

REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND TRANSPORT; COMMUNITY SAFETY SECURITY AND LIAISON

“TAKING LEGISLATURE TO THE PEOPLE” HELD IN THE GOVAN MBEKI LOCAL MUNICIPALITY, GERT SIBANDE DISTRICT, 11 – 15 SEPTEMBER 2017 (DPWRT)

1. INTRODUCTION

The Mpumalanga Provincial Legislature (the Legislature) has a responsibility in terms of Section 118 (1)(a) and(b)(1) of the Constitution of the Republic of South Africa, 1996, (the Constitution) to facilitate public involvement in its legislative and other processes. Sections 114 and 133 of the Constitution, read with Rules 131 and 218 of the Rules and Orders of the Mpumalanga Provincial Legislature (the Rules) directs the Legislature to hold the Executive accountable for the exercising of powers and performance of their functions. Therefore, the Portfolio Committee on Public Works, Roads and Transport; Community Safety Security and Liaison (the Committee) regularly conducts public hearings and oversight visits to projects of the Department of Public Works, Roads and Transport (the department) and other projects; in the various municipalities of the Province.

2. PURPOSE OF THE “TAKING LEGISLATURE TO THE PEOPLE” PROJECT (TLP)

The purpose of the TLP is to reach out to the communities and to enable the people to have access to the Legislature, especially people who are living in deep rural areas. The Legislature seeks to hear the voice of the people and to ascertain whether provincial government delivers services effectively and efficiently within the respective municipalities.

3. OBJECTIVES OF THE VISITS

The following objectives shaped the oversight visits to the projects of the department:

- To evaluate the progress made on projects reflected in the Annual Performance Plan (APP) implemented by the department. The Legislature seeks to ascertain whether

provincial government delivers services effectively and efficiently within the respective municipalities.

- To determine the extent to which public funds are efficiently, economically and effectively used by the department in the implementation of its projects;
- To interact with project beneficiaries in order to hear their concerns.
- To fast track service delivery of core services to the communities within the municipality in which the department has funded projects.
- To engage with all relevant stakeholders in order to hear their concerns.

4. METHOD OF WORK

In preparation for the TLP, the research section conducted pre-site visits to the Municipality. Comprehensive research reports were compiled that informed the Committee's programme for the oversight visits. A joint Public Hearing of the Economic and Social Cluster Committees was conducted at Emzinoni Stadium on 12 September 2017. On 13 September 2017, the Committee met with the Departmental Management, District Officials and Provincial and Regional Department of Education; Basizeni Special School Management, Municipal councilors as well as the project Contractors in order to deliberate on the progress of the project.

5. PUBLIC HEARING

The following concerns relating to the department were raised by members of the public during the public hearing:

- A concern regarding Jacky Manana Secondary School where the construction project was left at a foundation phase and has since not been completed.
- The roads in the Govan Mbeki area are not maintained and have potholes.

Responses by the Department

The department responded to the above mentioned issues as follows:

- The matter of Jacky Manana Secondary school has been attended to and the project will be resumed by 2019.
- The maintenance of roads in townships and local areas fall under the plan and budgeted for by the municipality. The department is responsible for construction and maintenance of provincial roads. The department has a budget for municipal support and will liaise with the municipality in ensuring that they are supported.
- The department is currently busy with the major upgrade of the Bethal Hospital, including rehabilitation of existing facilities and stepdown of the hospital. The project is planned for completion by October 2019 as it is a multiyear (3 years) project. The community was requested to be patient while the construction is on-going.

6. OVERSIGHT ON GOVERNMENT FUNDED PROJECT

6.1. Basizeni Special School.

6.1.1. Project background and profile

The project is being implemented on behalf of the department of Education and the department of Public Works, Roads and Transport. The scope of the project entails the dismantling and carting away of existing damaged prefab buildings and construction of eight (8) new special school classrooms. The project was awarded to Lemjo Trading JV Matlhari Hansi and 3RD Dimension Quantity Surveyors who are also the departmental Principal Agent. The original project cost amount to **R 11 953 250.00**.

According to the department, the project started on 3 November 2016 and was planned to be completed by 3 May 2017, however, it is currently behind schedule and the completion date was then revised to 5 September 2017. On 11 September 2017, the contractor applied for an extension of time, which was been subsequently approved to 30 September 2017.

In terms of the project performance, it was noted that the physical progress was at 55% and the time lapsed estimated at 94%. The expenditure of the project at the time of the visit was estimated at **R 4 495 000.00**, which is 32%.

Fourteen (14) people (twelve (12) males and two (2) females) have been provided with job opportunities, however, there were no job opportunities created for people with disabilities due to the nature of the work done on the project.

