
BOARD NOTICES

BOARD NOTICE 165 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:



Ronnie Khoza

Chief Executive Officer: Construction Industry Development Board

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Jesifa Business Enterprise	114237	2003/108145/23	Guilty of submitting financial statements to the CIDB which contains untrue/false information; and/or was forged; which is in contravention of inter alia: Regulation 2(A) (requiring GAAP and IFRS compliant financial statements). Paragraph 2.1 of the code (requiring equitable, honest and transparent behaviour). Regulation 30(1) (a) (sanctioning the supply of false information to the CIDB).
Sanction imposed by CIDB Board			
Effective Date: 5 November 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. The application of Jesifa CC dated 17 March 2009 in support of its 3 year renewal is not null and void and that the CIDB may continue with the assessment as per the CIDB Regulations and the CIDB Act, on the proviso that only that information that formed the basis for the charge be null and void and not considered by the CIDB at all. 2. The application of Jesifa CC dated 17 March 2009 for an upgrade to a 5GBPE grading designation and class of works be null and void and not considered by the CIDB at all. 3. Any prescribed fee Jesifa CC has paid to the CIDB for the application to upgrade be forfeited to the CIDB. 4. Jesifa CC must pay a fine of R20 000.00 in at least 4 (four) equal instalments to the CIDB and within a period of 4 months from the date of the panel's findings. 5. Jesifa CC not to be considered for any amendment on its current grade or class of works on the CIDB register of contractors until such time that the imposed fine referred to in 4 above has been paid in full. This does not preclude Jesifa from concluding with its renewal application, as per 1 above. 			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Transnet/GA Civils	186486	2006/138126/23	Transnet is guilty of the contravention of Sec 16(4) of the CIDB Act, read with the CIDB regulation 25(1) (A) and 25(10) and the CIDB Code of Conduct, by failing to comply with applicable legislation and associated regulations, by negligently evaluating and awarding the 2008 contract to contractor GA Civils, a company not registered in the Contractor grading and category required by the tender. Transnet is guilty of the contravention of the CIDB Code of Conduct and/or the Standard for Uniformity, by not declaring tenders non responsive, in circumstances where it is prescribed to do so.
Sanction imposed by CIDB Board			
<p>Effective Date: 10 November 2009</p> <p>The Board orders:</p> <ol style="list-style-type: none"> 1. Transnet to pay a fine of R50 000.00 within 30 days from the date of the panel's recommendations. 2. Transnet to pay all costs associated with the matter from inception until the final day of the hearing. The quantification of the costs shall be made available to Transnet by the prosecution and once agreed to and signed by both parties; it shall be perceived as the panel's cost order. 3. In the event of a dispute between Transnet and the prosecution on the quantification of the costs, the aggrieved party may refer the matter to the panel to make a final determination and ruling on the cost order. 			

Gazette notice for concluded hearings
29 October & 5 – 10 November 2009

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Msadile Trading Enterprise	114235	2004/049782/23	Msadile CC submitted financial statements to the CIDB which were not compliant with the CIDB regulations 2(A) and/or 7(4) (b) and/or accounting/auditing standards for both the financial year end 2008 and 2009, and Msadile CC submitted track record documentation to the CIDB which was forged and/or contained false information.
Sanction imposed by CIDB Board			
Effective Date: 5 November 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. The application of Msadile CC dated 17 March 2009 in support of its 3 year renewal is not null and void and that the CIDB may continue with the assessment as per the CIDB Regulations and the CIDB Act, on the proviso that only that information that formed the basis for the charge be null and void and not considered by the CIDB at all. 2. The application of Msadile CC dated 17 March 2009 for an upgrade to a 5GBPE grading designation and class of works be null and void and not considered by the CIDB at all. 3. Any prescribed fee Msadile CC has paid to the CIDB for the application to upgrade be forfeited to the CIDB. 4. Msadile CC must pay a fine of R30 000.00 in at least 6 (six) equal instalments to the CIDB and within a period of 6 months from the date of the panel's findings. 5. Msadile CC not be considered for any amendments on its current grade or class of works on the CIDB register of contractors until the fine referred to in 4 above has been paid in full. This does not preclude Msadile's renewal application to be finalized, as per 1 above. 			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Mameje Projects	118550	2006/042038/23	Presented financial statements to the CIDB which statements were not compliant with the CIDB regulations 2(A) and/or accounting/auditing standards.
Sanction imposed by CIDB Board			
Effective Date: 29 October 2009			
The Board orders:			
<ol style="list-style-type: none"> 1. Mameje Projects' current grading designation remains as is on the CIDB register of Contractors. 2. Mameje Projects is given a final warning not to commit the same or similar offence, and the said warning to be valid for a period not exceeding 60 months from the date of the Panel's recommendations. 3. Mameje Projects is fined an amount of R50 000.00, however the said fine is suspended for a period of 60 months, and should the same or similar misdemeanour be committed by the entity within the said period of suspension, then payment of the said fine shall be immediately effective and payable. 4. There should be no restriction or condition for any future upgrade application by Mameje Projects. 			

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.