

UXWEBHU LWENYANISO LOHLAHLLO LWABIWO-MALI LWESI-3

OoMasipala nokuthengiswa kweenkonzo

Ngenxa yokuba izixa-mali ezinkulu kwimali karhulumente zichithwa ekuthengisweni kwezi nkonzo zesiseko zibalulekileyo, ibalulekile into yokuba siqwalasele isizathu sokokuba kutheni urhulumente esebenzisa inkampani zangaphandle nje ukunikezele ezi nkonzo, yaye nendlela ezithi ziqeshwe ngayo ezi nkampani ze zibekwe iliso.

Injongo yolu xwebhu lwenyani kukunceda amalungu oluntu ukuba akuqonde ukuthengiswa kwenkonzo, yaye inkqubo nemithetho yeSixeko kufuneka ilandelwe ekugqeshweni kweenkampani ukulungiselela ukunikezelwa kweenkonzo egameni laso. Le ngcaciso iya kuxhobisa uluntu ukulungiselela ukulunceda ukubeka iliso kwinto yokuba ingaba ezi nkonzo zinikezelwa ngokufanelekileyo na.



3 KUTHENI URHULUMENTE ETHENGISA IINKONZO NJE?

Zinintsi izizathu apho urhulumente anakho ukukhetha ukuthengisa inkonzo ngaphezu kokuyinikezela ngokwakhe (okanye yenziwe ngaphakathi). Ngamanye amaxesha inkampani iba namakhono obuchule awoawna namava athile yaye ngoko inakho ukunikezela ngenkonzo ngokufanelekileyo nangokukhawuleza, okanye inokuba nakho ukunikezela ngenkonzo engcono, ngaphezulu kokuba urhulumente anakho ukuyenza ngokwakhe. Urhulumente akasoloko enakho ukuba yincutshe ekunikezeleni ngazo zonke iintlobo zeenkono, ngoko uxhomekeke kwicandelo labucala. Kwezinye imeko, urhulumente uthi azinikezale ezi nkonzo ngokwakhe, kodwa uyasilela kwikhono ngokwakaloku nje. Kwezi meko, kunokuba lula yaye kukhawuleze ukusetyenziswa kwenkampani yangaphandle. Kwezinye imeko, urhulumente ugqibisa kwinto yokuba asikulo ukulolonga imali ukwakha ikhono apha ngaphakathi ukulungiselela ukunikezela ngenkonzo ze ngqibo, enze isigqibo sokokuba kufaneleke ngcono ukusetyenziswa kwenkampani yangaphandle kwixa elizayo.

Kukho ngokunjalo izithintelo ezithile kuthengiso lwenkonzo. Ngokwangezelela ulungiselelo olungaphezulu kwinkqubo yokunikezela wenkonzo, ukuthengiswa kweenkonzo kwenza umsantsa omkhulu phakathi komasipala nabahlali abafumana inkonzo yaye ngoko kunokunciphisa uxanduva lukarhulumente. Umikezelo lwenkonzo lusenkokuba nzima ukuba lubekwe iliso xa kuthe kwunikezelwa ngenkonzo yinkampani yangasese. Ngezinye iindlela umntu unakho umntu angaxoxa athi ukuthengiswa kweenkonzo yindlela angazikhwebula ngayo urhulumente kuxanduva lokunikezela ngenkonzo ethile ngokwakhe.

UMTHETHO WEENKQUBO ZIKAMASIPALA (ICANDELO LOKU-1) UCHAZA INKONZO YESISEKO KAMASIPALA:

“ NJENGENKONZO ETHI IBE YIMFUNKO UKULUNGISELELA UKUQINISEKISA NGOBOMI OBULUNGILEYO OBAMKELEKILEYO NOBUFANELEKILEYO YAYE, UKUBA NGABA AZINIKEZELWANGA, ZIYA KUBEKA EMNGCIPHEKWE NI IMPILO YOLUNTU OKANYE UKHUSELEKO OKANYE INDALO”.

