

BOARD NOTICE 59 OF 2008

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, 38 OF 2007

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
Cansur Building Contractors, Germiston	120933	1998/028545/23	Presenting forged Financial Statements and/or false information to the CIDB in contravention of Sec 19(2) of the Act read with Regulation 30(1)(a) and (d) of the CIDB Regulations in his application for registration in the CIDB register.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008</p> <p>The Board orders:</p> <ol style="list-style-type: none"> 1. That, the current application of Cansur Building Contractors CC for registration on the Register of contracts, be null and void, and not considered by the CIDB at all, and 2. That Cansur Building Contractors CC (registration number 88/028545/23 and any other legal entity of which Mr Fana Lucas Ndimande (ID number 580714 5877 083) 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 6 (six) calendar months, which period will commence from the effective date of this sanction; and 3. The prohibition referred to in paragraphs 2 above, is subject to Cansur Building Contractors CC paying a fine of R30 000.00 (thirty thousand rand) in no more than 6 (six) instalments, during the period of prohibition, in terms of sub-regulation 29(20)(e) of the CIDB regulations. The Board set the following proviso regarding the prohibition period referred to in paragraph 2 and the payment of the fine: <ul style="list-style-type: none"> ▪ That the mentioned period of prohibition will continue to be effective beyond six (6) calendar months from the effective date of this sanction in the event that Cansur Building Contractors CC fails to settle full fine on or before the date that the period lapses, in which case the prohibition referred to in paragraph 2 above will remain affective until the fine has been paid in full. 			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Friday Property CC, Hammanskraal	109267	2002/103662/23	Presenting a forged CIDB Registration Certificate to the Gauteng Provincial Government: Department of Transport in order to be awarded work from them whilst not being registered with the CIDB and as such in contravention of Section 18(2) of the CIDB Act.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008</p> <p>The Board orders:</p> <ol style="list-style-type: none"> 1. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate: <ul style="list-style-type: none"> ▪ Friday Property CC and any other legal entity of which Mr Thabo Mashamaite (ID number 590325 5633 083) is a 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, for a period of three (3) calendar months, from the effective date of the sanction; and ▪ Friday Property CC and any other legal entity of which Mr Thabo Mashamaite (ID number 590325 5633 083) is a director or member as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced prior to the effective date of this sanction; and 			

2. That, Friday Property CC or any other legal entity of which Mr Thabo Mashamaite (ID number 590325 5633 083) is a director or member as per the Registrar of Companies and Close Corporations' database, be barred from applying for an amendment of category status to a higher designation or registration in a different class of works on the registrar of contractors, in any class of construction works listed in Schedule 3 of the CIDB regulations for a period of **three (3) calendar months**, which period will commence on the effective date of this sanction; and
3. The prohibitions referred to in paragraphs 1 and 2 above, are subject to Friday Property CC paying a once off fine of R15 000.00 (fifteen 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:
 - That the mentioned period of prohibition will continue to be affective beyond **three (3) calendar months** from the effective date of this sanction, in the event that Friday Property CC fails to settle the full fine on or before the date that the period lapses, in which case the prohibition will remain affective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/ Corporation Registration Number	Nature of complaint
Owethu Investments CC	Application number 453695	2002/094236/23	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 Regulation 30(1)(a) and (d) of the CIDB Regulations.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008</p> <p>The Board orders:</p> <ol style="list-style-type: none"> 1. That, the current application of Owethu Investments CC for registration on the register of contracts, be null and void, and not considered by the CIDB at all; and 2. That, in terms of sub-regulation 29(20)(f) of the CIDB regulations, Owethu Investments CC (registration number 2002/094236/23) and any other legal entity of which Ms Zandile Shangase (ID number 640325 0279 080) is a director or member as per the Registrar of Companies and Close Corporations' database, be 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 twelve (12) calendar months, which period will commence from the effective date of this sanction; and 3. The prohibition referred to in paragraph 2 above, is subject to Owethu Investments CC paying a fine of R30 000.00 (thirty thousand rand) in no more than twelve instalments during the period of prohibition mentioned in paragraph 2, in terms of sub-regulation 29(20)(e) of the CIDB regulations. 			

