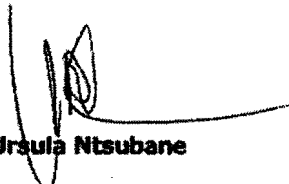

BOARD NOTICES

BOARD NOTICE 104 OF 2012

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 clients: Department of Roads and Transport: Gauteng; Mafikeng Local Municipality; Mandles Africa Investments cc; Lebjo Business Enterprise cc; Roswika Civils and Construction cc; Khumbula Property Services (Pty) Ltd is publishing the findings and sanctions imposed by the Investigations Committee.



Ursula Ntsubane

Chief Executive Officer:

Construction Industry Development Board

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

Employer Name		Nature of complaint
THE GAUTENG DEPARTMENT OF ROADS AND TRANSPORT		<p>GAUTENG DEPARTMENT OF ROADS AND TRANSPORT, being the employer, was charged with alleged failure to comply with its statutory and regulatory obligations pertain to a contract that it had awarded to a contractor. The charges were as follows:-</p> <p>Charge 1: Contravention of Regulation 18(1A) (a): The Department failed to register tender no by failing to register Tender CGT 1779/10/2008 with the CIDB.</p> <p>Charge 2: Contravention of Regulation 24: The Department failed to publish the invitation to tender on the CIDB website</p>
Sanction imposed by CIDB Board		
<p>Effective Date: 17 October 2011</p> <p>The Board orders:</p> <ol style="list-style-type: none"> that the transgressions committed by the Department of Roads and Transport-Gauteng, as an Organ of State are serious in terms of the preambles of both the CIDB Act, the Regulations and Code of Conduct, that the Department is guilty of having failed to register and publish its tender on the i-tender website of the CIDB and of having transgressed associated regulations, that the Department is ordered to pay a fine in the amount of R 50,000.00, 		

- d. that such fine is to be paid by not later than end of its (the Department) current financial year,
- e. that in line with the provisions of Regulation 28(2) of the CIDB Regulations of 2008, this matter is hereby referred to the Accounting/ Accountable Authority and the Auditor General for it to be dealt with in terms of the prescribed procedures of these structures in dealing with similar transgressions, and
- f. that the Department is ordered to pay the cost of the investigation and the proportionate costs of the hearing.

Employer Name		Nature of complaint
MAFIKENG LOCAL MUNICIPALITY		<p>MAFIKENG LOCAL MUNICIPALITY, being the employer, was charged with alleged failure to comply with its statutory and regulatory obligations pertain to a contract that it had awarded to a contractor. The charges were as follows:-</p> <p>Charge 1: Contravention of Regulation 18(1) (a): The MLM failed to register tender no by failing to register Tender NW102846.3 (B) with the CIDB.</p> <p>Charge 2: Contravention of Regulation 24: The MLM failed to publish the invitation to tender on the CIDB website,</p>
Sanction imposed by CIDB Board		
Effective Date: 13 April 2012		
The Board orders:		

- (a) that the transgressions committed by the MLM as an Organ of State are serious in terms of the preambles of both the CIDB Act, the Regulations and Code of Conduct,
- (b) that the Municipality is guilty of having failed to register and publish its tender on the i-tender website of the CIDB and of having transgressed associated regulations,
- (c) that the Municipality is ordered to pay a fine in the amount of R 30,000.00,
- (d) that such fine is to be paid by not later than end of its (the Municipality) current financial year,
- (e) that in line with the provisions of Regulation 28(2) of the CIDB Regulations of 2008, this matter is hereby referred to the Accounting/ Accountable Authority, the MLM Audit Committee and the Auditor General for it to be dealt with in terms of the prescribed procedures of these structures in dealing with similar transgressions, and
- (f) that the Municipality is ordered to pay the cost of the investigation and the proportionate costs of the hearing.

Contractor Name	CRS Number	Company/Corporation Registration Number	Nature of complaint
Mandles Africa Investments cc	139148	1994/014260/23	Charge 1: That information with respect to the track record of Mandles Africa Investments with regard to the construction works purportedly performed for Ethekwini Metropolitan Municipality has been misrepresented on behalf of Mandles Africa to cidb in an application, as the information is false and/or inaccurate
Sanction imposed by CIDB Board			
Effective Date: 13 April 2012 The Board orders: <ul style="list-style-type: none"> a. that the close corporation is guilty of all the charges, b. that the close corporation be severely reprimanded for its conduct, c. That such reprimand be recorded against the record of the close corporation. 			

Contractor Name	CRS Number	Company/Corporation Registration Number	Nature of complaint
Lebjoe Business Enterprise cc	249093	2003/016447/23	Charge 1: Submitted financial statements to the cidb, which statements contain false information and/or were forged and/or are not compliant with cid regulation (2A) and /or accounting/auditing standards
Sanction imposed by CIDB Board			
Effective Date: 13 April 2012			
The Board orders: <ul style="list-style-type: none">a. that the close corporation is guilty of all the charges,b. that the close corporation be removed from the register of contractors maintained by the cidb in terms of the Act and regulations,c. That the member, Mr Azwindini Joseph Maphangwa, Identity Number 690528 5771 089 be prohibited from submitting any application for grading personally or through any other entity he may be involved in.			

Contractor Name	CRS Number	Company/Corporation Registration Number	Nature of complaint
Roswika Civils and Construction cc	112900	2004/074058/23	Charge 1: Submitted financial statements to the cidb, which statements contain false information and/or were forged and/or are not compliant with cid regulation (2A) and /or accounting/auditing standards.
Sanction imposed by CIDB Board			
Effective Date: 13 April 2012 The Board orders: <ul style="list-style-type: none"> a. that the close corporation is guilty of all the charges, b. that a fine of R80,000-00 be imposed on the close corporation, c. that such fine be paid in full before any further application can be made to the cidb. 			

Contractor Name	CRS Number	Company/Corporation Registration Number	Nature of complaint
Khumbula Property Services (Pty) Ltd	104636	2001/005838/07	<p>Charge 1:</p> <p>That financial statements for the year ending 30 June 2006 to the cidb, which statements contain false information and/or were forged and/or are not compliant with cid regulation 7(4)(b) and /or accounting/auditing standards, has been presented to the cidb on behalf of Khumbula</p> <p>Charge 2:</p> <p>That information with respect to the track record of Khumbula with regard to construction works purportedly performed for B & E Silica Mines has been misrepresented on behalf of Khumbula to the cidb in an application, as the information is false and/ or inaccurate</p>
Sanction imposed by CIDB Board			
<p>Effective Date: 13 April 2012</p> <p>The Board orders:</p> <ul style="list-style-type: none"> (a) that the close corporation is guilty of the two charges, namely charges 1 and 2; (b) that a fine of R 100,000-00 be imposed on the company, (c) that such fine be paid in full before any further application can be made to the cidb. 			