UNCEDO

- amakhono obuchule
- amava angaphezulu
- ngokukhawuleza nangokufanelekileyo
- inkonzo elungileyo engcono

IZITHINTELO

- Umsantsa phakathi komasipala nabahlali
- ukuncitshiswa koxanduva lukarhulumente
- kubanzima ukubeka iliso
- ubani unakho ukuxoxa athi urhulumente unakho ukuzikhwebula kuxanduva

4 UTHINI UMTHETHO MALUNGA NEENKONZO ZESISEKO ZIKAMASIPALA?

eMzantsi Afrika, umasipala unoxanduva lokunikezela ngenkonzo zesiseko kuluntu - oku kubandakanya amanzi, ucoceko, ukususwa kwenkunkuma, umbane, kunye neendlela. UMaqaq - siseko wabela umasipala umsebenzi wophuhliso, oko kuthetha okokuba umasipala kufuneka aqhube ucwangciso lwakhe, uqhube lwabiwo - mali nolawulo ngendlela apha enika okubalulekileyo kukuhlangabezana nezidingo zesiseko zoluntu kunye nophuhliso lwawo wentlalo noqaqosho (iCandelo 153).

Ngokomthetho, umasipala kufuneka enze ngokuhambelana noMaqaq-siseko, anike ingqwalasela ephambili kwimifuno zesiseko zoluntu lwegingqi, akhuthaze uphuhliso loluntu lwegingqi, ze azinisekise ngento yokuba onke amalungu oluntu lwegingqi abe nelungelo lokufumana ubuncinane benxaaba leenkono zesiseko zikamasipala. Iinkonzo zikamasipala kufuneka ngokunjalo zibe nobulungisa (zinobulungisa yaye azikhethi) yaye ziyafumaneka, zinikezelwa ngendlela yokokuba ukulunga kwazo kune kuphucuka emva kwexesha, yaye kufuneka zivavanywe rhoqo. (iCandelo 73).



5 YINTONI EKUFUNEKA UMASIPALA EYENZILE XA EQWALASELA UKUCHONGA UMNIKEZELI WEENKONZO WANGAPHANDLE?

Umasipala akanakho ukugqiba ngokusebenzisa inkampani yabucala ukulungiselela ukubonelela ngenkonzo zikamasipala ngaphandle kokuthethana noluntu yaye alandele inkqubo ethile ethiwe thaca emthethweni. Ngokuhambelana nomthetho, xa umasipala egqiba ngento yokuba asebenzise inkampani yabucala ukulungiselela ukunikezela ngenkonzo okanye ngokubonelela ngokwakhe esebenzisa abasebenzi bakhe, umasipala kufuneka kuqala anike isaziso kuluntu lwegingqi sokokuba uzimisele ukuthengisa ngenkonzo (MSA, iCandelo 78).

Umthetho unyanzelisa into yokokuba umasipala kufuneka anike ingqwalasela kwezi ndlela zokukhetha zilandelayo xa ezenza isigqibo sento yokuba asebenzise okanye angasebenzisi umnikeli ngenkonzo wabucala:

- 01 iindleko ezithe ngqo nezingathanga gqo kunye nezibonelelo zazo,
- 02 ikhono nokubakho kwekhono kwixa elizayo likamasipala kunye nabanikezeli ngenkonzo abanokubakho,
- 03 iimbono zoluntu lwegingqi,
- 04 ifuthe elingakho kuphuhliso needlela zengqesho kumasipala, kunye
- 05 neembono zemibutho yabasebenzi.

UKUBA NGABA UMASIPALA AKANALO IKHONO NGAPHAKATHI LOKUNIKEZELA NGENKONZO, OKU AKUSISO ISIZATHU ESANELEYO NGOKWASO SOKUTYUMBA UMNIKEZELI WENKONZO WANGASESE. EZINYE IINGOBO ZOKUKHETHA KUFUNEKA ZITHATHELWE INGAQALELO.

1 KUKUTHINI UKUTHENGISWA KWEENKONZO?



Ukuthengiswa kwenkonzo kuxa urhulumente ekhetha inkampani yangaphandle ukuba inikezele ngenkonzo ezithile egameni lakhe. UMthetho weeNkqubo zikaMasipala (MSA) kunye nohlahlo lwabiwo-mali lweSixeko saseKapa luzibiza ezi nkampani "njengoncedo lwangaphandle". Isivumelwano phakathi korhulumente nenkampani sibizwa ngokuba sisiVumelwano sokunikezelwa kweNkonzo (okanye SDA), yaye sichaza gca oko kufuneka kunikezelwe yinkampani.