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The Board set the following provision, pertaining to the period referred to in **paragraph 2** and the payment of the fine:

- That the mentioned period of prohibition will continue to be effective beyond **twelve (12) calendar months** from the effective date of this sanction, in the event that Owethu Investments CC fails to settle the full fine on or before the date that the period lapses, in which case the prohibition will remain affective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Azishe Constuction Projects CC, Fourways	135169	2006/203333/23	Paying an amount of R500.00 to a CIDB employee to which the CIDB employee was not entitled to.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008</p> <p>The Board orders:</p> <ol style="list-style-type: none"> 1. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate: <ul style="list-style-type: none"> ▪ Azishe Construction Projects CC and any other legal entity of which Mr K S Dube (ID number 691227 5744 084) 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, for a period of twelve (12) calendar months, from the effective date of the sanction; and ▪ Azishe Construction Projects CC and any other legal entity of which Mr K S Dube (ID number 69 1227 5744 084) is a director or member as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced prior to the effective date of this sanction. 2. The prohibitions referred to in paragraph 1, are subject to Azishe Construction Projects CC paying a fine of R15 000.00 (fifteen thousand rand) in no more than three (3) instalments, during the period of prohibition mentioned in paragraph 1, 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:

- That the mentioned period of prohibition will continue to be affective beyond twelve **(12) calendar months** from the effective date of this sanction, in the event that Azishe Construction Projects 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 affective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Pride Future Construction CC, Midrand	137272	2003/089238/23	Presenting a forged Tax Clearance Certificate of 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 Regulation 30(1)(a) and (d) of the CIDB Regulations in an application for upgrade to a higher designation.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008</p> <p>The Board orders:</p> <ol style="list-style-type: none"> 1. That, the current and pending application of Pride Future Construction CC to amend its category status to a higher designation, not be considered by the CIDB, during the period referred to in paragraph 2 below and subject to the payment of a fine referred to in paragraph 4 below; and 2. That Pride Future Construction CC (with registration number 2003/089238/23, and CRS number 137272) and any other legal entity of which Mr K H Matlou (Identity number 590322 5568 088) is a member or director as per the Registrar of Companies or Close Corporations database, be prohibited from applying to amend it category status to a higher grade designation or registration in a different class of works on the register of contractors, as listed in Schedule 3 of the CIDB regulations, for a period of three (3) calendar months, which period of will commence from the effective date of this sanction; and 3. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate during the period of prohibition: 			

- Pride Future Construction CC and any other legal entity of which Mr K H Matlou (ID number 590322 5568 088) is a 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, for a period of **three (3) calendar** months, which period will commence from the effective date of the sanction; and
 - Pride Future Construction CC and any other legal entity of which Mr K H Matlou (ID number 590322 5568 088) is a director or member as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced prior to the effective date of this sanction.
4. The prohibitions referred to in paragraphs 2 and 3 above, are subject to Pride Future Construction CC paying a fine of R30 000.00 (thirty thousand rand) in no more than 3 (three) instalments, during the period of prohibition, in terms of sub-regulation 29(20)(e) of the CIDB regulations.

The Board set the following proviso pertaining to the prohibition period referred to in **paragraph 2 and 3** and the payment of the fine:

- That the mentioned period of prohibition will continue to be effective beyond **three (3) calendar months** from the effective date of this sanction in the event that Pride Future Construction CC fails to settle the full fine on the date the period lapses, in which case the prohibition will remain affective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Atecs Contractors CC, Vereeniging	153270	1987/20814/23	Misrepresented the entity Atecs Contractors CC as a CIDB registered contractor and/or used the CIDB logo on a company letterhead and/or company letter without authority and in contravention of section 28 of the CIDB Act no 38 of 2000, and the code of conduct for parties engaged in construction procurement.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008.</p> <p>The Board orders:</p> <ol style="list-style-type: none"> 1. That, Atecs Contractors CC's current and pending application (with reference SPS 113) for registration on the CIDB'S register of contracts, not be considered by the CIDB at all, during the period of prohibition referred to in paragraph 2 below; and 2. That, in terms of sub-regulation 29(20)(f), the following specific proviso is set by the Board, pertaining to the commencement of construction-related work falling within the ambit of the CIDB's mandate: <ul style="list-style-type: none"> ▪ Atecs Contractors CC (with Registration Number 1987/020814/23) and any other legal entity of which Mr C Guarino (ID number 512512364) is a 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, for a period of six (6) calendar months, from the effective date of the sanction; and 3. The prohibition referred to in paragraphs 1 and 2 above, is subject to Atecs Contractors CC paying a once of fine of R50 000.00 (fifty 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 to the prohibition period referred to in **paragraphs 1 and 2** and the payment of the fine:

