

C 3709/01/2026
MC A/6769/01/2026

**9.A.9 [FS]: REPORT ON DEVIATIONS FROM THE SUPPLY CHAIN MANAGEMENT
POLICY AS REQUIRED BY THE MUNICIPAL SUPPLY CHAIN MANAGEMENT
REGULATIONS: MONTH OF NOVEMBER 2025**

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 November 2025, be noted.

C 3709/01/2026
MC A/6769/01/2026

9.A.9 [FS]: REPORT ON DEVIATIONS FROM THE SUPPLY CHAIN MANAGEMENT POLICY AS REQUIRED BY THE MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS: MONTH OF NOVEMBER 2025

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 November 2025.

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 November 2025, 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)	Director: 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)	Director: SCM

**COMMENTS: MEETING OF THE MUNICIPAL MANAGER AND HEADS OF
DEPARTMENT: 17 DECEMBER 2025**

Resolved To Recommend

That the Item is supported and referred to the Section 80 Finance Services Portfolio Committee.

**COMMENTS: SECTION 80 FINANCIAL SERVICES PORTFOLIO COMMITTEE: 19
JANUARY 2026**

The recommendation is supported.

**AGENDA OF THE 1ST ORDINARY MEETING OF 2026 TO BE HELD ON THURSDAY,
29 JANUARY 2026 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 November 2025:

(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/N/R	DEP	DESCRIPTION	DATE	REASON
(iii) SPECIAL WORKS OF ART OR HISTORIC OBJECTS				
R/N	DEPT	DESCRIPTION	DATE	REASON
		NONE		
(iv) ACQUISITION OF ANIMALS FOR ZOOS AND/OR NATURE AND GAME RESERVES				
R/N	DEPT	DESCRIPTION	DATE	REASON
		NONE		
(v) IMPRACTICAL OR IMPOSSIBLE				

MIDVAAL LOCAL MUNICIPALITY

**AGENDA OF THE 1ST ORDINARY MEETING OF 2026 TO BE HELD ON THURSDAY,
29 JANUARY 2026 AT 14:00 IN THE COUNCIL CHAMBERS**

R/N	DEPT	DESCRIPTION	DATE	REASON	AMOUNT
NOV001-2025-2056	CORPORATE	Thomson Wilks Inc - Legal Services/labour law	01/11/2025	Regulation (1)(a)(v) Legal services are required to deal with allegations of misconduct implicating the Director of legal. Impractical to appoint from the legal panel as the Director is the custodian of the legal panel and issuing of work, an independent Law firm required.	R 300 000,00
NOV002-2025-2056	DEV AND PLAN	Arena Holdings - Publishing of notices in newspaper	10/11/2025	Regulation (1)(a)(v) The Municipal Planning Tribunal is currently not properly constituted per the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 13 of 2013. A Deputy Chairperson is required, and the process was undertaken via smaller, local publications that yielded no results. Arena has a broader local reach (i.e. Sunday Times)	R 75 716,00
36 (1)(b) RATIFICATION OF MINOR BREACH BY ACCOUNTING OFFICER					
R/N	DEPT	DESCRIPTION	DATE	REASON	AMOUNT
		NONE			

Implementation of the SCM policy Regulation 6 (2) (a) (iii)

That it be noted that there are no serious or material problems in the implementation of the MFMA SCM policy.

PREPARED BY:


MS D SEMANO
ASSISTANT DIRECTOR: SCM
02 December 2025

REVIEWED BY:


MR T MNGUNI
DIRECTOR: SCM
02 December 2025

RECOMMENDED / NOT RECOMMENDED


MR Z.N MHLONGO
CHIEF FINANCIAL OFFICER
02 December 2025

APPROVED / NOT APPROVED

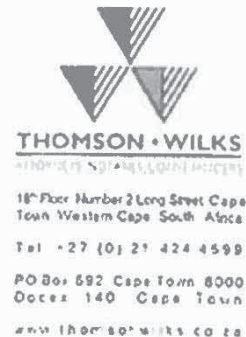

MR. P MAGODI
MUNICIPAL MANAGER
02 December 2025

ANNEXURE A

**AGENDA OF THE 1ST ORDINARY MEETING OF 2026 TO BE HELD ON THURSDAY,
29 JANUARY 2026 AT 14:00 IN THE COUNCIL CHAMBERS**

NOV001/2025-2026 Thomson Wilks

MIDVAAL LOCAL MUNICIPALITY
Attention: Municipal Manager
Per Email PhumudzoM@midvaal.gov.za
Copy: WalterX@midvaal.gov.za



