

SPECIAL ENGINEERING SERVICES AGREEMENTS

Item A-CORP (39-2010)
CM 27/05/2010

REPORT FOR APPROVAL OF THE WAY FORWARD TO DEAL
WITH SPECIAL ENGINEERING SERVICES AGREEMENTS

An amended report was tabled at the meeting.

RESOLVED:

1. **That** the contents of the report regarding the way forward to address the issue of services agreements and compliance with applicable legislation, **BE NOTED**.
2. **That** in cases where Developers have already installed external engineering services at their own costs and agree to waive any claim against the Council, that the Council **ACCEPTS** the services, subject to Council's Policy and Regulations.
3. **That** in cases where the Council has not budgeted for the installation of external services and the Developer is willing to install the external services at its own cost, that the Council **APPOINTS** the Developer to render the service and the issue of contributions **BE ADDRESSED** as follows:
 - (a) If the contribution is more than the actual construction costs, the Developer shall pay for the construction and the shortfall, or
 - (b) in the case where the contribution is less than the actual costs of construction, then the contribution be waived by the Council.
4. **That** where the external services have been installed by the Developer at no cost to the Council and no contributions are payable by either party, the Council **ACCEPTS** the installation as a donation.
5. **That** the Supply Chain Management Policy and Regulations **BE COMPLIED WITH** by either following the bid process or a deviation from such process.
6. **That** the City Manager **REQUEST** the Premier of Gauteng to consider an amendment to the Town-planning and Townships Ordinance 15 of 1986 in respect of sections 118, 120 & 121 of the said Ordinance to allow parties to determine the obligation to install essential engineering services by agreement and to provide for the payment of contributions to the cost of such services by agreement.
7. **That** the proposal also **BE SUBMITTED** to National Treasury, SALGA and the Office of the Auditor-General for their comments.