

C 3274/02/2024
MC A/6278/02/2024

**9.A.27 [FS]: REPORT ON DEVIATIONS FROM THE SUPPLY CHAIN MANAGEMENT
POLICY AS REQUIRED BY THE MUNICIPAL SUPPLY CHAIN MANAGEMENT
REGULATIONS: MONTH OF JANUARY 2024**

8/1/1

COMPETENCY: COUNCIL

IT WAS UNANIMOUSLY RESOLVED:

That the report on the deviations from the MFMA Supply Chain Management Policy, as required by the Municipal Supply Chain Regulations, for the month of January 2024, be noted.

C 3274/02/2024
MC A/6278/02/2024

9.A.27 [FS]: REPORT ON DEVIATIONS FROM THE SUPPLY CHAIN MANAGEMENT POLICY AS REQUIRED BY THE MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS: MONTH OF JANUARY 2024

8/1/1

COMPETENCY: COUNCIL

PURPOSE

To report on deviations from the supply chain management policy as required by the Municipal Supply Chain Management (MFMA) Regulations for the month of January 2024.

RECOMMENDATION

That the report on the deviations from the MFMA Supply Chain Management Policy, as required by the Municipal Supply Chain Regulations, for the month of January 2024, be noted.

REPORT

The Municipal Supply Chain Management Regulations published under General Notice 868 in Government Gazette 27636 of 30 May 2005, inter alia, contains the following reporting requirements:

“Regulation 6 provides that the council of a municipality has an oversight role over the implementation of its supply chain management policy.”

- (1) *The council of a municipality must maintain oversight over the implementation of its supply chain management policy.*
- (2) *For the purposes of such oversight the accounting officer must –*
 - (ii) *Whenever there are serious and material problems in the implementation of the supply chain management policy, immediately submit a report to the council of the municipality.”*

The following Regulations are applicable to the implementation of the SCM policy and reported on as per the SCM regulations:

REPORT	SCM REGULATION NO	REPORT TO	FREQUENCY	RESPONSIBLE PERSON
Report on deviations from SCM Policy	36(2)	Council	Monthly (next Council meeting)	ASD: SCM
Report whenever there are serious and material problems in the implementation of the SCM Policy, immediately submit a report to the Council	6 (2) (a) (iii)	Council	Immediately (as and when applicable)	ASD: SCM

**AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS**

MIDVAAL LOCAL MUNICIPALITY: MFMA SCM REGULATIONS - REGULATION 36 (1) & (2) OF THE: DEVIATIONS AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS

1. The Accounting Officer may dispense with the official procurement processes established by Midvaal Local Municipality's SCM policy and procure goods or services through a convenient process which includes:

- i) Emergency;
- ii) Goods and services produced or available from a single provider only;
- iii) Special works of art, historical objects;
- iv) Animals for zoos;
- v) Exceptional cases where it is impractical or impossible to follow the official procurement process.

Herewith the report to Council on purchases that could not follow the official procurement process for the month of **January 2024**:

(i) PURCHASES ACQUIRED IN EMERGENCY CASES				
R/N	DEP	DESCRIPTION	DATE	REASON
		NONE		
(ii) PURCHASES ACQUIRED WHERE GOODS AND SERVICES PRODUCED OR AVAILABLE ARE FROM A SINGLE PROVIDER ONLY/AGENTS				
R/NR	DEP	DESCRIPTION	DATE	REASON
JAN002-2023-2024	Community	Qualibooks Naledi- Annual Licence renewal for software reading app. Kibooks app (available from google play store) allows subscribers and their users online access to children's books published by qualibooks.	11/01/2024	Regulation (1)(a)(ii) Qualibooks Naledi is the sole provider for the Kibooks app.
				R144,210.00
(iii) SPECIAL WORKS OF ART OR HISTORIC OBJECTS				
R/N	DEPT	DESCRIPTION	DATE	REASON
		NONE		
				AMOUNT
(iv) ACQUISITION OF ANIMALS FOR ZOOS AND/OR NATURE AND GAME RESERVES				
R/N	DEPT	DESCRIPTION	DATE	REASON
				AMOUNT

APPROVED / ~~NOT APPROVED~~


MR Z M MHLONGO
ACTING MUNICIPAL MANAGER
5 February 2024

RECOMMENDED / ~~NOT RECOMMENDED~~


MR F JONAS
ACTING CHIEF FINANCIAL OFFICER
5 February 2024

ENCLOSED HEREWITH:

Annexure A: Supporting evidence.

