

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 8 SEPTEMBER 2015

COMMITTEE REPORT

Report of the Standing Committee on Transport and Public Works on its oversight visit to Wesfleur Primary School in Atlantis, dated 25 August 2015, as follows:

Delegation

The delegation consisted of the following members:

Adv. L.H. Max (Chairperson)

Mr M. Mnqasela

Ms PZ. Lekker

The following staff members were in attendance:

Ms S.A. Niekerk (Committee Coordinator)

Ms N. Mshumpela (Committee Assistant)

1. Introduction

Section 114(2)(b)(i) of the Constitution of the Republic of South Africa, 1996, mandates provincial legislatures to provide for mechanisms to maintain oversight over the provincial executive authority in the province, including the implementation of legislation. To this end the Standing Committee on Transport and Public Works undertook an oversight visit to the Wesfleur Primary School in Atlantis to inspect the facilities at the school and to assess the condition of the school building as well as the progress of the building construction currently underway.

The visit emanated from an engagement between the Department of Transport and Public Works and the Standing Committee at the consideration of the Department's Annual Report (2013/14)

in October 2014 regarding the appointment of a contractor (Filcon) through an open bidding process for the upgrading of three schools, namely Wesfleur, Parkview and Willems Vallei primary schools that were in a poor condition. It was an open bid that was advertised in the Government Tender Bulletin, the I-tender website and in the register of projects from the Construction Industry Development Board. The tender was awarded to Filcon on 13 February 2013 on an 11-month contract period for a contract amount of R106 million. The contract was cancelled on 3 April 2014 due to non-performance. This informed the oversight visit.

2. Overview of the visit

The visit was undertaken on 26 May 2015. The Committee was welcomed by the school's Principal, Mr Wentzel, and the Project Leader, Mr Kobus Stofberg, who, together with the Professional Civil and Structural Engineer, Mr Plaatjies, and the Professional Quantity Surveyor, Mr Key, provided the Committee with an overview of the project, background information pertaining to the projects and information on the current state of affairs. Representatives from the Department of Education were also present. Following the presentation, the Committee undertook a tour of the new school building. At the end of the tour the Chairperson extended his appreciation to the school's Principal, the Department of Transport and Public Works and staff for accommodating the Committee's request to visit the school.

3. Findings

- 3.1 This project is an accelerated schools infrastructure delivery initiative instituted by the Department of Basic Education and comprises three replacement schools (two in Atlantis and one in Porterville).
- 3.2 The Department of Transport and Public Works, as part of its mandate, assigns certain projects to contractors with the expectation that these contracts are to be completed within a reasonable time. When projects are not completed on time, the beneficiaries suffer. This is what happened in respect of the three schools.
- 3.3 The following problems with Filcon led to the contract being cancelled in April 2014:
 - 3.3.1 The building work started late;
 - 3.3.2 Non-payment of subcontractors was reported to the project leader frequently;
 - 3.3.3 Ongoing poor quality of work to the concrete structural frame of the buildings; and
 - 3.3.4 Ongoing poor supervision and quality control.
- 3.4 The project was approximately 45% to 55% completed when the contract was cancelled.
- 3.5 A 'completion contract' was then awarded to Haw and Inglis on 13 November 2014 to complete the project. Their work has been regarded as being of a high standard by the Department of Transport and Public Works and structural progression of the building works have advanced swiftly.
- 3.6 Phase 1, which is the building works, will be completed on 29 June 2015. On completion of phase 2, which includes landscaping and the demolishing of the old building, the school will be ready for occupation on 30 September 2015.

4. Recommendations

The Committee RECOMMENDED that:

The Department of Transport and Public Works exercise caution when appointing contractors and put adequate evaluating measures in place to assess prospective bidders accurately.