IMSA- UMTHETHO WENKQUBO KAMASIPALA: Ngumthetho othi ulawule indlela oomasipala abalawulwa ngayo. **ISDA- ISIVUMELWANO SOKUNIKEZELWA KWENKONZO:** Isivumelwano phakathi korhulumente nenkampani.

UMthetho weeNkqubo zikaMasipala (MSA) (uMthetho wama-32 wama-2000) ngumthetho olawula indlela oomasipala abasebenza ngayo. Phakathi kwezinye izinto, iMSA iqinisekisa ngento yokuba oomasipala bazalisekisa uxanduva lwabo loMaqaq-siseko lokunikezela ngelunge lokufumana iinkonzo ezifikelekelayo eziyimfuneko kuluntu lonke, nokusebenza ekunyanzeliseni uphuhliso lwentlalo noqaqosho lwegingqi zoluntu. Ibonelela ngokunjalo ngesicwangciso-inkqubo ngolawulo lwendlela yokusebenza, nokulungiselela unikezelo lweenkonzo, ngumasipala.

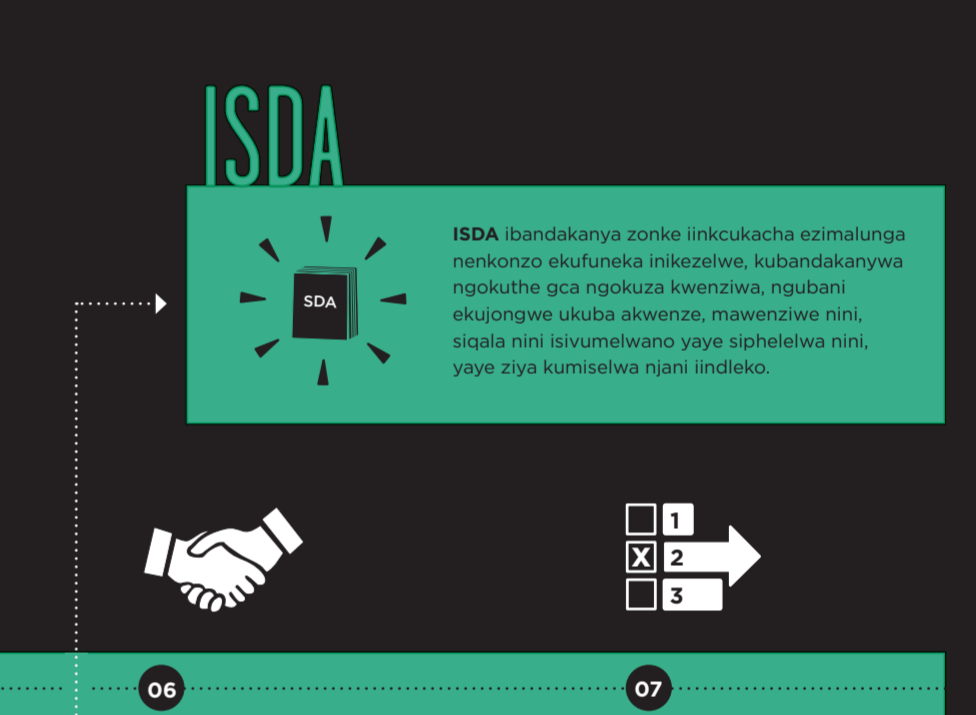
Ukulungiselela uryaka wama-2011/12, iSixeko sase Kapa sabe malunga 10.6% (R2.3 AMAWAKA EZIGIDI)

kuhlahlo lwabiwo-mali lokusebenza ukulungiselela ukuthengiswa kwenkonzo, ekubhekiselelwe kulo kuhlahlo lwabiwo-mali "njengeenkono ezithengwayo".