**COMMENTS: MEETING OF THE MUNICIPAL MANAGER AND HEADS OF
DEPARTMENT 13 FEBRUARY 2024**

Resolved to Recommend

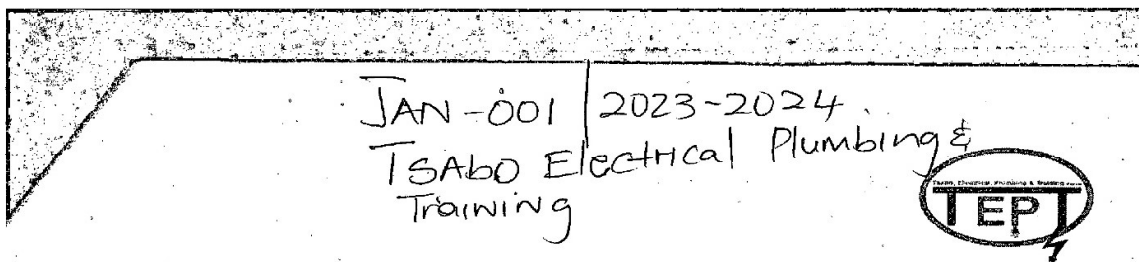
That the Item be referred to the Section 80 Finance Services Portfolio Committee.

**COMMENTS: SECTION 80 FINANCE SERVICES PORTFOLIO COMMITTEE: 19
FEBRUARY 2024**

The recommendation is supported.

ANNEXURE A

**AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS**



DRAFT QUOTE

Midvaal Local Municipality
Attention: Lawrence Mulaudzi
25 Mitchell Street
MEYERTON GAUTENG 1960
SOUTH AFRICA
VAT Number: 4700193503

Date
12 Dec 2023

Expiry
19 Dec 2023

Quote Number
QUOTE NO-1025

VAT Number
4850265002

Tsabo Electrical, Plumbing &
Training (TEPT)(Pty)Ltd
1 Brakpoort Place
GOSFORTH PARK GAUTENG
1401
steve@tept.co.za

Description	Quantity	Unit Price	VAT	Amount ZAR
Basic Power Protection Systems	6.00	3,000.00	15%	18,000.00
Operate on HV network 66 to 132kV	6.00	6,000.00	15%	36,000.00
			Subtotal	54,000.00
			TOTAL VAT	8,100.00
			TOTAL ZAR	62,100.00

Terms

Banking details:
First National Bank
Account No: 62428294409
Branch: Alberton
Branch Code: 250942

**AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS**

TAX INVOICE

JAN 002 / 2023 - 2024
Qualibooks Naledi

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DATE 2023/11/13 INVOICE NO 019091

CUSTOMER: Midvaal Local Council

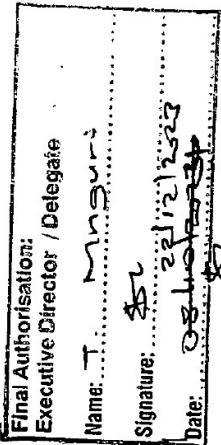
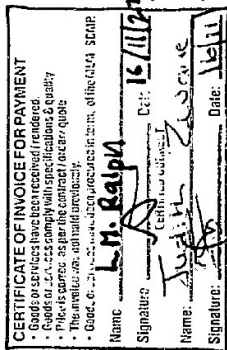
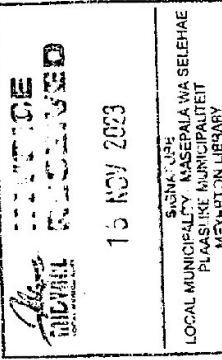
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**AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS**

JAN003/2023-2024
Poswa

Brilliance | Action | Heart



MIDVAAL LOCAL MUNICIPALITY
Meyerton

Attention: Mr. Paul Steyn
Mr. Lwazi Zulu
Mr. Kagiso Rasepae

Per E-mail: PaulS@midvaal.gov.za
Lwaziz@midvaal.gov.za
KagisoR@midvaal.gov.za

Our Ref: G Mpala/GA/MAT26881 Your ref: Ptn 66 Hartsenbergfontein Date: 08 May 2023

