

## BOARD NOTICES • RAADSKENNISGEWINGS

### BOARD NOTICE 135 OF 2017

#### CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

#### FINDINGS AND SANCTIONS OF THE INVESTIGATING COMMITTEE PUBLISHED IN TERMS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT REGULATIONS, 2004 (AS AMENDED)

The Construction Industry Development Board hereby publishes in terms of regulation 29(26) of the Construction Industry Development Regulations the details of the findings and sanctions of the investigating committee as set out in the **Schedule**.

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Igugu Labafazi Developers & Projects cc	CRS 196576	2008/096987/23	The Fire Station project at Dr JS Moroka Municipality is far from being completed and it is currently placed on hold. However, contractor submitted documents stating that they have completed the Fire Station as the main contractor.
<b>Sanction imposed by CIDB</b>			
<p>Effective date: 01 June 2016</p> <p>The Board orders that:</p> <ol style="list-style-type: none"> <li>a. A fine of R100 000.00 be imposed on the Respondent, due and payable on 01 March 2017;</li> <li>b. The respondent's current grades to be downgraded by one grade lower;</li> <li>c. A probation be placed on any new applications and upgrades until the fine has been paid in full;</li> <li>d. The registration of the Respondent be suspended, if the fine is not paid, upon the expiry of the 9 months until payment is effected in full;</li> <li>e. The Respondent is prohibited from participating in the public sector construction works procurements for a period of 3 years, which order is suspended for a period of 3 years on condition that the Respondent is not found guilty of a similar offence.</li> </ol>			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Phumi HD Construction	116188	2004/036103/23	The Fire Station project at Dr JS Moroka Municipality is far from being completed and it is currently placed on hold. However, contractor submitted documents stating that they have completed the Fire Station as the sub-contractor.
<b>Sanction imposed by CIDB</b>			
<p>Effective date: 01 June 2016</p> <p>The Board orders that:</p> <ul style="list-style-type: none"> <li>f. A fine of R100 000.00 be imposed on the Respondent, due and payable on 01 March 2017;</li> <li>g. The respondent's current grades to be downgraded by one grade lower;</li> <li>h. A probation be placed on any new applications and upgrades until the fine has been paid in full;</li> <li>i. The registration of the Respondent be suspended, if the fine is not paid, upon the expiry of the 9 months until payment is effected in full;</li> <li>j. The Respondent be prohibited from participating in the public sector construction works procurements for a period of 3 years, which order is suspended for a period of 3 years on condition that the Respondent is not found guilty of a similar offence.</li> </ul>			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Alf-Zim and Associates cc	104781	1991/019317/23	The Respondent is charged with the submission of false financial statements for grading purposes, in contravention of the code of conduct.
<b>Sanction imposed by CIDB</b>			
Effective date: 25 July 2016			
The Board orders that:			
<ul style="list-style-type: none"> <li>a. A fine of R60, 000.00 be imposed on the Respondent, to be paid over a period of six (6) months from date of issue of the sanction;</li> <li>b. The sanction has no impact on any pending tenders during the period of payment;</li> <li>c. The contractor's grading designations of 6GB and 6CE are to be downgraded to 4GB and 4CE;</li> <li>d. The fine is to be paid in full before any further application, or renewal, can be made to and/or entertained by cidb.</li> </ul>			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Mcondokamesisi Trading Enterprise CC	CRS 253714	2010/108300/23	The Respondent is charged with the submission of false award letter, completion certificate and payment certificate for grading purposes, in contravention of the code of conduct.
<b>Sanction imposed by CIDB</b>			
Effective date: 28 March 2017			
The Board orders that:			
a. A fine of R10 000.00 be imposed on the Respondent, due and payable within 3 months of the sanction;			
b. The Respondent is further fined R20 000.00 suspended for 3 years on condition that no similar offence is committed by the Respondent;			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Rob Business Enterprise	CRS 104686	2001/012705/23	The Respondent is charged with failure to discharge work obligations in relation to work done for the Department of Transport KZN, in contravention of the code of conduct.
<b>Sanction imposed by CIDB</b>			
Effective date: 11 May 2017			
The Board orders that:			
<ul style="list-style-type: none"><li>a. A fine of R30 000.00 be imposed on the Respondent, due and payable 3 months from the sanction;</li><li>b. The respondent's current grades to be downgraded by one grade lower;</li><li>c. A probation be placed on any new applications and upgrades until the fine has been paid in full;</li><li>d. The registration of the Respondent be suspended, if the fine is not paid, upon the expiry of the 12 months until payment is effected in full;</li><li>e. The Respondent be prohibited from participating in the public sector construction works procurements for a period of 3 years, which order is suspended for a period of 3 years on condition that the Respondent is not found guilty of a similar offence.</li></ul>			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Makrozin Trading	10028500	2009/079778/23	The Respondent is charged with the submission of false award letter, completion certificate and payment certificate for grading purposes, in contravention of the code of conduct.
<b>Sanction imposed by CIDB</b>			
Effective date: 27 February 2017			
The Board orders that:			
<ul style="list-style-type: none"> <li>a. That the Respondent's application of 12 November 2013 be deemed as non-compliant;</li> <li>b. That the Respondent is fined R30 000.00, in terms of Regulation 29(18)(d), payable within 3 months of the sanction</li> <li>c. That the Respondent is ordered to pay the said fine, as follows, in terms of Regulation 29(19): the first payment of R10 000.00, will be made within 30 days from receipt of the Regulation 29(15) notice, to be issued by the complainant. The balance will be paid in equal instalments over the said period of 3 months;</li> <li>d. That Mr Kopano Vincent Moleko, a member of the Respondent, is held jointly and severely liable, for the payment of the aforesaid fine;</li> <li>e. That the Respondent is prohibited from re-applying for registration with the cidb, for a period of 6 months, in terms of Regulation 29(18)(f); and</li> <li>f. That upon the full payment of the fine, as well as the aforesaid lapsing of the 6 months period, the charges will not reflect against the records of the members of the Respondent</li> </ul>			