6 IITHATHU INKQUBO ELANDELWAYO YOKUKHETHA UMNIKEZELI NGENKONZO WABUCALA ?



- Okokuba, umasipala kufuneka apapashe ngokuphandle into yokokuba ukhangelwa inkampani eza kwenzisa umsebenzi, ze imeme iinkampani ezinomdla ukuba zingeniswe izindululo kumasipala ngomhla othile wongeniso. Umasipala uya kupapasha amaxwebhu abiza iinkcukacha zethenda ezithi thaca iinkcukacha ezithe gca zohlobo lomsebenzi afuna wenziwe - ubude bexesha, ukulunga, ubungakanani njalo njalo.
- Kuya kuthi nje ukuba ixesha elibekiweyo lidlule yaye zonke izicelo zingeniswe, umasipala kuya kufuneka ahlolwe ukuba ziselungelweni na izicelo azifumeneyo.
- Ezo zicelo ezithe zaqinisekiswa ukuba zifanelekile ziyavavanywa yiKomiti yoVavanyo yokuNkwa kweKabiso yaye kunikezelwa amancaaku ngokuhambelana nenani lweentlobo zokukhetha ezahlukeneyo, ezinokuthi zibandakanye:
 - *ibabiso eya kuthi inkampani ilibize ukwenza umsebenzi,*
 - *amava abo neziqinisekiso zemfundo,*
 - *indlela yabo endululwayo yokwenza umsebenzi kunye nesicwangciso samsebenzi, kunye*
 - *newonga labo leBBBEE .*
 - *their BBBEE status.*
- Ibe nokuphiswano, ibe yelungileyo, ibe selubala, ibe nobulungisa yaye igcine iindleko ziphantsi;
- yamkele bonke abanikezeli ngenkonzo abalandelweyo ukuze babe nelungelo elilinganayo nangexesha elinye lokufumana ingcaciso efanelekileyo kwinkqubo yokubizwa kwamxabiso;
- incitshiswe ithuba lokubakho kobuqhinga norhwaphillizo;
- imemo umasipala athabathe uxanduva kuluntu lwegingqi malunga nenkqubo ephambili yokukhethwa komnikelizeli ngenkonzo nesizathu saso nasiphi na isigqibo esithatyathwayo; kunye
- nokuthabathela ingqalelo yemfuneko yokukhuthaza ukuxhotyiswa kwamashishini amancinane nasakhalayo.



- Ukuba ngaba uthethwano lube nempumelelo, umasipala kunye nomnikizeli ngenkonzo kufuneka bangene kwISDA.
- Ukuba ngaba uthethwano lube nempumelelo, umasipala kunye nomnikizeli ngenkonzo kufuneka bangene kwISDA.
- Ukuba, abakwazi ukufikelela esigqibeni kwisithuba sexesha elifanelekileyo, umasipala unakho ukuthethana nomnyaka umnikeli ngenkonzo okwincinane ellandelayo ngokuhlalelwa.

2 UKUNIKEZELWA NOKULOLONGWA KWEENKONZO ZOCOCEKO KWIISIXEKO SASEKAPA NGOMYEBE WEMIZEKELO WENKONZO YESISEKO KAMASIPALA ENOKUTHI ITHENGISWE. NGOKWAKATOKU NJE, EZINYE ZEENKONZO EZITHI ZITHENGISWE EKAPA KWIINKAMPA NI ZANGAPHANDLE ZIBANDAKANYA:



UMZEKELO WOKUTHENGISWA KWENKONZO

Umzekelo, iSixeko sichonge inkampani ukuba ilungise izindlu zangasese zekhemikhali ezikwiindawo zamatyotyombe isithuba seminyaka emi-2 neenyanga ezili-10 ngeendleko ezizigidi ezingama-R38.4. Enye inkampani ichongelwe ukubonelela nokulolonga izindlu zangasese zekhemikhali ezingakukhuliseli indle kwiindawo zamatyotyombe "isakwiindawo zokutsintshwa kwezithuthi zikawonke-wonke" kwithenda exabisia izigidi ezili-R164, ngokunjalo isithuba seminyaka emi-2 neenyanga ezili-10.