Dear Sirs,

**RE: FEE PROPOSAL FOR THE PROVISION OF LEGAL SERVICES IN RESPECT OF
AN INTERDICT AGAINST THE REGISTERED OWNER OF PTN 66
HARTENBERGFontein 332-IQ**

1. Introduction

- 1.1. We refer to your email dated the 18th of April 2023 and confirm that you have requested us to provide Midvaal Local Municipality ("Midvaal") with a fee proposal in respect of legal services to be rendered by Poswa Incorporated ("Poswa Inc"), as provided in the scope of work set out fully in clause 2 below ("Scope of Work").
- 1.2. Poswa Inc is pleased to provide you with an indicative pricing for the Scope of Work.

2. Scope of Work

- 2.1. We confirm that our understanding of the scope of the proposed legal services to be

Since cybercrime is on the increase and Attorney firms are being targeted by cyber criminals, in an attempt to protect you the client and our firm please note that we will NOT accept any change of banking details at any stage of the transaction via electronic communication. The ONLY accepted form of change of banking details will be where we request you to physically attend our offices or to meet us on Skype or on a Microsoft Teams meeting, where we will verify your change of banking details request. The verification process entails that we verify your identity to ensure that the request for change of banking details comes from you directly and is not coming from an illicit source. We will request you to provide us with your original identity document and new bank statement (which must be stamped and not older than (3) three months) before we may proceed to process the change of banking details request.

Gauteng Office
First Floor, Poswa House
No. 8 Gertsen Lane
Rivonia Extension 12
Sandton, 2126
Postnet Suite 128
Private Bag X9, Sandton, 2010
Dorika JJ, Sandton Square
Tel: +2711 783 8877/4362

Pretoria Satellite Office
First Floor, Block A
314 Glenwood Offices
314 Glenwood Road
Lyndwood Park, 0081

Free State Office
1st Floor, Victoria Square
21 Second Avenue
Westdene, Bloemfontein
Postnet Suite 233
Bloemfontein, 9321
Dorika JJ, Bloemfontein
Tel: +2751 430-0296/7

KwaZulu-Natal Office
Suite 607, 6th Floor
Stratus City Building
41 Rietveld Circle
Kusile Office Park
Umhlanga, 4320
Dorika JJ, Durban
Tel: +2731 566-4818/1117

E-mail: info@poswainc.co.za

Website: www.poswainc.com

Registration Number: 2009/020829/21

Directors: JHB Luyolo Poswa (Chairman) | Nima Gagjee (CEO) | Riona Kalua | Ndumiso Dyantyi |
Tawanda H Makawa | Nzame Qokweni | Hailey Riley
Consultant: Nicole Ross

Motion drafted



provided (and accordingly the basis upon which we have structured the fee estimate and quotation) is such that Poswa Inc will:

2.1.1. assist Midvaal with an interdict against the registered owner of Ptn 66 Hartenbergfontein 332-IQ; and

2.1.2. assist Midvaal with obtaining an undertaking from the opposing attorneys stating that the unlawful activities will not occur or continue as long as the registered owner (Senet Investments (Pty) Ltd) ("**Senet**") remain the owner until the finalisation of the sale of the property.

2.2. In so doing Poswa Inc will review the relevant Legislation, Regulations, and all other pertinent documentation.

3. Fees and Disbursements

3.1. In light of the above, we anticipate that our fees in respect of the Scope of Work set out in clause 2 above, dependent on whether the matter is unopposed or opposed and will be as follows:

Unopposed Application:

- Draft a Notice of Motion and Founding Affidavit, which will have to be issued and thereafter a date is obtained from court and application papers are served by the sheriff on the Respondent;
- If unopposed, we will attend to the necessary – i.e. index, paginate papers, have matter finally enrolled, etc;
- Correspondence exchanged with client, counsel and sheriff;
- **Costs: +/- R20 000.00 – R25 000.00** – this excludes Counsels fees and Sheriffs fees as well as VAT.

Opposed Application:

- Draft Notice of Motion and Founding Affidavit, which is then issued and thereafter a date is obtained from court and application papers are served by the sheriff on the Respondent;



JAN 003 / 2023-2024
Poswa

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- Respondent serves a Notice of intention to Oppose within five days of service of notice of motion;
 - We Receive an Answering Affidavit fifteen days after receipt of the notice of intention to oppose;
 - We instruct counsel to draft heads of argument, practice note, chronology, list of authorities;
 - We Serve and file heads of argument, practice note, chronology, list of authorities;
 - Receipt and perusal of heads of argument, practice note, chronology, list of authorities from Respondent;
 - Attend to Index and Paginate bundle of documents;
 - After both parties file their heads of argument, we will obtain a date on the opposed motion roll;
 - Finally enroll the matter on the opposed motion roll for hearing;
 - Correspondence exchanged with client, counsel, sheriff, and opposing attorney;
 - **Costs: +/- R25 000.00 – R30 000.00** – this excludes Counsels fees and Sheriffs fees as well as VAT.
- 3.2. Our practice is to charge solely on work completed by our team and should the Scope of Work require us to spend less time than anticipated, we shall pass the benefit of a lesser fee to you.
- 3.3. It is our practice to issue invoices at the end of each calendar month and we will accordingly issue an invoice to you solely for the Scope of Work completed.
- 3.4. Should any additional work that falls outside the Scope of Work be required to be undertaken by us, we will advise Midvaal of such and will be happy to enter negotiations with you to receive further instructions and agree on a revised mandate and fee estimate.



4. The Team and Hourly Rate Schedule

4.1. We have brought together the best team with the extensive knowledge and experience to ensure that your work is performed as efficiently and as cost effectively as possible. Our team will comprise of the following members:

- 4.1.1. Director;
- 4.1.2. Senior Associate;
- 4.1.3. Associate and
- 4.1.4. Candidate Attorney.

4.2. Below is the schedule detailing our team's respective hourly rates:

PROFESSIONAL	RATE PER HOUR EXCL VAT
Attorney	R1 900.00
Candidate Attorney	R600.00

5. Assumptions

5.1. In preparing our pricing, we have made the following assumptions:

- 5.1.1. we shall not be required or expected to travel outside the Gauteng Province or outside South Africa to complete the Scope of Work.

6. Conclusion

We thank you for affording us the opportunity to provide you with our pricing and trust that it meets your favourable approval. Should you wish to contact us in respect of our fee proposal, please do not hesitate to contact the writer hereof in this regard.

Yours faithfully,


Gloria Mpala
Associate
Litigation & Dispute Resolution
Poswa Incorporated

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS



Midvaal Local Municipality
PO Box 9, Meyerton, 1960
Tel: 016 360 7400
Fax: 016 360 7519
www.midvaal.gov.za

Tel: (016) 360-7411 • Fax: (016) 362-4334 • E-mail: mm@midvaal.gov.za

INTERNAL MEMORANDUM

TO: CFO

FROM: Municipal Manager

DATE: 05 February 2024

SUBJECT: ACTING MUNICIPAL MANAGER

This memo serves to confirm that you will be Acting Municipal Manager from 5 - 9 February 2024.

All delegated and signing powers of the Municipal Manager is hereby delegated to you for the mentioned period.

Yours faithfully,

ORIGINAL SIGNED

A.M. GROENEWALD
MUNICIPAL MANAGER

MIDVAAL LOCAL MUNICIPALITY

AGENDA OF THE 2ND ORDINARY MEETING OF 2024 TO BE HELD ON THURSDAY,
29 FEBRUARY 2024 AT 14:00 IN THE COUNCIL CHAMBERS



Midvaal Local Municipality
PO Box 9, Meyerton, 1960
Tel: 016 360 7400
Fax: 016 360 7519
www.midvaal.gov.za

Tel: 016 360 7405 • E-mail: cfo@midvaal.gov.za

INTERNAL MEMORANDA

TO : Director: Supply Chain Management
Mr. F. Jonas

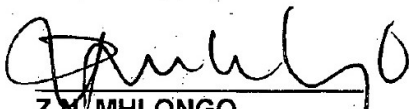
FROM : Chief Financial Officer

DATE : 05 February 2024

SUBJECT : **ACTING CHIEF FINANCIAL OFFICER - FINANCIAL SERVICES
DEPARTMENT**

This Memo serves to confirm that Mr. Fanny Jonas will be Acting Chief Financial Officer from the 05th – the 09th February 2024, with all the powers and authority of that office.

Yours Faithfully


Z.N. MHLONGO
CHIEF FINANCIAL OFFICER