



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2021-06-23

MINUTES

SPECIAL MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2021-06-23 AT 10:00

Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)

MINUTES
SPECIAL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2021-06-23

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	(SEE PINK DOCUMENTATION)	

PRESENT

The Speaker, Cllr WC Petersen (Ms) [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms)

COUNCILLORS

FJ Badenhorst	MC Johnson
Ald PW Biscombe	DD Joubert
G Cele (Ms)	C Manuel
PR Crawley (Ms)	NE Mcombring (Ms)
A Crombie (Ms)	XL Mdemka (Ms)
Z Dalling (Ms)	N Olayi (from 11:15)
R Du Toit (Ms)	SA Peters
J Fasser	WF Pietersen
A Florence	SR Schäfer
AR Frazenburg	Ald JP Serdyn (Ms)
E Fredericks (Ms)	Q Smit
E Groenewald (Ms) (until 13:00)	LL Stander
JG Hamilton	R Van Rooyen
AJ Hanekom	E Vermeulen (until 11:40)
JK Hendriks	

Officials:

Acting Municipal Manager (Mr D Louw)
Director: Community and Protection Services (G Boshoff)
Director: Corporate Services (Ms A De Beer)
Director: Planning and Economic Development (A Barnes)
Acting Chief Financial Officer (Ms M Steyl)
Chief Audit Executive (F Hoosain)
Senior Administration Officer (T Samuels (Ms))

1.	OPENING AND WELCOME
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Good Morning to you all present in this, Special Council Meeting.

Special welcoming to:

- The Executive Mayor, Alderman Gesie Van Deventer;
- The Municipal Manager, Ms Geraldine Mettler and Directors;
- The Members of the Executive Committee;
- All Councillors present and a special welcome to Councillor Joanne Kleinhans who is the newly appointed Councillor from the DNCA. Ek hoop u sal die kort tydjie as Raadslid met ons geniet; and
- The broader Stellenbosch Public tuned in on the Virtual Platform.

I welcome you all present and hope that you will have a fruitful and constructive meeting as we will today to discuss matters of statutory special importance to Council.

2.	MAYORAL ADDRESS
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NONE

3.	COMMUNICATION BY THE SPEAKER
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Madame Mayor and Councillors, - today we will be holding our Special Council meeting against the backdrop of a very tough and ever increasing LEVEL 3 Covid 19 pandemic.

- The third wave is moving fast to our areas as can be seen from the amount of positive cases that is growing in our areas.
- Councillors please help in your areas to restrict people to gather in high numbers. Please wear your mask, sanitise and keep your distance.
- Regarding the Vaccination drive **please** continue the registration of our 60 years and older family members and those teachers and ECD practitioners.

Other Notices:

- Birthdays: There are **no** Councilors with birthdays during the month of July.
- Section 80 Committee meetings – Councillors – please be aware that you are requested to follow Rule 21 of the Councils Rule of Order – leave of Absence and Attendance for meetings. Members please respect the rules - by not follow this procedure, I will have no option but to take action as per Rule 40.1-3.
- On behalf of Council I hereby announce the Annual recess starting from 25 June to 18 July 2021 but Councilors please stay home and stay safe.

Madame Mayor, Municipal Manager and fellow Councilors I have allowed three new Items on the Agenda so let us move to the Business of the Day in dealing with the Council Agenda.

I Thank You.”

4.	COMMUNICATION BY THE ACTING MUNICIPAL MANAGER
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NONE

5.	DISCLOSURE OF INTERESTS
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NONE

6.	APPLICATIONS FOR LEAVE OF ABSENCE
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6.1 The following application for leave of absence was approved in terms of the Rules and Order By-law of Council:-

Deputy Executive Mayor, Cllr N Jindela	– 23 June 2021
Cllr FT Bangani-Menziwa (Ms)	– 23 June 2021
Cllr C Davidse	– 23 June 2021
Cllr LK Horsband (Ms)	– 23 June 2021
Cllr J Kleynhans (Ms)	– 23 June 2021
Cllr C Moses (Ms)	– 23 June 2021
Cllr N Mananga-Gugushe (Ms)	– 23 June 2021
Cllr N Sinkinya (Ms)	– 23 June 2021
Cllr P Sitshoti (Ms)	– 23 June 2021

6.2 Permission was granted to the Cllrs E Vermeulen and E Groenewald (Ms) to leave the meeting earlier (at 11:45 and 13:00 respectively).

6.3 ABSENT

Cllr T Gosa
Cllr RS Nalumango (Ms)
Cllr MD Oliphant

7.	STATUTORY MATTERS
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7.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2021
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Collaborator No: 708328
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 15 June 2021 and 23 June 2021

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR MAY 2021

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2020/2021 to report the deviations to Council.

3. DELEGATED AUTHORITY

Council

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2020/2021) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during May 2021.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 7.1

NOTED

the deviations as listed for the month of May 2021.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	02 June 2021

7.2	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2020/21
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Collaborator No: 708364
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 15 June 2021 and 23 June 2021

1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2020/21

2. PURPOSE

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The TL SDBIP 2020/21 was approved by the Executive Mayor on 24 June 2020. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), to review its performance indicators and targets after approving the adjustments budget. The TL SDBIP 2020/21 (as approved by Council on 24 February 2021) is attached hereto as **ANNEXURE A**. All changes (for ease of reference) which should be deleted and or amended are indicated with a strikethrough and an underline respectively. It must also be noted that the TL SDBIP 2020/21 is the in-year plan of the municipality and any amendments made to the TL SDBIP 2020/21 must also be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the Revised TL SDBIP 2020/21 are considered to be made in the IDP as well.

The reasons for the amendments to the following KPIs are as follows:

- a) KPI075- Based on the internal audit review by Internal Audit (IA), it was agreed by IA and the KPI owner that the portfolio of evidence (POE) be updated to ensure that complete and accurate data sources are being used to update the actual result of the indicator.

Any detected spelling, grammatical and or alignment errors in the document were also corrected where needed.