- That the mentioned period of prohibition will continue to be effective beyond **six (6) calendar months** from the effective date of this sanction, in the event that Atecs Contractors CC fails to settle the full fine on or before the date that the period lapses, in which case the prohibitions will remain affective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Nelbon Construction CC, Morningside	106171	1998/005310/23	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 Regulation 30(1)(a) and (d) of the CIDB Regulations.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008</p> <ol style="list-style-type: none"> 1. That, the current application of Nelbon Construction CC to amend its category status to a higher designation, be null and void, and not considered by the CIDB at all, and 2. That Nelbon Construction CC (with registration number 98/05310/23, and CRS number 106171) and any other legal entity of which Mr Bongani Mzimela (Identity number 590324 5799 085) and Ms E M Masuku (ID number 621010 1455 086) are members or directors as per the Registrar of Companies or Close Corporations database, are prohibited from amending its category status to a higher designation or registration in a different class of works, listed in Schedule 3 of the regulations, for a period of six (6) calendar months, which period will commence from the effective date of this sanction; and 3. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate during the period of prohibition: 			

- Nelbon Construction CC and any other legal entity of which Mr Bongani Mzimela (ID number 590324 5799 085) or Ms E M Masuku (ID number 621010 1455 086) are directors or members 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, for a period of **six (6) calendar months**, which period will commence from the effective date of the sanction; and
- Nelbon Construction CC and any other legal entity of which Mr Bongani Mzimela (ID number 590324 5799 085) or Ms E M Masuku (ID number 621010 1455 086) are directors or members as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced prior to the effective date of this sanction.

4. The prohibitions referred to in **paragraphs 2 and 3** above, are subject to Nelbon Construction CC paying a fine of R30 000.00 (thirty thousand rand) in no more than 6 (six) instalments, during the period of prohibition, in terms of sub-regulation 29(20)(e) of the CIDB regulations.

The Board set the following proviso pertaining to the prohibition period referred to in **paragraph 2 and 3** above and the payment of the fine:

- That the mentioned period of prohibition will continue to be affective beyond **six (6) calendar months** from the effective date of this sanction in the event that Nelbon Construction CC fails to settle the full amount of the fine on or before the date that the period lapses, in which case the prohibitions will remain affective until the fine has been paid in full.

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Mhlanga Construction Services CC, Melmoth	120626	2006/064865/23	Payment of an amount of R500.00 to a CIDB employee, in order to assist with her application for registration to the CIDB in contravention of Sec 19(2) of the Act read with Regulation 30(1) (a) and (d) of the CIDB Regulations.
Sanction imposed by CIDB Board			
<p>Effective Date: 24 April 2008</p> <p>1. That, the following specific provisos are set by the Board, pertaining to the continuation of or commencement of construction-related work falling within the ambit of the CIDB's mandate:</p> <ul style="list-style-type: none"> ▪ Mhlanga Construction and services CC (with registration number 2006/064865/23 and CRS number 120626) and any other legal entity of which Mrs SY Noshwana (ID number 820204 0960 084) and Mr Siyabonga Noshwana (ID number 810114 5782 080) are directors or members 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, for a period of twelve (12) calendar months, from the effective date of the sanction, which is the date of receipt of this notice; and ▪ Mhlanga Construction and services CC and any other legal entity of which Mrs SY Noshwana (ID number 820204 0960 084) and Mr Siyabongwa Noshwana (ID number 810114 5782 080) are directors or members as per the Registrar of Companies and Close Corporations' database, are allowed to continue with or complete any construction-related work falling within the ambit of the CIDB's mandate, which commenced prior to the effective date of this sanction. 			

2. The prohibition referred to in **paragraph 1**, is subject to Mhlanga Construction and Services CC paying a fine of R15 000.00 (fifteen thousand rand) in no more than three (3) instalments, during the period of prohibition mentioned in **paragraph 1**, in terms of sub-regulation 29(20)(e) of the CIDB regulations.

The Board set the following proviso pertaining to the period referred to in **paragraph 1** and the payment of the fine:

- That the mentioned period of prohibition will continue to be affective beyond twelve **(12) calendar months** from the effective date of this sanction, in the event that Mahlanga Construction and Services CC fails to pay the full fine on or before the date that the period lapses, in which case the prohibition will remain affective until the fine has been paid in full.

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.