PARLEMENT VAN DIE PROVINSIE VAN DIE WES-KAAP

AANKONDIGINGS, TERTAFELLEGGINGS EN KOMITEEVERSLAE

DINSDAG, 8 SEPTEMBER 2015

KOMITEEVERSLAG

Verslag van die Staande Komitee oor Vervoer en Openbare Werke oor 'n toesigbesoek aan die Laerskool Wesfleur in Atlantis op 25 August 2015 soos volg:

Afvaardiging

Die afvaardiging het uit die volgende lede bestaan:

Adv. L.H. Max (Voorsitter)

Mnr. M. Mnqasela

Me. PZ. Lekker

Die volgende personeellede was ook teenwoordig:

Me. S.A. Niekerk (Komitee-koördineerder)

Me. N. Mshumpela (Komitee-assistent)

1. Inleiding

Artikel 114(2)(b)(i) van die Grondwet van die Republiek van Suid-Afrika, 1996, gee aan provinsiale wetgewers die mandaat om voorsiening te maak vir meganismes om toesig te hou oor die uitoefening van provinsiale uitvoerende gesag in die provinsie, met inbegrip van die uitvoering van wetgewing. Met hierdie doel het die Staande Komitee oor Vervoer en Openbare Werke 'n toesigbesoek aan die Laerskool Wesfleur in Atlantis gebring om die fasiliteite by die skool te inspekteer en om die toestand van die skoolgebou asook vordering met die konstruksiewerk wat tans aan die gang is, te bepaal.

Die besoek volg op 'n ontmoeting in Oktober 2014 tussen die Departement van Vervoer en Openbare Werke en die Staande Komitee om die Departement se jaarverslag (2013/14) te

oorweeg oor die aanstelling van 'n kontrakteur (Filcon) deur middel van 'n openbare bodproses vir die opgradering van drie skole wat in 'n slegte toestand was, naamlik Laerskool Wesfleur, Laerskool Parkview en Laerskool Willemsvallei. Dit was 'n openbare bod wat in die regering se tenderbulletin, op die I-tender-webtuiste en in die register van projekte van die konstruksiebedryf se ontwikkelingsraad geadverteer is. Die tender is op 13 Februarie 2013 aan Filcon toegeken vir 'n kontraktydperk van 11 maande met 'n kontrakwaarde van R106 miljoen. Die kontrak is op 3 April 2014 as gevolg van nieprestasie gekanselleer. Dit het tot die toesigbesoek aanleiding gegee.

2. Oorsig oor die besoek

Die besoek het op 26 Mei 2015 plaasgevind. Die Komitee is verwerkom deur die skoolhoof, mnr. Wentzel, en die projekteier, mnr. Kobus Stoffberg, wat saam met die professionele siviele en strukturele ingenieur, mnr. Plaatjies, en die professionele bourekenaar, mnr. Key, vir die Komitee 'n oorsig oor die projek, agtergrondinligting oor die projek en inligting oor die huidige stand van sake gegee het. Verteenwoordigers van die Departement van Onderwys was ook teenwoordig. Na afloop van die aanbieding het die Komitee 'n besoek aan die nuwe skoolgebou gebring. Aan die einde van die besoek het die voorsitter sy waardering uitgespreek teenoor die skoolhoof, die Departement van Vervoer en Openbare Werke en die personeel wat die Komitee se versoek om die skool te besoek, moontlik gemaak het.

3. Bevindinge

- 3.1 Hierdie projek is 'n inisiatief vir die versnelde lewering van skoolinfrastruktuur wat deur die Departement van Basiese Onderwys ingestel is en drie vervangingskole (twee in Atlantis en een in Porterville) behels.
- 3.2 As deel van sy mandaat ken die Departement van Vervoer en Openbare Werke sekere projekte aan kontrakteurs toe met die verwagting dat daardie kontrakte binne 'n redelike tydperk voltooi moet word. Wanneer die projekte nie betyds voltooi word nie, ly die begunstigdes daaronder. Dit was wat gebeur het in die geval van hierdie drie skole.
- 3.3 Die volgende probleme het daartoe gelei dat die kontrak met Filcon in April 2014 gekanselleer is:
 - 3.3.1 Die bouwerk het laat begin;
 - 3.3.2 Daar is dikwels aan die projekteier verslag gedoen dat subkontraakteurs nie betaal is nie;
 - 3.3.3 Deurlopende werk van slegte gehalte aan die gebou se strukturele betonraamwerk; en
 - 3.3.4 Deurlopende slegte toesighouding en gehaltebeheer.
- 3.4 Die projek was ongeveer 45% tot 55% voltooi toe die kontrak gekanselleer is.
- 3.5 'n "Voltooiingskontrak" is toe op 13 November 2014 aan Haw en Inglis toegeken om die projek te voltooi. Die Departement van Vervoer en Openbare Werke beskou hul werk as van 'n hoë standaard en die daar word flink vordering gemaak met die strukturele bouwerk.