Our Reference:
H Pienaar / A Butcher

Your Reference:
P Magodi / W Xaba

6 November 2025

Dear Mr Magodi

Quotation:

- 1 We refer to your correspondence dated 4 November 2025, enclosing a request for a quotation from our office.
- 2 We appreciate the opportunity to provide Midvaal Local Municipality ("the Client") with the following quote.
- 3 **Terms of Business**

The Thomson Wilks Inc. standard Terms of Business are an integral part of our appointment. All work carried out by Thomson Wilks Inc. is subject to those terms except to the extent that changes are expressly agreed in writing. Such terms will be made available on request.

4 **Consumer Protection Act**

We draw your attention, in terms of section 49 of the Consumer Protection Act, No 68 of 2008, to the fact that certain of the clauses in our terms of business (attached) include provisions which may in certain instances: (a) limit our risk and liability, and the risk and liability of Thomson Wilks Inc. Persons and/or Contractors (as defined in such terms); (b) constitute an assumption by you of risk or liability; (c) oblige you to indemnify us, Thomson Wilks Inc. Persons and/or Contractors from loss or damage; and/or (d) constitute an acknowledgement or warranty by you.

5 **Scope**

We understand our scope of work ("Scope of Work") to be the following:

- 5.1 The Client requires a quotation for Thomson Wilks to Investigate, on behalf of the Client, allegation(s) of misconduct against a Senior Officer (Director: Legal) as set out below.

THOMSON WILKS INC.
ATTORNEYS • NOTARIES • CONVEYANCERS
(Reg No 7/04/00642821)

Durban Cape Town Durban Stellenbosch

ATTORNEYS: S. Abooye²⁴, A. Amer¹, A. Bestber²⁵, S. Blumberg¹³, A. Butcher¹³, A. C. Cathala¹¹, J. Carter¹, O. Cervadas¹, S. Chauke¹, P. Conway¹³, M. Cheela¹³, K. Crier¹³, M. D. Antao¹³, H. Ellic¹³, S. Georgaels¹³, C. Gumbrit¹³, V. Harrison¹³, T. Indar¹, JAD Jorge¹, T. Khabooselo¹³, J. Le Roux¹³, R. Louw¹³, A. Michels¹³, J. Menden¹³, J. Penn¹³, O. Perera¹³, P. Perlebridge¹³, G. Pienaar¹³, T. Rametse¹³, CA. Reilly²⁰, M. Reeder¹³, N. Rieken¹³, B. Robertson¹³, M. Shandler¹³, S. Gimson¹³, SC. Thomson¹³, R. van der Dant¹³, D. van der Spuy¹³, A. van Grevning¹³, B. van Tonder¹³, L. Waga¹³, M. Wessley¹³, A. Weil¹³, GC. Wills¹³

