupational field.

### s 5(1)(c)(iii)

#### Professional development

The PPO must “...*ensure the professional development and training of officials involved in procurement*”.

This is an obligation, not a discretion. It contemplates structured, ongoing professional growth.

### s 63(1)(a)

#### Mandatory regulations

The Minister must make regulations on any matter required to be prescribed and on “...*competency requirements for officials involved in procurement*”.

Broad enough to encompass qualifications, experience and ethics.

## THE GAPS IN THE CURRENT DRAFT

# Regulation 73 delivers compliance training...

### *Part 2*

#### *Procuring institutions*

### **73. Competency requirements for officials involved in procurement**

[Sections 63(1)(a)(ii) of the Act]

(1) The Public Procurement Office –

(a) must determine the competency requirements for officials involved in procurement;

(b) must develop compulsory courses as competency requirements for members of bid committees; and

(c) may develop such other compulsory courses as competency requirements for officials involved in procurement.

(2) The compulsory competency courses contemplated in subregulations (1)(b) and (c) must

## THE MAJOR GAP IN THE CURRENT DRAFT

# Regulation 73 delivers compliance training

### What the Act intends

#### A professionalisation framework with:

- competency framework prescribed in law;
- measures to maintain the integrity of procurement – professional body?
- professional development:
  - a recognised professional designation and career pathway;
  - CPD beyond initial training; and
  - Use the SAQA / NQF framework.

### What Regulation 73 delivers

#### A course-completion model, where:

- competency requirements remain unprescribed;
- a legislative duty is converted to a PPO administrative act;
- there is no credentialling or CPD architecture; and
- SAQA, the NQF and the QCTO are not referenced at all.

### The requirements do not yet exist in law

Section 63(1)(a)(ii) requires the regulations to contain the competency requirements. After Regulation 73, no competency requirements exist in law, only a duty on the PPO to create them later.

## Regulation 73 delivers compliance training

### The PPO has no business developing courses

**The PPO is a regulatory and oversight body and not an education and training provider**

The PPO's mandate under section 5 of the Act is to regulate, monitor, guide, support and oversee. It is a procurement policy and governance institution.

Developing educational courses, with appropriate learning outcomes, assessment instruments, level descriptors, and pedagogical design, is an entirely different function requiring entirely different institutional competence.

The PPO has no track record, no educational infrastructure, no academic accreditation, and no quality assurance standing in the education and training system.

## Regulation 73 delivers compliance training

### The PPO has no business developing courses

**The PPO is a regulatory and oversight body and not an education and training provider**

Courses developed by the PPO, outside the NQF framework, will:

- Have no national qualifications standing or NQF level descriptor;
- Not be portable across employment (completing a PPO course gives an official no recognised credential in the broader labour market);
- Have no quality assurance by an independent body;
- Have no CPD architecture attached to them;
- Be subject to the PPO's changing priorities, budgets and capacity (with no institutional continuity guarantee).

This is the antithesis of a professionalisation framework. It is closer to an in-house compliance training programme dressed up in the language of professionalisation.

## Zondo Commission Recommendation 5

*The Commission's diagnosis was that procurement failure stems not only from weak rules, but from the absence of a professional identity, professional accountability and enforceable standards among those who administer procurement.*

“It is recommended that consideration is given to enacting legislation that will establish a professional body to which all officials who work in the area of public procurement should belong. Such professional body will fix the qualifications and the necessary training and experience necessary for membership of the profession ... to include high standards of integrity and a commitment to resist mismanagement, waste and corruption. That the procurement system in every procuring entity be managed by a duly qualified public procurement official being a member in good standing of the profession. That the Tribunal of the Agency act as the disciplinary committee of the profession with power to strike a member from the Roll ...” *Zondo Commission, 2022: Recommendation 5*

# Establish a statutory Public Procurement Professional Body via the Regulations

**Section 63(1)(b)(vii) provides the opportunity**

A further discretionary power to regulate “any procedural or administrative matters necessary to implement this Act”

**Implements and does not exceed**

Regulations of this kind do not exceed the Act’s scope; they implement it. They do not contradict the Act’s provisions; they give effect to them. The route is legally defensible.

## DESIGN OF THE CHAPTER

# Eight building blocks of the professional framework

### 1. Definition & scope

Who must register (heads of SCM units, bid committees) vs. recommended participation.

### 2. Competency & qualifications

Minimum qualifications, experience and training per level – integrity as a substantive component.

### 3. Professional register

A public register by category, maintained by the PPO or a designated administrator.

### 4. Administering body

A designated body – new or existing, SAQA-recognised – under a performance agreement with the PPO.

### 5. Continuing development (CPD)

Registration conditional on annual CPD compliance to maintain good standing.

