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PLANACT'S SUBMISSION TO THE DRAFT GENERAL PUBLIC PROCUREMENT REGULATIONS, 2026 MADE IN TERMS OF SECTION 63(1) OF THE PUBLIC PROCUREMENT ACT, 28 OF 2024 AS PER THE NOTICE IN GOVERNMENT GAZETTE NUMBER 54827.

Introduction:

The **Draft General Public Procurement Regulations, 2026 (Regs, 2026)** are grounded in the principles of the Public Procurement Act, 2024, which explicitly require mechanisms to enable the public, civil society organisations and the media to access, scrutinise, and monitor procurement processes. The Zondo and Madlanga Commissions are the latest in a long line of warnings that identify local government as a primary avenue through which taxpayer money is diverted from state institutions. The Auditor-General (AG) notes that there is a consistent pattern of irregular expenditure and weak governance mechanisms. The AG reported that 85% of audited procurement awards did not comply with contract management and procurement legislation, with material non-compliance identified at 60% of auditees.

This abuse of the system with weak consequence management cripples municipalities' capacity to meet their constitutional obligations, resulting in vulnerable communities being denied access to basic human rights and services. It is, therefore, important that the public understands and monitors government procurement.

Provisions for transparency in the Public Procurement Act, 28 of 2024:

Planact welcomes the Public Procurement Act (PPA) 28 of 2024 as a significant milestone in advancing transparent, accountable and participatory governance. The Act acknowledges that meaningful public oversight is important in ensuring that public procurement delivers value for money and serves the public interest.

Planact also welcomes procurement being described as developmental as an object of the Act, which suggests an orientation towards contracts achieving socio-economic objectives, which includes poverty reduction, job creation and local economic advancement. These will require an expanded oversight role for civil society.

For over four decades, Planact has championed social accountability by supporting communities to participate meaningfully in local governance and to monitor public service delivery and call for accountability and clear accessible information about service delivery and budget-related matters. Transparency is not an end in itself; it is the foundation upon which communities can identify irregularities, advocate for corrective action, and ensure that public resources are used efficiently, ethically and equitably.

The **Regs, 2026** therefore present an important opportunity to strengthen the practical mechanisms that enable citizens to exercise this oversight effectively.

Planact's recommendations on the Draft General Public Procurement Regulations, 2026:

The **Regs, 2026** make important strides towards transparency and accountability but there are concerns that they focus more on information disclosure than on active public participation. For example:

1. Transparency appears to be heavily dependent on the effectiveness and usability of the national e-procurement system; if data is incomplete, delayed, or difficult to analyse, oversight will be weakened.
2. The regulations do not appear to create formal mechanisms for communities, civil society organisations and the media to monitor bid evaluations or contract implementation.
3. There is limited detail on how citizens can monitor whether contracts are actually delivered according to specifications after awards.

Without clear and institutionalised indicators of what transparency is, municipalities can claim that they are transparent yet systemic abuse in procurement processes continues.

PLANACT'S RECOMMENDATIONS:

1. A clear transparency framework needs to be established. This will enable the public and affected communities to track how their municipality spends taxpayers' money. The framework will also equip the public with a set of standards to use when advocating for accountability.
2. Community-led social audits on large contracts by recipients of the procured goods and services should be established to match municipal audits. In the municipal audits conducted under the MFMA, the Auditor General can improve its reports by verifying irregular expenditures for a stipulated threshold. This can be achieved by considering the lived experiences of individuals and evaluating the value for money associated with those expenditures in practice.
3. An effective public procurement system should enable innovation and flexibility. The rationale is that procuring institutions can strengthen efficiency, accountability and transparency, while responding to their unique operational contexts. A one-size-fits-all approach is unlikely to succeed given the diverse compliance requirements across institutions. Beyond legislative reform, meaningful transparency requires addressing system fragmentation, improving operational efficiency, and embedding openness throughout the procurement process rather than relying solely on centralisation.

4. Planact's long standing experience in urban planning and management at community level in informal settlements has provided insights into processes, relating to infrastructure and services, that require integration into any new procurement regulations. These include Municipalities employing supply chain management policies, like requests for Expression of Interest, to encourage contractors to hire local plumbers for minor repairs. This can be strengthened by a categorisation of faults to direct minor issues (e.g. leaking taps) to community plumbers and major issues to municipal technicians.
5. To continue to strengthen inter-governmental relations insofar as this relates to procurement. To strengthen training, governance and good practices with clear goals of oversight towards efficient and cost-effective service delivery.
6. Strong alignment with institutions such as the Auditor-General towards improved governance and to continue to improve institutions such as the Municipal Public Accounts Committees and the public participation role they provide for.

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