No material changes were made to the Revised TL SDBIP 2020/21 submitted to Council on 24 February 2021. The Revised TL SDBIP 2020/21 is aligned to the adjustments budget 2020/21.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 7.2**RESOLVED** (nem con)

- (a) that the Revised TL SDBIP 2020/21 be approved;
- (b) that the Revised TL SDBIP 2020/21 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2020/21 be submitted to:
 - (i) Internal Audit Unit (for notification);
 - (ii) Department of Local Government: Western Cape;
 - (iii) Provincial Treasury: Western Cape;
 - (iv) Auditor General of South Africa; and
 - (v) National Treasury.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Shireen De Visser</i>
POSITION	<i>Snr Manager: Governance</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	<i>021 – 808 8035</i>
E-MAIL ADDRESS	<i><u>shireen.devisser@stellenbosch.gov.za</u></i>
REPORT DATE	<i>04 June 2021</i>

8.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE
8.1	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
8.1.1	REPORT IN REGARD TO THE AUCTION 3 COUNCIL ERWEN IN ONDERPAPEGAAIBERG: DISPOSAL OF ERF 4810 (3 SWAWELAAN) ,ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

15 June 2021 and 23 June 2021

1. SUBJECT: REPORT IN REGARD TO THE AUCTION 3 COUNCIL ERWEN IN ONDERPAPEGAAIBERG: DISPOSAL OF ERF 4810 (3 SWAWELAAN), ERF 4811 (3A SWAWELAAN) AND ERF 4812 (6 TINKTINKIE STREET) STELLENBOSCH

2. PURPOSE

To inform Council of the outcome of the auction that took place on 29 June 2021 and to request Council to consider the disposal of three erven, erf 4810,4811 and erf 4812 to the highest bidders at the auction.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

Erf 4810 and 4811 (3 and 3A Swawellaan) as well as 6 Tinktinkie street) were used as rental properties for council employees and have been vacant for a long period. Stellenbosch Municipality is the owner of the three erven. Council resolved in October 2020 to have the erven sold by Public Auction.

The municipality obtained a valuation from a valuator for the properties which was lower than the general valuations.

Erf number	Street Address	Extent of property	Municipal Valuation	Valuation report
4810	3 Swawellaan	987m ²	R1,926,000.00	R1 200 000.00
4811	3A Swawellaan	987m ²	R1,810,000.00	R1 200 000.00
4812	6 Tinktinkie Street	1056m ²	R1,849,000.00	R1 900 000.00

The Municipal Manager then decided to set the reserve price for the valuations at the general valuation price. The terms of the auction is attached as **APPENDIX 1**.

At the auction that took place on 29 April 2021 at the property bidders were also allowed to bid online. The provision that the erven must be sold to different bidders were observed and the highest bids received at the auction was as follows:

Erf number	Street Address	Extent of property	Reserve price	Highest bid
4810	3 Swawellaan	987m ²	R1,926,000.00	R 2 150 000.00
4811	3A Swawellaan	987m ²	R1,810,000.00	R 2 160 000.00
4812	6 Tinktinkie Street	1056m ²	R1,849,000.00	R 2 150 000.00

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.1.1**RESOLVED** (nem con)

- (a) that Council approves of the disposal of the 3 erven to the bidders that bid the highest at the auction and accept the highest bids on the erven as indicated;
- (b) that the Municipal Manager be authorised to conclude the sale agreements;
- (c) that the municipality request a certificate of registered titles as the properties have not been registered as separate titles;
- (d) that the new buyers register the property from the mother erf (3721) at their own costs;
- (e) that the bidders be requested to take occupation of the erven as soon as the warranties have been provided, but not later than 30 days of this decision; and
- (f) that the risk be transferred to the buyers on occupation of the erven.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene de Beer</i>
POSITION	<i>Director</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-8088018</i>
E-MAIL ADDRESS	<i>Annalene.deBeer@stellenbosch.gov.za</i>
REPORT DATE	<i>11 June 2021</i>

8.2	FINANCIAL SERVICES: (PC: CLLR P CRAWLEY (MS))
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8.2.1	APPROVAL OF DEBT AGREEMENT
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Collaborator No: 708329
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 15 June 2021 and 23 June 2021

1. SUBJECT: APPROVAL OF DEBT AGREEMENT

2. PURPOSE

To obtain Council's approval for the raising of an external loan in terms of Section 46 (2) of the Municipal Finance Management Act (Act No 56 of 2003).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

During April 2021 an advertisement was placed inviting interested parties to make submissions regarding the financing of the proposed loan of R120 million. Submissions were received from 5 authorised financial institutions:

- (a) Development Bank of Southern Africa (DBSA);
- (b) ABSA Bank;
- (c) Nedbank;
- (d) Standard Bank;
- (e) First National Bank (FNB)

After due process, in terms of the municipality's approved Supply Chain Policy, the offer of Nedbank for the term of 10 years, was adjudicated by the Bid Adjudication Committee and approved by the Municipal Manager as being the most favorable for Council.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.2.1

The comments and responses made by the Western Cape Provincial Treasury was distributed to all Councillors shortly before the start of the Council meeting (**attached as an APPENDIX**). Cllr G Cele (Ms) requested that her concerns regarding the late distribution of these comments and responses be recorded, because this practice puts the opposition at a disadvantage and stifles the accountability in Council and the Administration.

The Executive Mayor apologized for the late distribution and explained that the Administration was awaiting the responses from the Western Cape Provincial Treasury, hence the late distribution thereof.

RESOLVED (majority vote)

- (a) that Council approves the debt agreement as stipulated in **APPENDIX 1**; to the amount of R102 779 511; and
- (b) that the Municipal Manager be mandated to enter into a loan agreement with Nedbank (PTY) Ltd.

8.2.2	TABLING OF APPLICATION FOR COUNCIL SUPPORT/APPROVAL FOR THE DBSA GRANT FUNDING AGREEMENT RELATING TO COMPLETED WORK DONE ON THE CAPITAL EXPENDITURE FRAMEWORK (CEF)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

15 June 2021 and 23 June 2021

1. SUBJECT: TABLING OF APPLICATION FOR COUNCIL SUPPORT/APPROVAL FOR THE DBSA GRANT FUNDING AGREEMENT RELATING TO COMPLETED WORK DONE ON THE CAPITAL EXPENDITURE FRAMEWORK (CEF)

2. PURPOSE

To obtain Council's approval for the Development Bank of South Africa (DBSA) grant funding agreement in respect of work done on the Capital Expenditure Framework.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In accordance to section 21(n) of the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013, the content of a municipal spatial development framework must determine a Capital Expenditure Framework (CEF) for the municipality's development programmes. This means that the CEF is informed by the Spatial Development Framework i.e. stating the spatial vision of the municipality where the CEF states the financial vision of the municipality.