### 6. Consequences of non-registration

Registration a prerequisite for defined functions; non-compliance triggers reporting and misconduct.

### 7. Disciplinary framework

A Professional Conduct Committee with power to suspend or cancel registration.

### 8. Ethical conduct

An enforceable code of ethics anchored in section 195(1) of the Constitution.

## EXISTING INSTITUTIONAL ARCHITECTURE

# South Africa already has the framework – Reg 73 ignores it

*The PPO is a regulatory and oversight body, not an education and training provider. The SAQA / NQF system is the proper home for occupational professionalisation.*

### SAQA

Oversees the NQF and recognises professional bodies and professional designations under the NQF Act 67 of 2008.

### QCTO

Quality Council for the Occupational Qualifications Sub-Framework – the natural home for an occupation like public procurement.

### Recognised professional bodies

May recognise providers, assess workplace experience, set examinations and quality-assure designations and CPD – the very functions Reg 73 attempts and fails to address.

## A collaborative initiative – not a statutory body

*Launched in 2017–2018 as a collaboration by National Treasury, the Interim SCM Council convened a range of stakeholders to advance SCM professionalisation*

### Represented on the Council included:

#### **CIPS**

Chartered Institute of Procurement & Supply (CIPS Africa)

#### **SAPICS**

The Professional Body for Supply Chain Management

#### **CILTSA**

Chartered Institute of Logistics & Transport SA

#### **ICFF**

Institute of Customs & Freight Forwarding

## Why CIPS cannot fulfil Recommendation 5

Recommendation 5 requires	The CIPS position
Statutory body with legislative authority	Non-statutory; no legislative foundation in South Africa
Mandatory membership as a condition of practice	Voluntary; no statutory power to compel membership
Qualifications for SA public procurement	Foreign qualifications; only the MCIPS (NQF 9) is registered
Recognition of SA university qualifications	70% curriculum-overlap threshold effectively excludes them
A disciplinary regime able to strike off	Contractual only, binding on volunteers; no force in SA law

*These gaps are structural, not reputational – they arise from what CIPS is designed to be, not from any failing on its part.*

## CO-EXISTENCE WITH CIPS

# Two bodies, two purposes – they can co-exist

### The proposed statutory body

- A creature of South African law
- Mandatory for public procurement officials
- Qualifications rooted in the SA NQF
- Competencies derived from SA legislation
- Disciplinary power with legal effect

### CIPS

- A voluntary, internationally recognised body
- Serves professionals across sectors and countries
- Globally portable professional designation
- SAQA recognition should not be disturbed
- May, in time, articulate into senior registration

***The statutory body is not CIPS, cannot be CIPS.***

## THE COMPETENCY FRAMEWORK

### A six-level professional designation ladder

Level & role focus	Designation category	Min. NQF & experience	CPD
Bid committees (BSC / BEC / BAC)	<b>Affiliate SCM Associate</b>	NQF 5+ in technical field	15
L1 – Foundation (Clerk / Admin)	<b>Registered SCM Clerk</b>	NQF 5	15
L2 – Operational (Officer)	<b>Registered SCM Practitioner</b>	NQF 6 + 1–3 yrs	20
L3 – Tactical (Specialist / Category Mgr)	<b>Certified SCM Professional</b>	NQF 7 + 3–5 yrs	30
L4 – Strategic (Director SCM)	<b>Advanced SCM Professional</b>	NQF 7→8 + 5–7 yrs	40
L5 – Executive (Chief Procurement Officer)	<b>Executive / Chartered SCM Professional</b>	NQF 7 (→8/9 opt.) + 10+ yrs	50

*All roles are assessed against four pillars – Knowledge, Skills, Attributes and Ethical standards – with integrity treated as a substantive competency, not an add-on.*



## AFTER PROMULGATION

# Seven steps to a functioning profession

- 1** **3 mo** Interim Professional Standards Committee convened
- 2** **12 mo** Competency Framework developed, consulted & adopted
- 3** **18 mo** Administering body designated or established
- 4** **24 mo** SAQA recognition & registration of designations
- 5** **36 mo** Registration of existing officials; transitional arrangements
- 6** **Ongoing** Disciplinary framework operationalised
- 7** **5 yr** Parliamentary reporting & formal review of the framework

# The action that sets the journey in motion

## A legally defensible basis exists

Sections 5(1)(b), 5(1)(c) and 63(1)(a), read purposively, give the Minister sufficient authority to establish the profession's foundational architecture by regulation.

## Include the chapter with urgency

Insert the dedicated chapter on the Public Procurement Profession in the next revision cycle of the General Public Procurement Regulations.

## Begin preparatory work now

Promulgation is the first step, not the last; the PPO should begin work on the Interim Professional Standards Committee in anticipation.