- 3.6 Fase 1, die bouwerk, sal op 29 Junie 2015 voltooi wees. Nadat fase 2, wat terreinverfraaiing en die sloping van die ou gebou insluit, voltooi is, sal die skool op 30 September 2015 gereed wees vir ingebruikneming.

4. Aanbevelings

Die Komitee BEVEEL AAN dat:

Die Departement van Vervoer en Openbare Werke kontrakteurs met omsigtigheid aanstel en toesien dat voldoende evalueringsmaatreëls ingestel is om voornemende bidders akkuraat te beoordeel.

Nomb 67 - 2015] ISESHONI YESIBINI, IPALAMENTE YESIHLANU

IPALAMENTE YEPHONDO LENTSHONA KOLONI

IZAZISO, IMICIMBI EZA KWANDLALWA NEENGXELO ZEKOMITI

LWESIBINI, 8 SEPTEMBER 2015

INGXELO YEKOMITI

INgxelo yeKomiti eSisigxina kwezoThutho neMisebenzi yoLuntu ngotyelelo lolongamelo lwayo kwiSikolo saMabanga aPhantsi saseWesfleur, e-Atlantis, ebhalwe owama-25 Agasti 2015, ngolu hlobo:

Igqiza

Igqiza lenziwe ngala malungu alandelayo:

Adv LH Max (uSihlalo)
Mnu M Mnqasela
Nksz PZ Lekker

La malungu esitafu alandelayo aye azimasa nawo:

Nksz SA Niekerk (uMququzeleli weKomiti)
Nksz N Mshumpela (uMncedisi kwiKomiti)

1. Intshayelelo

ICandelo 114(2)(b)(i) loMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996, ligunyazisa iziNdlu zoWiso-mthetho zaMaphondo ukuba zibonelele ngendlela zokugcina ulongamelo lweGunyabantu leSigqeba sePhondo kwiphondo, kuquka ukuqaliswa komthetho. Ukuza kuthi ga ngoku iKomiti eSisigxina kwezoThutho neMisebenzi yoLuntu iqhube utyelelo lolongamelo kwiSikolo saMabanga aPhantsi saseWesfleur ukuhlola izibonelelo kwesi sikolo kwaye ijonge imeko yesakhiwo sesi sikolo kananjalo nenkqubela yolwakhiwo lwesakhiwo oluqhubayo kungokunje.

Utyelelo luzalwe kukubonisana phakathi kweSebe lezoThutho neMisebenzi yoLuntu kwakunye neKomiti eSisigxina kuqwalaselo lweNngxelo yoNyaka yeSebe (2013/14) ngo-Okthobha 2014

malunga nokuqashwa kwekontraka (*Filcon*) ngokusetyenziswa kwenkqubo evulelekileyo yesinikimaxabiso yophuculo lwezi zikolo zithathu, ezi zezi: iZikolo zaMabanga aPhantsi zaseWesfleur, iParkview neWillems Vallei ebezikwimeko embi. Esi ibe isisinikimaxabiso esivulelekileyo esipapashwe ngentengiso yeBhulethini yeThenda kaRhulumente, iwebhsayithi ye-I-tenda kwakunye nerejista yeprowujekthi eziphuma kwiBhodi yezoPhuhliso yoShishino loKwakha. Le thenda yanikezelwa ku*Filcon* ngowe-13 kaFebruwari 2013 ngexesha lesivumelwano seenyanga ezili-11 sesixamali se-R106 lezigidi. Esi sivumelwano sapheliswa ngowe-3 Epreli 2014 ngenxa yomsebenzi ombi. Oku kubangele utyelelo lolongamelo.