The Municipality has entered into a Grant Agreement ("the Agreement") with the DBSA, in terms of which the DBSA has availed R2 000 000 to the benefit of the Municipality for the development of its Capital Expenditure Framework (CEF). As per the 25th meeting of the Council of Stellenbosch municipality, the Municipal Manager was duly authorised and mandated, to sign the Grant Agreement on its behalf, and to sign and/or dispatch all documents and notices to be signed and/or dispatched by it under or in connection with the Agreement. This agreement was concluded during the 2019/20 financial year and has been attached as **APPENDIX1**.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.2.2

RESOLVED (majority vote)

- (a) that Council hereby confirms support for the Project, accepts the DBSA's grant funding and infrastructure planning support on the terms set out in the Agreement;
- (b) that the **Municipal Manager** is hereby authorised and mandated to sign the Agreement on its behalf, and to sign and/or dispatch all documents and notices to be signed and/or dispatched by it under or in connection with the Agreement;
- (c) that the Municipal Manager is further authorised to provide the DBSA with the Designated and Authorised Signatories, any of whom shall represent the Municipality on the Project Steering Committee for the purposes stated in the Agreement; and
- (d) that the Municipality provides the relevant FICA documentation required by the DBSA in terms of regulations 3, 4, 5 and 6 of FICA (the Financial Intelligence Centre Act, 38 of 2001).

8.3	HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)
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8.3.1	SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF SUSTAINABLE PLANNING SOLUTIONS FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP ESTABLISHMENT PROCESS FOR MAASDORP FOREST VILLAGE, FRANSCHHOEK: PORTIONS 27 AND 28 OF FARM LA MOTTE NO 1041, AND FUTURE EXPANSION ON PORTIONS 3 AND 7 OF FARM LA MOTTE NO 1041, FRANSCHHOEK
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Collaborator No: 708209
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 15 June 2021 and 23 June 2021

1. SUBJECT: SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF SUSTAINABLE PLANNING SOLUTIONS FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP ESTABLISHMENT PROCESS FOR MAASDORP FOREST VILLAGE, FRANSCHHOEK: PORTIONS 27 AND 28 OF FARM LA MOTTE NO 1041, AND FUTURE EXPANSION ON PORTIONS 3 AND 7 OF FARM LA MOTTE NO 1041, FRANSCHHOEK

2. PURPOSE

To table reasons and obtain Council's approval / necessary authorisation for the intended extension of an appointment concluded with the service provider, Silver Creek Trading CC trading as Sustainable Planning Solutions.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

In 2015, by virtue of a bidding process, i.e. tender B/SM 16/16, Stellenbosch Municipality invited professionals in the built environment to submit tender rates in favour of being enlisted on their panel of professional service providers for Planning, Land Use Management, Environmental Management, Land Development, Heritage Resources, Project Management, Architectural Services and Related Professions: Validity Period: 3 (Three) Financial Years: 2015/16, 2016/17 and 2017/18.

Silver Creek Trading CC trading as Sustainable Planning Solutions was one such service provider that was successful in the Town and Regional Planning category. In June 2018, Sustainable Planning Solutions was notified of being successful for the appointment in a project identified under the bid, namely, the township establishment process for Maasdorp Forest Village, Franschhoek: Portions 27 and 28 of Farm La Motte No 1041, and future expansion on Portions 3 and 7 of Farm La Motte No 1041, Franschhoek; the project has later been referred to only as the detailed planning and design for the township establishment of Maasdorp Forest Village.

The required process for township establishment took longer than anticipated primarily due to the impact of Covid-19 on processes, the challenges on the ability to interact with relevant stakeholders and also certain aspects in the planning process that arose and now requires additional input. Due to the socio-economic impact of Covid-19 and the relevancy of the socio-economic profile on the feasibility of proposed property extents and accommodation of original Maasdorp residents on these properties, the necessity to update the socio-economic survey and engineering services costing for efficient decision-making purposes on the development proposal, was identified.

In order to address the need identified to update the socio-economic survey and engineering services costing, which is an addition to the original scope of work and required to finalise the scope of work as originally appointed for (i.e. township establishment and the required land use application), it is imperative that the current appointment be extended beyond the appointed term to enable the finalisation of the township establishment process.

Sustainable Planning Solutions has an existing appointment with the Stellenbosch Municipality until the end of June 2021, which the Department: Housing Development requests that their appointment be extended beyond June 2021 to enable the finalisation of the original scope of work beyond the original appointment term.

It is not practical or cost effective for Stellenbosch Municipality to appoint a new service provider at this stage where the remaining original scope of work i.e. the submission of the land use applications, is pending.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.3.1

RESOLVED (nem con)

- (a) that Council notes, in terms of the Municipal Finance Management Act (MFMA) Section 116(3), the reasons for the required extension and amendment of the current appointment to enable the finalisation of the original scope of work beyond the current appointment term, which is valid only until the end of June 2021;
- (b) that Council takes note that reasonable notice of intention to extend the appointment in terms of Section 116(3)(b)(i) was given to the public;
- (c) that Council takes note that the local community was invited to submit representations to the Municipality in terms of Section 116(3)(b)(ii);
- (d) that Council approves the extension of the appointment for an additional period of eighteen (18) months from the date of confirmation of extended appointment; and
- (e) that the Municipal Manager be authorised to conclude the extension of the appointment in terms of the applicable legislation.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Lester van Stavel</i>
POSITION	<i>Manager: Housing Development</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8462</i>
E-MAIL ADDRESS	<i>Lester.vanstavel@stellenbosch.gov.za</i>
REPORT DATE	<i>24 May 2021</i>

8.3.2	SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF JUBELIE PROJECT MANAGEMENT (PTY) LTD FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP APPROVALS AND IMPLEMENTATION FOR THE ZONE O AND KAYAMANDI TOWN CENTRE HOUSING PROJECT, STELLENBOSCH
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Collaborator No: 708223
 IDP KPA Ref No: Good Governance
 Meeting Date: 15 June 2021 and 23 June 2021