Ngenxa yokuba izixa-mali ezinkulu zemali karhulumente zichithwa ekuthengisweni kwezi nkonzo zesiseko zibalulekileyo, ibalulekile into yokuba siqwalasele isizathu sokokuba kutheni urhulumente esebenzisa inkampani zangaphandle nje ukunikezele ezi nkonzo yaye nendlela ezithi ziqeshwe ngayo ezi nkampani ze zibekwe iliso.

7 KWENZEKA NTONI EMVA KOKUBA UMNIKELI NGENKONZO WABUCALA ETHE WATYUNJWA?

Nangona inkampani yabucala ityunjiwe ukuba inikezale ngenkonzo kuluntu egameni likamasipala, umasipala usala enoxanduva lokunikekisa ngento yokuba ezo nkonzo zinikezelwa ngokufanelekileyo. Ngokomthetho, xa umasipala engena kwiSDA nomnikizeli wangasese, kufuneka:

1. alawule ukunikezelwa kwenkonzo;
2. abeke iliso ze avavanye into yokuba ingaba umnikeli ngenkonzo usigcinile na isivumelwano, kubandakanya nokulunga kwendlela yokwenziwa kwenkonzo, kunye
3. nokusetyenziswa kwegunya lakhe ukuqinisekisa ngento yokuba iinkonzo zinikezelwa ngaphandle kwesiphazamisio yaye zisemdleni woluntu lwegingqi.

LUNGAZI NJANI ULUNTU LWENGINGQI MALUNGA neeSDA?

Ngokubanzi, umthetho woMzantsi Afrika uqininxisa ngento yokuba oomasipala kufuneka bavumele lonke uluntu lwegingqi ukuba luthabathe inkxhobiso kwimimbo komasipala ze lungenise izibonongo nezikhatalo ekufuneka umasipala ezwalasale ze aphendule kuzo. Oomasipala banyanzelekile ukuba bathethane noluntu ze banike ingxelo malunga nokunikezela kwenkonzo.

Ngokuhambelana nentengiso yenkonzo, umthetho ubhekiselela kwixwebhu olubizwa ngokuba sisiVumelwano sokunikezelwa kweNkonzo (SDA) phakathi kwenkampani nomasipala. Nangona kunjalo ngokwendlela yokusebenza, amaxesha amaninzi oomasipala abaqalisi nokuphuhlisa uxwebhu olunye olubizwa ngokuba yiSDA. Endaweni yoko umasipala usayina isivumelwano kunye nenkampani yangasese aze adhobothela inkxhobiso kufuneka zethenda ezithi thaca iinkcukacha zomsebenzi oya kwenzwa. Isivumelwano nenkcukacha zethenda ngoko zisibenza njengeSDA.



8 NGOKUHAMBELANA neeSDA, umthetho unyanzelisa ukuba umasipala enze oku kulandelayo:

- NGAPHAMBILI**
- EMVA:**
- Phambi kokuba umasipala angene kwisivumelwano nenkampani yabucala, kufuneka iseke indlela nenkqubo elungiselelwe ukuthethana noluntu nokuhambisa ingcaciso enxulumene neSDA. Okuquathwayo kwisivumelwano kufuneka kwaziwe kuluntu lwegingqi ngokubengezwa kumaphepha-ndaba (MSA, iCandelo 80).
- Emva kokuba umasipala engene kwiSDA, kufuneka ikopi zesivumelwano zifumaneke kwiofisi zakhe ukulungiselela ukuhlotha luluntu ngesithuba seeyure zomsebenzi. Kufuneka ngokunjalo enze isaziso kumaphepha-ndaba ngenkcukacha zenkonzo eya kuthi inikezelwe phantsi kwisivumelwano, igama lomnikizeli ngenkonzo otyunjwayo nendawo apho kunye nesithuba esibekelwe ukufumaneka kwezi kopi zesivumelwano ukulungiselela ukuhlotha luluntu (MSA, iCandelo 84). Oku kuthetha into yokokuba njengolungu loluntu unalo ilungelo lokufuna ukubona isivumelwano kunye neenkcukacha zethenda, kuba umthetho uqunyazisa ukuba iSDA kufuneka uyifumane. Umthetho ngokunjalo uqunyazisa oomasipala ukuba bazenze zifumaneke zonke iSDA kwiwebhusayithi! zabo.
- ULUNGISO:**
- Xa umasipala nomnikizeli ngenkonzo befuna ukulungisa iSDA emva kokuba inkqubo yethenda iqulunyelwe, umasipala kufuneka anike uluntu lwegingqi:
- isaziso esifanelekileyo sokokuba ufuna ukuguqula isivumelwano kunye
- nezizathu seenguqu ezo zicetywayo, yaye nethuba elaneleyo lokuba benze umelo kumasipala. Oku ngokunjalo kusebenza xa umasipala efuna ukhulaziya iSDA.

