PROCLAMATION NOTICE 350 OF 2026

by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: THE BUFFALO CITY METROPOLITAN MUNICIPALITY – EASTERN CAPE PROVINCE AND THE BUFFALO CITY METROPOLITAN DEVELOPMENT AGENCY

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Buffalo City Metropolitan Municipality (hereinafter referred to as "the Municipality") and the Buffalo City Metropolitan Development Agency (hereinafter referred to as "the BCMDA");

AND WHEREAS the Municipality and the BCMDA may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality and the BCMDA, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

(a) serious maladministration in connection with the affairs of the Municipality and the BCMDA;
(b) improper or unlawful conduct by employees of the Municipality and the BCMDA;
(c) unlawful appropriation or expenditure of public money or property;
(d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
(e) intentional or negligent loss of public money or damage to public property;
(f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality and the BCMDA; or
(g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2016 and the date of publication of this Proclamation or which took place prior to 1 January 2016 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality and the BCMDA or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 1st day of September Two thousand and twenty-six.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

MT Kubayi
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for goods, works or services in respect of:
   1.1 Tender Number "BCMM/DCOMMS/AM/10/2016/17" (Mdantsane NU2 Swimming Pool Project);
   1.2 Tender Number "BCMM/DCOMMS/RECP/16/2019/20" (Mdantsane NU2 Swimming Pool Project);
   1.3 Tender Number/ RFQ No. "DCOMMS/2018-19/119" (appointment of First New Generation Trading (Pty) Limited for demolition of existing walls);
   1.4 Tender Number/ RFQ No. "RFQ/DCOMS/2018-19/164" (appointment of Lefito Trading trading as Kuyasa Electrical Contractors for removal of Donkin wall & palisade installation);
   1.5 Tender/Bid Number No. 9 of 2018 (Consulting Engineer services- Water World Project); and
   1.6 Tender/Bid No. 4 of 2019 (Main contractor – Waterworld);

   by or on behalf of the Municipality and the BCMDA and payments made in respect thereof in a manner that was—
   (a) not fair, competitive, transparent, equitable or cost-effective; or
   (b) contrary to applicable—
      (i) legislation;
      (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury;
      (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Municipality and the BCMDA,

   and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality and the BCMDA.

2. Any irregular, unlawful or improper conduct, including serious maladministration and the causes thereof, by officials or employees of the Municipality and the BCMDA, the applicable suppliers or service providers, or any other person or entity, in relation to the allegations as set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 350 VAN 2026

deur die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 van 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE

SPESIALE ONDERSOEKEENHEID: DIE BUFFALO CITY METROPOLITAANSE MUNISIPALITEIT – OOS-KAAP PROVINSIE EN DIE BUFFALO CITY METROPOLITAANSE ONTWIKKELINGSAGENTSKAP

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna "die Wet" genoem), gemaak is ten opsigte van die sake van die Buffalo City Metropolitaanse Munisipaliteit (hierna "die Munisipaliteit" genoem) en die Buffalo City Metropolitaanse Ontwikkelingsagentskap (hierna "die BCMOA" genoem);

EN AANGESIEN die Munisipaliteit en die BCMOA moontlik verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermelde bewerings ondersoek moet word en siviele verrigtinge wat uit sodanige ondersoek voortspruit, bereg moet word;

DERHALWE verwys ek nou, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Munisipaliteit en die BCMOA, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om ondersoek in te stel, soos in die Wet beoog, na enige beweerde—

(a) ernstige wanadministrasie in verband met die sake van die Munisipaliteit en die BCMOA;
(b) onbehoorlike of onregmatige optrede deur werknemers van die Munisipaliteit en die BCMOA;
(c) onregmatige bewilliging of besteding van publieke geld of eiendom;
(d) onwettige, onreëlmatige of niegoedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
(e) opsetlike of nalatige verlies van of skade aan publieke eiendom;
(f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe in verband met die sake van die Munisipaliteit en die BCMOA gepleeg is; of
(g) onregmatige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2016 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2016 of na die datum van publikasie van hierdie Proklamasie, maar betrekking het op, verband hou met, insidenteel of aanvullend tot die aangeleenthede in die Bylae is of dieselfe persone, entiteite of kontrakte betrek wat onder die gesag van hierdie Proklamasie ondersoek word, en om al die werksaamhede en bevoegdhede deur die Wet aan die vermelde Spesiale Ondersoekeenheid verleen word, uit te voer of te verrig, met inbegrip van om enige verliese wat die Munisipaliteit of die BCMOA met betrekking tot die in die Bylae vermelde sake, gely het, te verhaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 1ste dag van September Tweeduisend-ses-en-twintig.

CM Ramaphosa
President

Op las van die President- in- Kabinet:

MT Kubayi
Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir goedere, werke of dienste te aansien van:
   1.1 Tender Nommer "BCMM/DCOMMS/AM/10/2016/17" (Mdantsane NU2 Swembad Projek);
   1.2 Tender Nommer "BCMM/DCOMMS/RECP/16/2019/20" (Mdantsane NU2 Swembad Projek);
   1.3 Tender Nommer/ RFQ No. "DCOMMS/2018-19/119" (aanstelling van *First New Generation Trading (Pty) Limited* vir die afbreek van bestaande mure);
   1.4 Tender Nommer/ RFQ No. "RFQ/DCOMS/2018-19/164" (aanstelling van *Lefito Trading* wat as *Kuyasa Electrical Contractors* handel vir die verwydering van Donkin-muur & palissade installasie);
   1.5 Tender/Bodnommer No. 9 van 2018 (Konsultasie Ingenieur dienste- Water World Projek); en
   1.6 Tender/Bod No. 4 van 2019 (Hoof kontrakteur- "Waterworld");
   deur of namens die Munisipaliteit en die BCMOA en betalings wat ten opsigte daarvan gemaak is op 'n wyse wat—
   (a) nie billik, mededingend, deursigtig, gelyk of koste-doeltreffend was nie; of
   (b) strydig was met toepaslike—
   (i) wetgewing;
   (ii) handleidings, riglyne, praktyknotas, omsendbriewe, of opdragte deur die Nasionale Tesourie of Tersaaklike Provinsiale Tesourie uitgereik,
   (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of van toepassing op die Munisipaliteit en die BCMOA,
   en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die Munisipaliteit en die BCMOA aangegaan.

2. Enige onreëlmatige, onregmatige of onbehoorlike gedrag, met inbegrip van ernstige wanadministrasie en die oorsake daarvan, deur amptenare of werknemers van die Munisipaliteit en die BCMOA, die toepaslike verskaffers of diensverskaffers, of enige ander persoon of entiteit, met betrekking tot die bewerings in paragraaf 1 van hierdie Bylae.