1. SUBJECT: SECTION 116(3) AMENDMENT TO THE EXISTING APPOINTMENT OF JUBELIE PROJECT MANAGEMENT (PTY) LTD FOR THE AWARDED TENDER B/SM 16/16 FOR THE TOWNSHIP APPROVALS AND IMPLEMENTATION FOR THE ZONE O AND KAYAMANDI TOWN CENTRE HOUSING PROJECT, STELLENBOSCH

2. PURPOSE

To obtain Council's approval / necessary authorisation for the intended extension of an appointment concluded with the service provider with Jubelie Project Management (Pty) Ltd.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

As part of the planning for the Northern Extension, Jubelie Project Management (Pty) Ltd was instructed to do a feasibility study of Kayamandi with emphasis on Zone O and the Town Centre. They were duly appointed, subsequent to the initial investigation to formally undertake a feasibility study for the Town Centre, Zone O and to use any information on Kayamandi (including Enkanini) in order to provide a holistic development picture of Kayamandi. The latter resulted in a framework for possible future development opportunities in Kayamandi and environs.

The required process for township establishment took longer than anticipated primarily due to the impact of Covid-19 on processes, the challenges on the ability to interact with relevant stakeholders and also certain aspects in the planning process that arose and now requires additional input.

Jubelie Project Management (Pty) Ltd has an existing appointment with the Stellenbosch Municipality until the end of June 2021, which the Department: Housing Development requests that their appointment be extended beyond June 2021 to enable the finalisation of the original scope of work beyond the original appointment term.

It is therefore not practical or cost effective for Stellenbosch Municipality to appoint new service providers for what is merely a continuation of a second phase of their first appointment which related into the Zone O and the Town Centre of Kayamandi.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.3.2**RESOLVED** (majority vote)

- (a) that Council notes, in terms of the Municipal Finance Management Act MFMA Section 116(3), the reasons for required extension and amendment of the current appointment to enable the finalisation of the original scope of work beyond the current appointment term, which is valid only until the end of June 2021;
- (b) that Council takes note that reasonable notice of intention to amend the contract or agreement in terms of section 116(3)(b)(i) was given to the public;
- (c) that Council takes note that the local community was invited to submit representations to the Municipality in terms of Section 116(3)(b)(ii);
- (d) that Council approves the extension of the appointment for an additional period of 36 months for the Zone O and 15 months for the Kayamandi Towns Centre Development; and
- (e) that the Municipal Manager be authorised to conclude the extension of the appointment in terms of the applicable legislation.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Lester van Stavel</i>
POSITION	<i>Manager: Housing Development</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	<i>021 808 8462</i>
E-MAIL ADDRESS	<i><u>lester.vanstavel@stellenbosch.gov.za</u></i>
REPORT DATE	<i>24 May 2021</i>

8.4	INFRASTRUCTURE: (PC: CLLR Q SMIT)
8.4.1	B/SM 04/19: THE AMENDMENT OF THE TENDER AWARDED TO STREET PARKING SOLUTIONS FOR THE PARKING MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

23 June 2021

1. **SUBJECT: B/SM 04/19: THE AMENDMENT OF THE TENDER AWARDED TO STREET PARKING SOLUTIONS FOR THE PARKING MANAGEMENT SYSTEM FOR STELLENBOSCH MUNICIPALITY**

2. **PURPOSE**

To request Council to consider to change the current terms of the contract as awarded per tender 04/19 to extend the contract period with 12 months from 1 July 2021.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

The Stellenbosch Municipality is responsible for the supply, maintenance, and management of public parking within its area of jurisdiction. In order to execute this the Municipality embarked on a Parking Tender.

Tender number B/SM 04/19 was awarded to Street Parking Solutions for the implementation of a parking management system for the Municipality, until the 30 June 2021. (**ANNEXURE A**)

During the preceding 6 months, the Municipality embarked on a follow up tender with the intention to alter those matters that was not to the satisfaction of the public and Council. The Directorate is currently in process of compiling a new parking development programme. This programme would provide inputs into a parking management model that is best suited for Stellenbosch.

Since the new Tender would not be in place on 30 June 2021 the administration published a notice to change the terms of the contract in terms of Section 116 (3) of the MFMA to explore a possible extension of the current period of the tender for 12 months beyond 30 June 2021. The extension will allow the municipality sufficient time to deal with a new tender.

A Municipal Finance Management Act (MFMA) Section 116 process was followed. In terms of this section a notice was published on the municipal website calling for public comments on the extension of the current Tender (Annexure B). No comments were received on the advertisement.

It must be noted that the tender has been a difficult one to implement due to various issues on the implementation of the tender. To the extent that there was a mediation to try and resolve the issues. The mediation could not resolve the issues and we are still experiencing deductions by the service provider before money is paid over

to the municipality that the municipality is not in agreement with. Recently one of the parking attendants was arrested due to cloning of a credit card. We have battled to get the names of the parking attendants from the service provider to enable the municipality to make sure they do not have criminal records without full compliance from the service provider. There was a huge outcry from the public on social media when the news broke.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.4.1

RESOLVED (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender:
- Mitigate impacts resulting from suspended parking management operations.
 - Upgrading existing and construction of additional parking facilities
 - Complete the parking development strategy, to determine the best parking model for inputs into a new tender
- (b) that Council notes the public participation process that was followed and that no formal comments were received on the advertisement; and
- (c) that Council notes the MFMA Section 116(3) Report and hereby grants a 3-Month extension on Tender B/SM 04/19 ending on 30 September 2021.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i>Deon.louw@stellenbosch.gov.za</i>
REPORT DATE	<i>11 June 2021</i>

8.5	MUNICIPAL MANAGER
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8.5.1	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (ANIMAL WELFARE) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022
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Collaborator No: 708233
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 15 June 2021

1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (ANIMAL WELFARE) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022

2. PURPOSE

To discuss and consider the funding applications for the 2021 / 2022 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. DELEGATED AUTHORITY

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. EXECUTIVE SUMMARY

The Policy relating to External Bodies Performing a Municipal Function, as approved by Council, in terms of which allocations may be made to bodies performing a Municipal function, refers. In terms of Section 6(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies performing a municipal function.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the local newspapers on:

- Eikestadnuus 30 March 2021

The advert was also advertised on the Stellenbosch Municipal Website.