LUNGENZA NTONI ULUNTU LWENGINGQI?

Ukuba ngaba uluntu lwegingqi luyaceka, umasipala kufuneka ahlaziye yaye enze isigqibo ngeendlela ezifanelekileyo zokunikezela ngenkonzo kamasipala (MSA, iCandelo 77). Oku kuthetha into yokokuba ukuba ngaba uluntu lwegingqi alwanelesekanga okanye lixhalabile ngendlela ekuthi kunikezeliwe ngayo inkonzo, banakho ukukuphakamisa oku kumasipala ngokuthi mhlawumbi bangene isibonongo okanye isikhatalo, okanye ngokuyichaphazela kwintlanganisano yoluntu okanye kwiiveshini zothethwano nebhunga likamasipala. Umasipala kufuneka ngoko ahlaziye indlela ekunikezelwa ngayo inkonzo kamasipala. Oku kubandakanya ukuqwalasela into yokokuba ingaba inkonzo inganikezelwa ngaphakathi ngumasipala okanye ngokusetyenziswa kwenkampani yangaphandle.

9 ISISHWANKATHELO

Amalungu oluntu anendima ebalulekileyo ekubekeni iliso kwinto yokuba ingaba iinkonzo zinikezelwa ngokufanelekileyo.

Kubalulekile ukukhumbula into yokokuba nokokuba umasipala usebenzisa inkampani yabucala ukunikezela ngenkonzo zesiseko, umasipala - hayi inkampani - usenoxanduva lokokuba ingaba ezi nkonzo zinikezelwa ngethuba elimiselweyo kusini na, ngohlobo olulungileyo na, kubantu abafanelekileyo na.

Umthetho uqunyazisa ukuba oomasipala bashuba inkqubo ephandle xa betyumba inkampani yabucala, ze ingcaciso ifumaneke emalunga ngenkonzo ekufuneka zinikezelwe yinkampani, nezifumanekeyo kuluntu. Oku kunceda uluntu ukuba lube yinxalenye yokuthatathwa kwesigqibo nokubandakanyeka kubeko lweliso ukukhangelwa ukuba ingaba inkampani inikezela ngenkonzo na ezihlawulelwayo yaye zezo umasipala anoxanduva lokunikezela.

- KUBALULEKILE UKUKHUMBULA INTO YOKUBA NOKOKUBA UMASIPALA USEBENZISA INKAMPANI YANGASESE UKUNIKEZELA NGENKONZO ZESISEKO, UMASIPALA - HAYI INKAMPANI - USENOXANDUVA LOKOKUBA INGABA EZI NKONZO ZINIKEZELWA NGETHUBA ELIMISELWEYO KUSINI NA, NGOHLOBO OLULUNGILEYO NA, KUBANTU ABAFANELEKILEYO NA.**
- REFERENCES:**
1. City of Cape Town Adjustments Budget 2011/12 Table 7, pg. 17.8.
 2. Section 114 of the Local Government Municipal Finance Management Act (Act 56 of 2003).
 3. Section 81 of the Local Government Municipal Systems Act.
 4. Section 75 of the Local Government Municipal Finance Management Act
 5. Section 81 of the Local Government Municipal Systems Act

Olu xwebhu lweNyaniso loHlahlo Lwabiwo-mali luphuhlisa ngenkxaso evela kwiZiko elingqHlahlo Lwabiwo-mali nokuPhambili kuMaqaq-inkqubo (CBPP) kusetyenziswa umnikelo ovela kuThelelwano loHlahlo Lwabiwo - mali lweHlabathi lweCBPP.

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