

**NOTICE IN TERMS OF SECTION 33 OF THE LOCAL GOVERNMENT MUNICIPAL
FINANCE MANAGEMENT ACT, 2003**

The Municipal Manager of Enoch Mgijima Municipality acting in terms of section 33 of the Local Government: Municipal Finance Management Act, 2003 hereby notifies the community falling under the jurisdiction of the Municipality, that:

1. In 2010, Tsolwana Local Municipality entered into a Memorandum of Agreement (MOA) with the Eastern Cape Department of Roads and Public Works for the upgrade of district Roads within the jurisdiction of the then Tsolwana Municipality.
2. Pursuant to the MOA with the Department of Roads and Public Works the erstwhile Tsolwana municipality procured Hatch Goba Consulting Engineers for the design and construction management of the projects and engaged Unik Civil Engineering (Pty) Ltd for construction services work.
3. Enoch Mgijima Local Municipality (the Municipality) inherited the above Memorandum of Agreement in terms of section 12 of the Local Government Municipal Structures Act, 1998.
4. An audit of the project revealed that the Roads upgrade was to be carried out in five (5) phases in order to accommodate the financial capability of the Department of Roads and Public Works.
5. It has been established that the period for which the companies have now been operating exceeds the three (3) years permitted in terms of section 33 of the Municipal Finance Management Act, 56 of 2003 [MFMA], for contracts having future budgetary implications.
6. In order to ensure a sustained service delivery process for the benefit of the affected communities, the Municipality is desirous of proceeding with the project despite the fact that the contracts have gone beyond the period of three years, stipulated in the legal framework, as it is in the interests of both the municipality

as well as the local communities that the projects be finalised notwithstanding the identified non-compliance.

7. The municipality intends approaching the High Court to declare the contracts binding on the municipality and to allow the service providers to proceed with the works as there are good grounds that would satisfy the Court not to set aside the contracts and to allow them to remain valid and binding between the parties.
8. To this end, the Municipality invites members of the community to submit written comments to the Municipality whether the Municipality may continue with the project despite the fact that the contracts have gone beyond the period of three years.
9. Such comments must reach the municipality *no later than the 8th March 2019.*
10. For further inquiries please contact Mr Zolile Vumazonke, the General Manager: Legal and Governance on (045) 807 2606 or deliver such written comments during office hours, at Enoch Mgijima Local Municipality, Office of the Municipal Manager, 70 Cathcart Road, Komani 5360 or email: ZVumazonke@enochmgijima.gov.za.

S. NOMANDELA
ACTING MUNICIPAL MANAGER

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