The notice invited applications, in accordance with the Policy, for funding in the areas of:

- Facilities for the accommodation and burial of animals

The closing date for applications was 29 April 2021 and each organization/ body which had responded to the notice in the media thus had a fair opportunity to provide the required information to be considered.

The following bodies submitted applications by the closing date for funding to perform the accommodation and burial of animals function for Council for the 2021 / 2022 financial year and this is compared with the funding granted for the 2020 / 2021 financial year:

COMMUNITY AND PROTECTION SERVICES:

Applicant	2021 / 2022 Funding requested in Rand Value	2020 /2021 Funding Received in Rand Value
Animal Welfare Society Stellenbosch	R2 948 232.88	R1 012 516.00
SPCA Franschhoek	R750 000.00	R187 484.00

Currently, Council has budgeted the following amount for 2021/2022:

Community and Protection Services:

SPCA: R1 236 000.00

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.5.1**RESOLVED** (nem con)

- (a) that the amount of R1 042 891.48 be allocated to the Animal Welfare Society of Stellenbosch for the 2021 / 2022 financial year; and
- (b) that the amount of R193 108.52 be allocated to the SPCA Franschhoek for the 2021/2022 financial year, subject to the submission of audit financial statements to the Municipality.

FOR FURTHER DETAILS CONTACT:

NAME	Neville Langenhoven
POSITION	CHIEF LAW ENFORCEMENT
DIRECTORATE	COMMUNITY AND PROTECTION SERVICES
CONTACT NUMBERS	021 808 8497
E-MAIL ADDRESS	Neville.langenhoven@stellenbosch.gov.za
REPORT DATE	26 May 2021

8.5.2	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (LOCAL TOURISM) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022
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Collaborator No: 708311
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 15 June 2021

1. **SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (LOCAL TOURISM) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022**

2. **PURPOSE**

To discuss and consider the funding applications for the 2021 / 2022 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. **DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. **EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notices of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus and the Paarl Post dated 06 May 2021, respectively and the Die Burger dated 07 May 2021, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday on 21 May 2021.

The following bodies submitted applications by the closing date for funding to perform the local tourism function for Council for the 2021 / 2022 financial year and this is compared with the funding granted for the 2020 / 2021 financial year:

Applicant	2020 / 2021 Funding received in Rand Value	2021 / 2022 Funding Requested in Rand Value
Visit Stellenbosch	3 090 000.00	4 790 000.00
Dwarsrivier Tourism	430 000.00	<i>Including funding for Dwarsrivier Tourism Region</i>
Franschhoek Wine Valley Tourist Association	1 475 000.00	1 918 000.00
Total Funding Requested	4 995 000.00	6 708 000.00

Currently, Council has budgeted for R5 561 393.00 for the 2021 / 2022 financial year. This includes funding for the Updating of the Stellenbosch Municipality Heritage Inventory. The requested amount by all the bodies is thus R6 708 000.00 (Local Tourism Organisations) and R492 904.00 (Stellenbosch Heritage Foundation), which is a total requested funding of R7 200 904.00. The requested funding is thus exceeding the budgeted amount by R1 639 511.00.

The Directorate: Planning & Economic Development has prepared a draft Stellenbosch Economic Development Strategy, which identify that the Strategic Plan for Tourism must be developed in consultation with the tourism partners of the municipality, the linkage to such tourism partners is identified as the Local Tourism Organisations within the Stellenbosch Municipal Area. Therefore, the strategies which is prepared and submitted as part of the funding request is supported as the Tourism Strategic Plan for the 2021 / 2022 financial year.

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.5.2

RESOLVED (nem con)

- (a) that the amount of R1 616 489.00 (of which R60 000 will be allocated to the Franschhoek literacy festival) be allocated to Franschhoek Wine Valley Tourism Association;
- (b) that the amount of R3 452 000.00 be allocated to Visit Stellenbosch;
- (c) that Council supports the Franschhoek Wine Valley Tourism Performance Indicators 2021 – 2022, attached **APPENDIX 2**, as the Tourism Strategic Plan for the 2021 / 2022 financial year for the area covered by the Franschhoek Wine Valley Tourism Association; and
- (d) that Council supports the Stellenbosch “A Dynamic Marketing Approach for Stellenbosch” and specifically the “Visit Stellenbosch: Marketing & Communications Strategy, 2021”, the Dwarsrivier Tourism, attached as **APPENDIX 3**, as the Tourism Strategic Plan for the 2021 / 2022 financial year for the Visit Stellenbosch Area.

8.5.3	CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (MANAGING AND UPDATING THE STELLENBOSCH MUNICIPALITY HERITAGE INVENTORY) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022
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Collaborator No: 708315
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 15 June 2021

1. **SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION (MANAGING AND UPDATING THE STELLENBOSCH MUNICIPALITY HERITAGE INVENTORY) AS PROVIDED FOR BY THE POLICY: FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2021 / 2022**

2. **PURPOSE**

To discuss and consider the funding applications for the 2021 / 2022 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. **DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. **EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus and the Paarl Post-dated 06 May 2021, respectively and the Die Burger dated 07 May 2021, attached as **APPENDIX 1** of which the closing date to submit such applications was at 12:00 midday, 21 May 2021.

The following body submitted applications by the closing date for funding to perform the Updating and Management of the Stellenbosch Municipality Heritage Inventory function for Council for the 2021 / 2022 financial year.

Applicant	2021 / 2022 Funding Requested in Rand Value
Stellenbosch Heritage Foundation	312 904.00 <i>Total for all projects (with the exclusion of Project 7) in the submission document attached as Appendix 2.</i>
Stellenbosch Heritage Foundation	492 904.00 Total for all projects including project 7 in the submission document, attached as Appendix 2.
Total Funding Requested	492 904.00

Currently, Council has budgeted for R5 561 393.00 for the 2021 / 2022 financial year. This includes funding for the Updating of the Stellenbosch Municipality Heritage Inventory. The requested amount by all the bodies is thus R6 708 000.00 (Local Tourism Organisations) and R492 904.00 (Stellenbosch Heritage Foundation), which is a total requested funding of R7 200 904.00. The requested funding is thus exceeding the budgeted amount by R1 639 511.00.