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TERMS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT REGULATIONS, 2004  
(AS AMENDED)**

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Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Climavision (Pty) Ltd	CRS 10003989	2012/047767/07	Ms Sauli's presentation in the application form that she is 100% devoted to Climavision, constitutes a misrepresentation and prima facie evidence of fraud
<b>Sanction imposed by CIDB</b>			
Effective date: 10 February 2017			
The Board orders that:			
a. The Respondent and its sole shareholder, Me Sauli shall be prohibited from participating in public sector construction works procurement for a period of five years from the date of this decision.			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Wakasa Agencies (Pty) Ltd	CRS 10102134	2013/232781/07	The Respondent is charged with the submission of false financial statements for grading purposes, in contravention of the code of conduct.
<b>Sanction imposed by CIDB</b>			
Effective date: 05 December 2016			
The Board orders that:			
a. The Respondent's application of 04 July 2016 be regarded as non-compliant			
b. The Respondent is fined R30 000.00, in terms of Regulation 29(18)(d), payable within 3 months of the sanction, as per Regulation 29(19)			
c. The Respondent be prohibited from re-applying to the cidb, in terms of Regulation 29(18)(e), for the period of 6 months			



Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Basadi Security and Projects	CRS 10048345	2008/102546/23	The Respondent is charged with the submission of false award letter, completion certificate and payment certificate for grading purposes, in contravention of the code of conduct.
<b>Sanction imposed by CIDB</b>			
<p>Effective date: 06 July 2017</p> <p>The Board orders that:</p> <ol style="list-style-type: none"> <li>The Respondent to pay a fine of R30 000.00</li> <li>The Respondent to pay the fine within 3 months of the date of the sanction, failing which the Respondent's application shall be suspended until the fine has been paid in full.</li> <li>The Respondent is restricted and/or prohibited to participate in the Public Sector Construction Works Procurement for 2 years. The restriction and/or prohibition is suspended for a period of 2 years, on condition that the Respondent is not found guilty of a similar offence within a period of the suspension.</li> </ol>			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Akani Communications	CRS 10084409	1999/065971/23	The Respondent is charged with the submission of false award letter, completion certificate and payment certificate for grading purposes, in contravention of the code of conduct.
<b>Sanction imposed by CIDB</b>			
Effective date: 20 October 2016			
The Board orders that:			
<ul style="list-style-type: none"><li>a. The Respondent application be dismissed</li><li>b. The Respondent be precluded from applying for registration with cidb for a period of 5 years</li><li>c. The Respondent to pay the costs of the formal inquiry</li></ul>			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Moneymine 310 CC t/a Specialised Construction and Civil Works CC	CRS 126913	2002/060532/23	<ol style="list-style-type: none"> <li>1. The Respondent made payments into account of Pema who was a cidb employee as gratification for purposes of a grade, in contravention of the Code of Conduct;</li> <li>2. The Respondent submitted fraudulent Financial Statements;</li> <li>3. The Respondent submitted a fraudulent Tax Clearance Certificate.</li> </ol>
<b>Sanction imposed by CIDB</b>			
<p>Effective date: 17 May 2017</p> <p>The Board orders that:</p> <ol style="list-style-type: none"> <li>a. The Respondent to pay a fine of R40 000.00</li> <li>b. The Respondent to pay the fine within 3 months of the date of the sanction, failing which the Respondent's application shall be suspended until the fine has been paid in full.</li> <li>c. The Respondent is restricted and/or prohibited to participate in the Public Sector Construction Works Procurement for 2 years. The restriction and/or prohibition is suspended for a period of 2 years, on condition that the Respondent is not found guilty of a similar offence within a period of the suspension.</li> </ol>			

Contractor Name	CRS Number	Company/ Corporation Registration Number	Nature of Complaint
Litsemba 452 Investments	CRS 139164	2001/010280/23	The Respondent made payments into account of Pema who was a cidb employee as gratification for purposes of a grade, in contravention of the Code of Conduct;
<b>Sanction imposed by CIDB</b>			
Effective date: 30 January 2017			
The Board orders that:			
a. The Respondent to pay a fine of R50 000.00 of which half of the sanction (R25 000.00) is suspended until the current registration grade expires, on condition that the Respondent is not found guilty of similar misconduct committed during the period of the suspension.			