6.1.2. Progress

Project challenges

It was noted that the progress on site was delayed by 88 days (approximately 3 months) due to community disruptions relating to the appointment of sub-contractors, which resulted in the contractor having to leave site. Additional community disruptions have caused the contractor to apply for a second extension of time of 17 days from 6 September to 30 September 2017. Further reasons for the delays were cited to be late payments from the client department.

Remedial actions

The contractor agreed to give a portion of the work to a Business forum as a sub-contract and has also employed more labour on site. All outstanding payments due to the contractor have been paid accordingly. At the time of the visit, plastering, walkways as well as electrification were ongoing. The contractor reported to the committee that since payments were made, they have been able to procure roofing material which was anticipated to be delivered by the following week. They therefore anticipate completing the project by the revised date of 30 September 2017.

6.1.3. Interaction with Stakeholders

The committee invited inputs by all stakeholders who are part of the project. The following issues were noted:

(i) Ward Councilor

The councilor of the ward where the school is situated stated that the challenges as presented by the department and the contractor were not only due to reasons provided by the two parties, however, were due to the arrogance of the contractor who was not willing to listen to them and the community on the issues that were raised. He further stated that there was no communication between the contractor and the PLO.

(ii) School Management

The Deputy Principal of the school JJ Van Wyke, thanked the committee for visiting their school, and stated that the school management appreciated the additional new eight (8) special school classrooms. The school deputy principal indicated that regular meetings were held with the department as well as other stakeholders in order to assess the progress on the project and address challenges that may arise.

(iii) Department of Education (Client department)

The Department of Education was represented by Mrs Pillay Mbatha, who briefed the Committee that eighteen (18) new specials schools still need to be built as there is a waiting list of four hundred and thirty (430) children who needs to be registered. There is a new design of classrooms to cater for the needs of the children.

7. INPUTS AND OBSERVATIONS BY THE COMMITTEE

The committee noted the following challenges as presented by stakeholders:

The committee raised a concern with regard to the revised completion date of the project which is 30 of September 2017 as the contractor stated that one of the reasons that affected the project was the rainy season and since it was nearing yet another rainy season, the Committee enquired on whether the project will be completed on time as plastering was still not done.

Furthermore, the ward Councilor needs to take a lead to make sure that the project is being delivered on time and meets the needs of the people. With regards to payment to the contractor, the committee raised a concern on the matter that the department was delaying payments to service providers as well as the fact that the project was put on tender without the necessary budget. The Committee sought clarity on why the necessary department did not make payments on time as budget was allocated on the APP for the project and further urged that, as per the Treasury Guidelines, all services providers must be paid according, not only to adhere to the legislation but to also avoid bankrupting and crippling the small businesses and emerging contractors.

The Committee further stated that all relevant stakeholders of the project must meet regularly to address and deal with arising challenges that may affect the project and the department must always take a lead and monitor the progress of the projects that are part of the departmental programmes. The department, the councilor, and the contractor need to enhance their relationship for the benefit of the project as well as to ensure that there is no further delay.

8. FINDINGS EMANATING FROM THE OVERSIGHT VISIT

The Committee made the following findings:

- 8.1. The progress of the project has been delayed several times due to different challenges ranging from contractual indifference and lack of payments by the department.
- 8.2. The completion date has been revised to 30 September 2017.
- 8.3. There have been challenges regarding the quality of work by the contractor that have been noted by the Committee.
- 8.4. There is lack of co-operation between all affected stakeholders with regard to the implementation of the project.

9. RECOMMENDATIONS

The Committee made the following recommends emanating from the oversight visit:

- 9.1. Both the implementing department and client department must ensure that all projects are properly budgeted for and payments to the contractor and all service providers are paid in full payment as contemplated by the SCM Frameworks.
- 9.2. The Department must ensure that the project is completed within the stipulated timeframe, in order to ensure proper and timeous handover and enable the school to operate as required.
- 9.3. The Department must ensure that all issues relating to the quality of the work and proper maintenance of the buildings are adhered to.

- 9.4. The local ward councilor needs to work with the community and project stakeholders on all projects in order to ensure that they are implemented correctly as well as to ensure the adherence of completion dates, and that the community benefits accordingly.

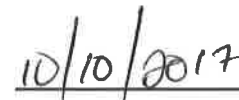
CONCLUSION

The Chairperson of the Portfolio Committee, Hon GC Shabalala, extends her appreciation to Members of the Committee, the MEC and departmental officials, all stakeholders and the support staff of the Legislature for their participation during this oversight visit to the community of the Govan Mbeki Local Municipality, in enhancing the oversight role of the Legislature. The Portfolio Committee tables this report to the House for adoption with its recommendations.

Unless otherwise stated, the department should provide progress reports on all issues raised to the relevant Portfolio Committee by **30 November 2017** and thereafter on quarterly basis.



HON. GC SHABALALA (MPL)



DATE

**CHAIRPERSON: PORTFOLIO COMMITTEE ON
PUBLIC WORKS, ROADS AND TRANSPORT;
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