The Department has commissioned the Stellenbosch Heritage Inventory, which is only one of three complete heritage inventories within the Republic of South Africa. The inventory, which was approved by Heritage Western Cape, was updating on an ad hoc basis by the Stellenbosch Heritage Foundation through an "undocumented" agreement between the previous Director: Planning & Economic Development & the Stellenbosch Heritage Foundation. It must however be noted that due to the importance and value that Stellenbosch has with its heritage resource, it is of utmost importance that the heritage inventory remain updated.

In the light of the above and the reasons submitted in this report, the following is recommended to the Grants Committee for endorsement to Council for decision:

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 8.5.3

RESOLVED (nem con)

that the amount of R492 904.00 be allocated to the Stellenbosch Heritage Foundation to undertake the function of Updating the Stellenbosch Municipality's Heritage Inventory for the 2021 / 2022 financial year.

FOR FURTHER DETAILS, CONTACT:

NAME	Craig Alexander
POSITION	Senior Manager: Development Planning
DIRECTORATE	PLANNING AND ECONOMIC DEVELOPMENT
CONTACT NUMBERS	021 808 8196
E-MAIL ADDRESS	Craig.Alexander@stellenbosch.gov.za
REPORT DATE	07 June 2021

9.	URGENT MATTERS
9.1	B/SM 91-18 THE AMENDMENT TO THE TENDER AWARDED TO SYNTELL (PTY) LTD FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

23 June 2021

1. **SUBJECT: B/SM 91-18 THE AMENDMENT TO THE TENDER AWARDED TO SYNTELL (PTY) LTD FOR THE SUPPLY, INSTALLATION AND MANAGEMENT OF STS COMPLIANT PREPAYMENT ELECTRICITY VENDING**
2. **PURPOSE**

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. **DELEGATED AUTHORITY**

Council.

4. **EXECUTIVE SUMMARY**

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd for the supply, installation and management of STS compliant prepayment electricity vending for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The supply, installation and management of STS compliant prepayment electricity vending is currently performed by Syntell (Pty) Ltd.

Integrated Revenue Management System is required to administratively manage and control the Electricity Metering Revenue system within the Stellenbosch Municipal areas of supply.

The main three focus areas of the system are:

- Vending System
- Vendor Management System
- Revenue Protection

This extension is also to ensure continued service delivery in the Stellenbosch Municipal areas of supply. This is achieved through this tender by Supply, Installation and Management of STS compliant Prepayment Electricity Vending.

5. **RECOMMENDATIONS**

- (a) that Council note in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council note the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and
- (c) that the extension of tender BSM 91/18 in favour of Syntell (Pty) Ltd be approved.

6. DISCUSSION / CONTENTS

6.1 Background

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd for the supply, installation and management of STS compliant prepayment electricity vending for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The supply, installation and management of STS compliant prepayment electricity vending is currently performed by Syntell (Pty) Ltd.

This is done to ensure that sales of electricity and associated services is rendered. This is performed under three sections of the tender, namely: Vending system, Vendor Management as well as Revenue Protection.

6.2 Discussion

Tender number B/SM 91/18 was awarded to Syntell (Pty) Ltd for the supply, installation and management of STS compliant prepayment electricity vending for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

In order to ensure the effective sales of electricity and management of its associated services, an experienced and Specialised Service Provider is required for Vending System, Vending Management as well as Revenue Protection.

The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 55/2021 in the local newspaper, Die Burger on 28 May 2021 with closing date on 11 June 2021 (**ANNEXURE B**).

No comments were received from the public (**ANNEXURE C**).

6.3 Financial Implications

The original approved rates as per BSM 91/18 will be applicable for the duration of the extension. Funding is available on the approved 2021/22 budget.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable.

6.7 Risk Implications

In order for the Municipality to ensure sales of electricity and by doing so generate revenue, through sale of electricity purchased from the Utilities it purchases electricity from, it is necessary to have an operational and managed vending system.

The non-extension of B/SM 91/18 will result to the Supply, Installation and Management of STS Compliant Prepayment Electricity Vending Services not being performed. This would result in loss of revenue as customers would not be able to purchase electricity.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Author of this report

6.8.2 Chief Financial Officer

6.8.3 Municipal Manager

ANNEXURES

Annexure A: Approval of BAC BSM 91-18
 Annexure B: Advertisement for S116(3) as advertised
 Annexure C: Proof - No Objections received
 Annexure D: Confirmation of Syntell (Pty) Ltd of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.1

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and
- (c) that the extension of tender BSM 91/18 in favour of Syntell (Pty) Ltd be approved until the new tender is in place or 31 December 2021, whichever occurs first.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i><u>Deon.louw@stellenbosch.gov.za</u></i>
REPORT DATE	<i>02 June 2021</i>

9.2	SECTION 116(3); B/SM 11/19 THE AMENDMENT TO THE TENDER AWARDED TO CBI ELECTRIC- AFRICAN CABLES FOR THE TESTING AND REPAIRS OF HIGH AND MEDIUM VOLTAGE CABLES IN THE STELLENBOSCH WC024 AREA
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

23 June 2021

1. SUBJECT: SECTION 116(3); B/SM 11/19 THE AMENDMENT TO THE TENDER AWARDED TO CBI ELECTRIC- AFRICAN CABLES FOR THE TESTING AND REPAIRS OF HIGH AND MEDIUM VOLTAGE CABLES IN THE STELLENBOSCH WC024 AREA

2. PURPOSE

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Tender number B/SM 11/19 was awarded to CBI Electric- African Cables for the testing and repairs of high and medium voltage cables in the Stellenbosch WC024 area for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The testing, maintenance and repairs of 66kV and 11kV cables in the Stellenbosch WC024 is currently performed by CBI Electric- African Cables.

The aged oil filled cable (approximately 47 years old) which are also further subjected to increased loading are making up feeder cables between main substations. These cables require more maintenance and testing due to risk of increasing oil leaks and increasing demand of electricity in Stellenbosch area.

This extension is also to ensure continued service delivery in the Stellenbosch WC024. This is achieved through this tender by carrying out testing, maintenance and repairs of 66kV and 11kV cables in order to ensure that the municipality is operating the electrical high and medium voltage network effectively and to improve the overall safety of the network.