2. Umfanekiso wotyalelo

Utyalelo luqhutywe ngowama-26 Meyi 2015. IKomiti yamkelwe yiNqununu yeSikolo, uMnu Wentzel, iNkokheli yeProwujekthi, uMnu Kobus Stoffberg othe ekunye neNjineli eyiNgcali yezeNdlela neZiseko, uMnu Plaatjies neNgcali yoPhononongo loCando, uMnu Key, babonelele iKomiti ngomfanekiso wale prowujekthi, ulwazi lwemvelaphi ngokumayela neeprowujekthi kunye nobume beemeko bangoku. Abameli abaphuma kwiSebe lezeMfundo nabo bebekho. Kulandela le ntetho iKomiti iqhube uhambo lwesakhiwo esitsha sesikolo. Ekupheleni kolu hambo uSihlalo walule isandla sombulelo kwinqununu yeSikolo kwakunye neSebe lezoThutho neMisebenzi yoLuntu nesitafu ngokwamkela isicelo seKomiti sokutyalela isikolo.

4. Iziphumo zophando

- 3.1 Le prwuojekthi lilinge elikhawulezileyo lonikezelo lwezixhobo zokusebenza zezikolo elisungulwe liSebe lezeMfundo eSisiseko kwaye lenziwa zizikolo ezithathu ezitsha ezingene endaweni yezinye (ezibini e-Atlantis kunye nesinye ePorterville).
- 3.2 ISebe lezoThutho neMisebenzi yoLuntu, njengenxalenye yesigunyaziso salo, linikezela iiprowujekthi ezithile koonontraka kulindeleke ukuba ezi zivumelwano zigqitywa ngexesha elifanelekileyo. Xa iiprowujekthi zingaqitywanga ngexesha, abaxhamli bayathwaxeka. Oku kokwenzeke ngokumayela nezikolo ezithathu.
- 3.3 Ezi ngxaki zilandelayo kunye ne*Filcon* zikhokelele ekubeni isivumelwano sipheliswe ngo-Epreli 2014:
 - 3.3.1 Imisebenzi yolwakhiwo iqale emva kwexesha;
 - 3.3.2 Ukungahlawulwa koonontrakana abasakhulayo kuxelwe kwinkokheli yeprowujekthi rhoqo;
 - 3.3.3 Umgangatho womsebenzi ophantsi oqhubayo kwisiseko sekonkrithi yezakhiwo; kunye
 - 3.3.4 Nokujongwa kwabasebenzi okusemgangathweni ophantsi nolawulo lomgangatho oluqhubayo.
- 3.4 Le prowujekthi yayigqitywe phantse ngama-45-55% xa kwathi kwapheliswa isivumelwano.
- 3.5 'Isivumelwano sogqityezelo' sathi emva koko sanikezelwa kuHaw no-*Inglis* ngowama-13 Novemba 2014 ukuba bagqibezele le prowujekthi. Umsebenzi wabo uye wathatyathwa njengokumgangatho ophezulu liSebe lezoThutho neMisebenzi yoLuntu kwaye nenkqubela yesiseko sesakhiwo yakhawuleziswa ngononophelo.
- 3.6 INqanaba 1, eliyimisebenzi yesakhiwo, liza kugqityezelwa ngowama-29 Juni 2015. Ukugqityezelwa kwenqanaba 2, eliquka umfanekiso wembonakalo-mhlaba nokudilizwa kwesakhiwo esidala, isikolo siza kulungela ukungenwa ngowama-30 Septemba 2015.

4. Izindululo

IKomiti INDULULE ukuba:

ISEbe lezoThutho neMisebenzi yoLuntu lisebenzise unonophelo xa liqasha abantu ngezivumelwano kwanokuba amanyathelo ovavanyo afanelekileyo abekelwe ukuvavanya ngokuchanekileyo abafaki beziniki-maxabiso abasenokuba khona.