²⁴Director/Consultant/Associate
²⁵Cape Town Durban Stellenbosch

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AGENDA OF THE 1ST ORDINARY MEETING OF 2026 TO BE HELD ON THURSDAY,
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- 5.2 We also include the costs of initiating a disciplinary enquiry if required, for the sake of completeness.
- 5.3 The allegations are as follows –
- 5.3.1 Victimisation and intimidation of subordinates.
- 5.3.2 Discrimination related to freedom of speech, association and expression.
- 5.3.3 Unprofessional, intolerable and unacceptable behaviour.
- 5.4 Once the investigation is concluded, Thomson Wlks will draft an investigative report with the outcome of the investigation, and recommendations advising on whether disciplinary action is warranted on any of the below allegations. This will be referred to as "Phase 1" of the work in our quotation below.
- 5.5 Should the allegations have merit and warrant a disciplinary enquiry, the Client would like Thomson Wlks to also set out in this quotation, the applicable rates that would apply to initiate a disciplinary enquiry on behalf of the Client. This will be referred to as "Phase 2" of the work in our quotation below.
6. If there are any areas which you wish Thomson Wlks Inc. to cover and which are not detailed above, please advise us as soon as possible.
7. Thomson Wlks Inc Professional Team
- Hugo Pienaar ("HP"), a Director in the Employment practice will oversee your instruction and will be assisted by Abigail Butcher ("AB"). Other professionals of Thomson Wlks Inc will be utilised if required.
8. Fee Quotation
- 8.1 Please note that we have reduced our already reduced hourly rate by 10% given our historic relationship.
- 8.2 Table of fees (Phase 1) [REDUCED]

Item	Work Stream	Responsible Fee Earner	Time Estimate	Fee Estimate (ZAR)
1	Investigative interviews with potential witnesses			
1.1	Witness 1	HP	1 hour	R 5 875.00
		AB	1 hour	R 3 250.00
1.2	Witness 2	HP	45 mins	R 4 406.25
		AB	45 mins	R 2 437.50
1.3	Witness 3	HP	45 mins	R 4 406.25
		AB	45 mins	R 2 437.50
1.4	Witness 4	HP	45 mins	R 4 406.25
		AB	45 mins	R 2 437.50

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1.5	Witness 5	HP	45 mins	R 4 406.25
		AB	45 mins	R 2 437.50
2	Considering summary of relevant documents	HP	15 mins	R1 458.75
		AB	15 mins	R812.50
4	Drafting investigative outcome report and recommendations	AB	2.5 hours	R8 125.00
5	Settling investigative outcome report and recommendations	HP	1 hour	R 5 875.00
Total (excluding VAT) for Phase 1				R 62 781.25
Option 1: Total (excluding VAT) (discounted at 10%) for Phase 1 [WITH HP]				R 47 503.13
Option 2: Total (excluding VAT) (discounted at 10%) for Phase 1 [WITHOUT HP]				R 19 743.75

8.3 Table of Fees (Phase 2) (REDUCED)

Item	Work Stream	Responsible Fee Earner	Time Estimate	Fee Estimate (ZAR)
1	Drafting charges	AB	1 hour	R 3 250.00
	Finalising charges	HP	45 m'ns	R 4 406.25
2	Preparation for hearing (including consultation and preparation of witnesses)	AB	3 hours	R 9 750.00
		HP	3 hours	R 17 625.00
3	Hearing	AB	2 days (18 hours)	R 58 500.00
		HP	2 days (18 hours)	R105 750.00
Total (excluding VAT) for Phase 2				R 199 281.25

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Option 1: Total (excluding VAT) (discounted at 10%) for Phase 2 [WITH HP]	R 179 353.13
Option 2: Total (excluding VAT) (discounted at 10%) for Phase 2 [WITHOUT HP]	R 64 350.00