5. RECOMMENDATIONS

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council notes the public participation process that was followed and that no comments were received (Annexure B & C); and
- (c) that the extension of tender BSM 11/19 in favour of CBI Electric- African Cables be approved.

6. DISCUSSION / CONTENTS

6.1 Background

Tender number B/SM 11/19 was awarded CBI Electric- African Cables for the testing, repairs and maintenance of 66kV and 11kV cables is currently being carried out by CBI Electric- African Cables in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The testing, repairs and maintenance of 66kV and 11kV cables is currently being carried out by CBI Electric- African Cables.

This is done to ensure that the primary internal high voltage and medium cable network are kept in a healthy state to ensure the provision of its intended use. These are specialised high voltage cables requiring dedicated specialised repair equipment and accredited and experienced personnel. It is therefore necessary to regularly test these cables in order to try and prevent unnecessary power interruptions. In an event of damages, repairs are to be conducted by specialised personnel.

6.2 Discussion

Tender number B/SM 11/19 was awarded to CBI Electric- African Cables for the testing and repairs of high and medium voltage cables in the Stellenbosch WC024 area for a period of three (3) years, ending June 2021.

The primary high voltage network for Stellenbosch and its surrounding areas consists of 66kV oil filled underground cables as well as recently installed XLPE cables. These cables make up feeders from Main Substation and feeds Markotter, University, Jan Marais and Golf Substations. Some of the cables are operated since 1974. The oil filled cables are approximately 47 years old and are subjected to ever increasing loading. Under these conditions the network requires more maintenance and testing due to the risk of increasing oil leaks and increasing demand in the Stellenbosch areas. These are specialised high voltage cable requiring dedicated specialised repair equipment and accredited experienced personnel. The medium voltage cables are also subjected to the above and it is necessary to regularly test these in order to try and prevent unnecessary power interruptions. In an event of damages, repairs are required to be carried out by specialised personnel.

The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 58/2021 in the local newspaper, Die Burger on 05 June 2021 with closing date on 18 June 2021 (Annexure B). No comments were received from the public (**ANNEXURE C**).

6.3 Financial Implications

The original approved rates as per BSM 11/19 will be applicable for the duration of the extension. Funding is available on the approved 2021/22 budget.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable.

6.7 Risk Implications

In order for the Municipality to operate the electrical high and medium voltage network effectively and to ensure the overall safety of the network, it is necessary to carry out protection testing, repairs and maintenance.

The non-extension of B/SM 11/19 will result in the testing, repairs and maintenance of high voltage and medium voltage cables not being performed, as such may result in the municipality operating ineffectively and unsafe network. This may result to unnecessary power outages and repairs when cables are damaged, not being carried out.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Author of this report

6.8.2 Chief Financial Officer

6.8.3 Municipal Manager

ANNEXURES

Annexure A: Approval of BAC

Annexure B: Advertisement for S116 as advertised

Annexure C: Proof - No Objections received

Annexure D: Confirmation of CBI Electric- African Cables of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.2

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and
- (c) that the extension of tender BSM 11/19 in favour of CBI Electric- African Cables be approved until the new tender is in place or 31 December 2021, whichever occurs first.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	<i>Director</i>
DIRECTORATE	<i>Infrastructure Services</i>
CONTACT NUMBERS	<i>021 808 8213</i>
E-MAIL ADDRESS	<i>Deon.louw@stellenbosch.gov.za</i>
REPORT DATE	<i>14 June 2021</i>

9.3	B/SM 110/18 THE AMENDMENT TO THE TENDER AWARDED TO EYA BANTU PROFESSIONAL SERVICES (PTY) LTD FOR SUBSTATION PROTECTION SYSTEM TESTING, REPAIRS AND MAINTENANCE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

23 June 2021

1. **SUBJECT: B/SM 110/18 THE AMENDMENT TO THE TENDER AWARDED TO EYA BANTU PROFESSIONAL SERVICES (PTY) LTD FOR SUBSTATION PROTECTION SYSTEM TESTING, REPAIRS AND MAINTENANCE**

2. **PURPOSE**

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. **DELEGATED AUTHORITY**

Council.

4. **EXECUTIVE SUMMARY**

Tender number B/SM 110/18 was awarded to Eya Bantu Professional Services (Pty) Ltd for substation protection system testing, repairs and maintenance in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The Testing, Repairs and Maintenance of substation protection is currently performed by Eyabantu Professional Services (Pty) Ltd.

This extension is also to ensure continued service delivery in the Stellenbosch WC024. A new tender process (BSM 109/21) has been initiated to source a new service provider. This is achieved through this tender by carrying out protection testing and maintenance in order to ensure that the municipality is operating the electrical high and medium voltage network effectively and to improve the overall safety of the network.

5. **RECOMMENDATIONS**

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and
- (c) that the extension of tender BSM 110/18 in favour of Eyabantu Professional Services (Pty) Ltd be approved.

6.1 **DISCUSSION / CONTENTS**

6.2 **Background**

Tender number B/SM 110/18 was awarded to Eya Bantu Professional Services (Pty) Ltd for the testing repairs and installation of substation protection equipment in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The provision of Substation protection system Testing, Repairs and Maintenance is currently performed by Eya Bantu Professional Services (Pty) Ltd.

In order for the municipality to operate the electrical high and medium voltage network effectively and ensure the overall safety of the network, it is necessary to carry out protection and maintenance.

6.2 Discussion

Tender number B/SM 110/18 was awarded to Eya Bantu Professional Services (Pty) Ltd for the testing repairs and installation of substation protection equipment in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The provision of substation protection system Testing, Repairs and Maintenance is currently performed by Eya Bantu Professional Services (Pty) Ltd.

As part of this operation any new substations need to be integrated with the network protection scheme, whilst existing substation's protection is maintained. This is necessary to be able to isolate any prospective faults which may occur, as fast as possible and with the least effect on the network and customers as possible.

As part of the annual refurbishment and replacement program, old medium voltage switchgear are replaced with new equipment. It then becomes necessary that the new equipment be tested and configured to be part of the greater protection scheme of the network. It is important that this integration and maintenance be performed by specialized service providers. The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 57/2021 in the local newspaper, Die Burger on 05 June 2021 with closing date on 18 June 2021 (Annexure B). No comments were received from the public (**ANNEXURE C**).

