


BOARD NOTICE 109 OF 2009**CONSTRUCTION INDUSTRY DEVELOPMENT BOARD****THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, 38 OF 2000**

The Construction Industry Development Board has in terms of Regulation 29 of the Construction Industry Development Regulations, 2004, (as amended), Regulations No 692 of 9 June 2004 (as amended) conducted hearings against the following contractors and is publishing the findings and sanctions imposed by the Investigations Committee:

A handwritten signature in black ink, appearing to read 'Khoza', with a stylized flourish at the end.

Ronnie Khoza

Chief Executive Officer: Construction Industry Development Board

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Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Elleyon CC	168843		Presenting forged Financial Statements and false track record information to the CIDB in contravention of Sec 19(2) of the Act read with Regulation 10(6)(a) and 8(4) of the CIDB Regulations in his application for registration in the CIDB register.
Sanction imposed by CIDB Board			
Effective Date: 8 July 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. That any pending application of Elleyon CC (CRS 168 843) to the CIDB as at the date of commencement of this sanction, be null and void. 2. Elleyon CC (CRS 168 843) be removed from the CIDB register of contractors with immediate effect and that any application for re-registration not to be considered for a period of 60 (sixty) calendar months from that date of the Board's final decision. 3. Elleyon CC (CRS 168 843) be barred from tendering under the auspices of the CIDB for a period of 60 (sixty) calendar months effective immediately after the Board's final decision. 4. That Elleyon CC and any other legal entity of which Mr Wesley Naidoo (ID 860511 5183 087) is a director or member as per the Registrar of Companies and Close Corporations' database, is barred from applying for registration on the Register of Contractors, in any class of construction works listed in Schedule 3 of the CIDB regulations, for a period of 60 (sixty) calendar months, which period will commence from the effective date of this sanction. 			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Elma Engineering Services	126565	2005/002467/07	Presenting a forged SARS Tax Clearance Certificate or a SARS Tax Clearance Certificate that is not authentic, or not containing true, authentic information, to the CIDB in contravention of Sec 19(2) of the Act read with sub-regulations 10(6)(a) and 8(4) of the CIDB Regulations.
Sanction imposed by CIDB Board			
Effective Date: 8 July 2009			
The Board orders:			
<ol style="list-style-type: none"> That Elma Engineering Services and any other legal entity of which Mr S P Meyiwa (ID number 690806 5481 085) is director or member as per the Registrar of Companies and Close Corporations' database, are prohibited to commence with, procure or attempt to procure any construction-related work falling within the ambit of the CIDB's mandate, and That Elma Engineering Services (Pty) Ltd must pay a fine of R20 000.00 (twenty thousand rand) in terms of sub-regulation 29(20)(e) of the CIDB regulations. The amount shall be paid into the following bank account of the CIDB: That the fine mentioned in paragraph 2 above, must be paid in full on or before the 31 August 2010. That the application of Elma Engineering Services (Pty) Ltd which formed the basis for the charge referred to above, be null and void. That no period of prohibition is placed on Elma Engineering Services (Pty) Ltd to apply for registration on the CIDB Register of Contractors in any grading designation and class of works, except: <ol style="list-style-type: none"> While the fine or any part thereof has not been paid in full, any application of Elma Engineering Services (Pty) Ltd will not be considered by the CIDB. The prohibitions referred to in paragraphs 1 and 2 above, are subject to Elma Engineering Services paying the fine of R20 000.00 (twenty thousand rand), during the period of prohibition, in terms of sub-regulation 29(20)(e) of the CIDB regulations. 			
The Board set the following proviso pertaining the prohibition period referred to in paragraph 1 and 2 and the payment of the fine:			
<ul style="list-style-type: none"> That the prohibition will continue to be effective beyond 31 August 2010 from the effective date of this sanction, in the event that Elma Engineering Services fails to settle the full fine on or before the date that the period lapses, in which case the prohibition will remain effective until the fine has been paid in full. 			

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Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Brainwave Projects 1026 CC	129314	2004/124128/23	Presenting a forged SARS Tax Clearance Certificate or a SARS Tax Clearance Certificate that is not authentic, or not containing true, authentic information, to the CIDB in contravention of Sec 19(2) of the Act read with sub-regulation 10(6)(a) and 8(4) of the CIDB Regulations.
Sanction imposed by CIDB Board			
Effective Date: 8 July 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. That Brainwave Projects 1026 CC (registration number 2004/124128/23 and CRS nr 129314) must pay a fine of R50 000.00 (fifty thousand rand) in terms of sub-regulation 29(20)(e) of the CIDB regulations. 2. That the fine mentioned in paragraph 1 above, must be paid in full on or before 31 July 2010. 3. That the current application for an upgrade for Brainwave Projects 1026 CC or any other legal entity of which Mr Ryan Meghoo (ID Nr 750404 5071 085 and CRS Nr 129314) is director or member as per the Registrar of Companies and Close Corporations' database, which formed the basis for the charge referred to above, be null and void. 4. That Brainwave Projects 1026 CC (CRS 129314)'s current registration on the CIDB register of contractors not be affected by this sanction. 5. That, the current application for upgrade of Brainwave Projects 1026 CC for registration on the register of contracts, be null and void, and not considered by the CIDB at all. 			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Amaqungebe Trading CC	145071	2006/042038/23	Presenting a letter on a CIDB letterhead which contained untrue / false information to an employer in contravention of Section 19(2) of the CIDB Act, read with sub-regulations 10(6) and 8(4) of the CIDB regulations.
Sanction imposed by CIDB Board			
Effective Date: 8 July 2009			
The Board orders:			
<ol style="list-style-type: none"> That Amaqungebe Trading CC (CRS 145071) must pay a fine of R40 000.00 (fifty thousand rand) in terms of sub-regulation 29(20)(e) of the CIDB regulations. That the fine mentioned in paragraph 1 above, must be paid in full on or before 31 July 2010. That the application for upgrade of Amaqungebe Trading CC (CRS 145071) which formed the basis for the charge referred to above, be null and void. That Amaqungebe Trading CC (CRS 145071)'s current registration on the CIDB register of contractors not be affected by this sanction. That no period of prohibition is placed on Amaqungebe Trading CC (CRS 145071) to apply for an amendment of its grading designation, except: <ol style="list-style-type: none"> While the fine mentioned in paragraph 1 above or any part thereof has not been paid in full, Amaqungebe Trading CC (CRS 145071) is not allowed to apply for an upgrade/amendment of its grading designation on the CIDB Register of Contractors. The prohibitions referred to in paragraph 5(a), are subject to Amaqungebe Trading CC (CRS 145071) paying a fine of R40 000.00 (forty thousand rand) on or before 31 July 2010 mentioned in paragraph 2, in terms of sub-regulation 29(20)(e) of the CIDB regulations. 			
Please note the following proviso set by the Board, pertaining to the period referred to in paragraph 1 and the payment of the fine:			
<ul style="list-style-type: none"> That the prohibition will continue to be effective beyond 31 July 2010 from the effective date of this sanction, in the event that Amaqungebe Trading CC fails to pay the full amount of the fine on or before the date that the period lapses, in which case the prohibition will remain effective until the fine has been paid in full. 			

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Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Nkoananyana Trading Enterprise CC / Tsakelane Construction Enterprise	156286 163829	2005/088600/23 2005/011867/23	Presenting information regarding a false track record to the CIDB in contravention of Sec 19(2) of the Act read with sub-regulation 10(6)(a) and 8(4) of the CIDB Regulations in his application for registration in the CIDB register.
Sanction imposed by CIDB Board			
Effective Date: 8 July 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. That Nkoananyane and Tsakelane (CRS Nr 156286 & 163829) jointly must pay a combined and total fine of R60 000.00 in terms of sub-regulation 29(20)(e) of the CIDB regulations 2. That the fine mentioned in paragraph 1 above, must be paid in full on or before 31 July 2010. 3. That any pending applications of Nkoananyane and Tsakelane (CRS Nr 156286 & 163829) which formed the basis for the charge referred to above, be null and void. 4. That both Nkoananyane and Tsakelane's (CRS Nr 156286 & 163829) current registration on the CIDB register of contractors not be affected by this sanction. 			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
G-Square Construction	143062	2007/043328/23	Presenting forged Financial Statements to the CIDB in contravention of Sec 19(2) of the Act read with Regulation 10(6)(a) and 8(4) of the CIDB Regulations in his application for registration in the CIDB register.
Sanction imposed by CIDB Board			
Effective Date: 8 July 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. That G-Square Construction CC must pay a fine of R50 000.00 (fifty thousand rand) in terms of sub-regulation 29(20)(e) of the CIDB regulations. 2. That the fine mentioned in paragraph 1 above, must be paid in full on or before 31 December 2009. 3. That the application of G-Square Construction CC for the upgrade, which formed the basis for the charge referred to above, be null and void. 4. That G-Square Construction CC's current grading designation and status on the CIDB Register of Contractors remain as is and unaffected by this sanction. 5. That no period of prohibition is placed on G-Square Construction CC to apply for an amendment of its grading designation, except: <ol style="list-style-type: none"> b. While the fine or any part thereof has not been paid in full, G-Square Construction CC is not allowed to apply for an amendment of its grading designation on the CIDB Register of Contractors. 			
The Board set the following proviso pertaining to the prohibition period referred to in paragraphs 1 and 2 and the payment of the fine:			
<ul style="list-style-type: none"> ▪ That the prohibition will continue to be effective beyond 31 December 2009 from the effective date of this sanction, in the event that G-Square Construction fails to settle the full fine on or before the date that the period lapses, in which case the prohibitions will remain effective until the fine has been paid in full. 			

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Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Vhafhati Construction (Pty) Ltd	114742	2005/028484/07	Presenting forged Financial Statements to the CIDB in contravention of Sec 19(2) of the Act read with sub-regulation 10(6)(a) and 8(4) of the CIDB Regulations in his application for registration in the CIDB register.
Sanction imposed by CIDB Board			
Effective Date: 8 July 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. That, the current application of Vhafhati Construction (Pty) Ltd CRS 114742 for an upgrade to the grading designation of 6, be null and void, and not considered by the CIDB at all. 2. That the registration status of Vhafhati Construction (Pty) Ltd CRS 114742 in the grading designations and classes of works mentioned below, be removed from the CIDB register of contractors, with effect from the effective date of this sanction. 3. Its grading status of 1 CEPE should not be affected. 4. That Vhafhati Construction (Pty) Ltd CRS 114742 must pay a fine of R 20 000-00 (twenty thousand rand). 5. That Vhafhati Construction (Pty) Ltd CRS 114742 be prohibited to tender for any construction-related work falling within the ambit of the CIDB's mandate, as long as the fine mentioned above, or any part thereof, remain outstanding, irrespective of whether such period is less than twelve months or not. 6. That Vhafhati Construction (Pty) Ltd CRS 114742 is allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which had been tendered for prior to the effective date of this sanction on the basis of its 5GBPE grading designation; irrespective of whether the Employer concerned has awarded the construction works contract by the effective date of sanction, or not. 			

Notice of publication in terms of Construction Industry Development Board Regulation 29(21) of the findings and sanctions imposed by the Investigations Committee at regulatory hearings held in Pretoria.