- 6.4 Phase 1. The above fee estimate is for the completion of the Scope of Work for Phase 1, based on the assumptions set out herein. The total discounted fee estimate is R 47 503.13 (with Hugo Pienaar involved – Option 1), alternatively R 19 743.75 (without Hugo Pienaar involved – Option 2) excluding further consultation, VAT and disbursements. When more hours are required, the standard rates set out herein will apply.
- 6.5 Phase 2. The above fee estimate is for the completion of the Scope of Work for Phase 2, based on the assumptions set out herein. The total fee estimate is R 179 353.13 (with Hugo Pienaar involved – Option 1), alternatively R 64 350.00 (without Hugo Pienaar involved – Option 2) excluding further consultation, VAT and disbursements. When more hours are required, the standard rates set out herein will apply.
- 6.6 In order to provide the Client with costing options, we have provided two options for each Phase of the work, once with, and one without, Hugo Pienaar's involvement. Noting that the options without Hugo Pienaar's involvement will reduce the costs to Client significantly.
- 6.7 Noting further that for each option where Hugo Pienaar is not involved throughout the process, there is the option of engaging Hugo's services for general oversight of Abigail Butcher's work for each Phase at R10 000.00 per phase.
9. We approach our fee policy with a great flexibility and in a commercial and transparent manner whilst providing you with the best legal service within your budget. The hourly rates (excluding VAT) for our legal professionals are as follows:
- | | |
|---------------------------------------|------------|
| Hugo Pienaar (Director) | R 5 875.00 |
| Asma Cachalia (Director) | R 3 650.00 |
| Abigail Butcher (Senior Associate) | R 3 250.00 |
| Alex Van Greuning (Associate) | R 2 500.00 |
| Muhammad Amanjee (Associate) | R 2 500.00 |
| Shenode Marlam (Candidate Attorney) | R 1 750.00 |
| Reeshalya Naidoo (Candidate Attorney) | R 1 750.00 |
10. The hourly rates are calculated as follows: one hour consists of 10 (ten) units of 6 (six) minutes (or any part thereof) each. Each individual 6 (six) minute unit (or any part thereof) constitutes 0.1 x hourly rate.
11. Hourly rates are subject to review on 1 April each year.
12. Our fees are exclusive of VAT which is charged at the prevailing rate. They are also exclusive of travel, subsistence and all other disbursements. Any disbursements will be charged in addition to our fees and will be itemised separately on any invoice.
13. It may be necessary for us to incur fees of valuers or other experts on your behalf in connection with your matter. We will discuss any such need with you prior to issuing instructions. Such fees will be charged to you, and we may ask you to put us in funds to pay them as they are incurred.



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14. Billing and payment of our invoices is to take place within 30 days from date of invoice.
15. FICA
The client will be obliged to complete and submit information to ensure FICA compliance.
16. AGREEMENT
If you have any queries in relation to this Engagement Letter or the Terms of Business, please contact us. Your acceptance of these terms and conditions will be assumed from your continuing to engage us. Please sign this letter and return it to us as soon as possible.

Yours faithfully,

(sent electronically and therefore unsigned)
HUGO PIENAAR
 THOMSON WILKS INC.

MIDVAAL LOCAL MUNICIPALITY

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29 JANUARY 2026 AT 14:00 IN THE COUNCIL CHAMBERS

NOV002/2025-2026

PURCHASE ORDER

25 MITCHEL STREET
MEYERTON
1961


MIDVAAL
LOCAL MUNICIPALITY

Tel: (018) 360 7544
Fax: (018) 362 3386
VAT: 4700193593

Delivery address:
DEVELOPMENT AND PLANING DEPART, 25 MITCHELL STREET, MEYRTON, 1961
www.midvaal.gov.za

Supplier:
ARENA HOLDINGS (PTY) LTD
16 EMPIRE ROAD
PARKTOWN
JOHANNESBURG

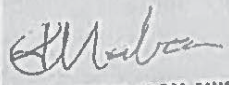
Order Number
0002046767

Date
20251119

IMPORTANT: Invoices bearing the relevant purchase order number must be forwarded to the above address.
Payments will be affected within 30 days of receipt of an invoice.

Please supply the following goods						
ITEM NO	VOTE NUMBER	DESCRIPTION	QUANTITY	UNIT PRICE	VAT	TOTAL INCL. VAT
ADVERT	03593300112012222222	ADVERT PUBLISHING SERVICES 2024 X 4 CCL (120mm x 120mm)	1000	63640.0000	9474.00	73114.00
TOTAL				R9,878.00		R75,716.00

FOR OFFICE USE	
Vendor No.	ARE003
Regulation No.	04947/2025
GRN Number.	
Invoice No.	
Contact Person.	NELISWE NTSHANGASE
Contact No.	018 360 7661

Buyer Signature: 

MIDVAAL LOCAL MUNICIPALITY
P.O. BOX 9
MEYERTON 1960
TEL: (018) 360 7400
FAX: (018) 360 7521