6.3. Financial Implications

The original approved rates as per BSM 110/18 will be applicable for the duration of the extension. Funding is available on the approved 2021/22 budget. **ANNEXURE D**.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable

6.7 Risk Implications

In order for the Municipality to operate the electrical high and medium voltage network effectively and to ensure the overall safety of the network, it is necessary to carry out protection testing, repairs and maintenance.

The non-extension of B/SM 110/18 will result in the testing, repairs and maintenance of substation not being performed, as such may result in the municipality operating ineffectively unsafe network. This may result to prospective faults that may occur not being isolated as fast as they should be, resulting to huge effect on the network and customers.

6.8 Comments from Senior Management

6.8.1 Director: Infrastructure Services

Author of this report

6.8.5 Chief Financial Officer

6.8.6 Municipal Manager

ANNEXURES

Annexure A: Approval of BAC

Annexure B: Advertisement for S116 as advertised

Annexure C: Proof - No Objections received

Annexure D: Confirmation of Eya Bantu Professional Services (Pty) Ltd of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.3

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURES B & C**); and
- (c) that the extension of tender BSM 110/18 in favour of Eyabantu Professional Services (Pty) Ltd be approved until the new tender is in place or 31 December 2021, whichever occurs first.

9.4	B/SM 32-18 THE AMENDMENT TO THE TENDER AWARDED TO IKAPA RETICULATION FOR THE DOMESTIC LEAK REPAIRS, WATER METER REPLACEMENT AND PRESSURE MANAGEMENT IN THE WC024
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance & Compliance

23 June 2021

1. **SUBJECT: B/SM 32-18 - THE AMENDMENT TO THE TENDER AWARDED TO IKAPA RETICULATION FOR THE DOMESTIC LEAK REPAIRS, WATER METER REPLACEMENT AND PRESSURE MANAGEMENT IN THE WC024**

2. **PURPOSE**

To extend the current contract period to beyond 30 June 2021, until the new tender is approved / 31 December 2021, whichever occurs first, to allow the Municipality to conclude the procurement process for a new service provider.

3. **DELEGATED AUTHORITY**

Council.

4. **EXECUTIVE SUMMARY**

Tender number B/SM 32/18 was awarded to Ikapa Reticulation for the domestic leak repairs, water meter replacement and pressure management in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The programming, monitoring and repair of water demand management devices are currently performed by Ikapa Reticulation. The provision of free basic water to indigent households are dependent on the ongoing service currently being rendered by Ikapa Reticulation.

This extension is also to ensure continued service delivery in the Stellenbosch WC024. A new tender process (BSM 103/21) has been initiated to source a new service provider for this purpose.

5. **RECOMMENDATIONS**

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council note the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and
- (c) that the extension of tender BSM 32/18 in favour of Ikapa Reticulation be approved.

6. **DISCUSSION / CONTENTS**

6.1 **Background**

Tender number B/SM 32/18 was awarded to Ikapa Reticulation for the domestic leak repairs, water meter replacement and pressure management in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The programming, monitoring and repair of water demand management devices are currently performed by Ikapa Reticulation. The provision of free basic water to indigent households are dependent on the ongoing service currently being rendered by Ikapa Reticulation.

6.2 Discussion

Tender number B/SM 32/18 was awarded to Ikapa Reticulation for the domestic leak repairs, water meter replacement and pressure management in the WC024 for a period of three (3) years, ending June 2021 (**ANNEXURE A**).

The programming, monitoring and repair of water demand management devices are currently performed by Ikapa Reticulation. The provision of free basic water to indigent households are dependent on the ongoing service currently being rendered by Ikapa Reticulation.

Ikapa Reticulation is managing in excess of 1500 water demand management devices on behalf of Stellenbosch Municipality. This includes the installation of new devices, replacement of existing devices re-programming of existing devices and all related device call outs including after-hours call-outs.

The installation of water demand management devices during this period has resulted in an annual saving of approximately 164 Megalitres of water which equates to approximately R2.36 million per annum.

The purpose of this request is to obtain approval to extend the contract until the new tender is in place or until 31 December 2021 whichever occurs first.

The intention to follow a Section 116(3) process which was advertised under Notice 49/2021 in the local newspaper, Die Burger on 19 May 2021 with closing date on 02 June 2021 (**ANNEXURE B**). No comments were received from the public (**ANNEXURE C**).

6.4. Financial Implications

The original approved rates as per BSM 32/18 will be applicable for the duration of the extension. Funding is available on the approved 2021/22 budget.

6.4 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.5 Staff Implications

This report has no staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Not applicable.

6.7 Risk Implications

Due to the technical nature of the water demand management devices, faulty devices result in the community being without a water supply. The non-extension of BSM32/18 will result in the non-compliance in provision of free basic water to the indigents of the WC024. Non responsiveness to complaints regarding the water demand management devices, can also result in vandalism or removal of these devices at huge cost implication to the municipality.

6.8 Comments from Senior Management**6.8.1 Director: Infrastructure Services**

Author of this report

6.8.5 Chief Financial Officer**6.8.6 Municipal Manager****ANNEXURES**

Annexure A: Approval of BAC
 Annexure B: Advertisement for S116 as advertised
 Annexure C: Proof - No Objections received
 Annexure D: Confirmation of Ikapa Reticulation of rates

SPECIAL COUNCIL MEETING: 2021-06-23: ITEM 9.2

Cllr G Cele (Ms) expressed her concern for the late submission and distribution of this item and is of the view that this is unfair practice and does not give Councillors adequate time to prepare and it limits and stifles the role of Councillors, especially the opposition. In the view of service delivery, she will support the item.

RESOLVED (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the extension of the tender;
- (b) that Council notes the public participation process that was followed and that no comments were received (**ANNEXURE B & C**); and
- (c) that the extension of tender BSM 32/18 in favour of Ikapa Reticulation be approved until the new tender is in place or 31 December 2021, whichever occurs first.

FOR FURTHER DETAILS CONTACT:

NAME	Deon Louw
POSITION	Director
DIRECTORATE	Infrastructure Services
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REPORT DATE	02 June 2021

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(See pink documentation)

The meeting adjourned at 12:30.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments**