

WASTEFUL EXPENDITURE:

REPORT OF THE KHAYELITSHA REFUSE REMOVAL AND AREA CLEANING SOCIAL AUDIT



CONDUCTED SEPTEMBER AND OCTOBER 2013

Table of Contents

List of thanks	3
Introduction	4
Summary of findings	6
Geographical context	8
PART 1:	
A social audit on refuse collection and area cleaning	10
What is a social audit?	11
Conducting the social audit	
Training	12
The documents	13
Which contractors provide the refuse collection services in Khayelitsha	16
Going into the field	17
Public hearing	18
PART 2: Findings	
Finding 1: No door-to-door refuse collection service	20
Finding 2: Inadequate supply of refuse bags	21
Finding 3: Sub-standard area cleaning	22
Standards of cleanliness	23
Finding 4: No penalties levelled against contractors	24
Case Study: failure to implement penalties against Linose	25
Finding 5: Containers not serviced or cleaned	25
Finding 6: Lack of engagement with residents	26
Finding 7: Violation on labour regulations	27
Conclusion	29
Annexures	30

List of thanks

The SJC and NU thank the following organisations for their support of the refuse collection social audit: the International Budget Partnership, the Society for Social Audits Accountability and Transparency and the Heinrich Böll Foundation.¹



¹ The findings of this report do not necessarily represent the views of these organisations.

Introduction

Between 30 September and 05 October 2013, the Social Justice Coalition (SJC), Ndifuna Ukwazi (NU), residents of Khayelitsha, and partners from around the country, came together to hold government accountable for one of the most basic services affecting the lives of informal settlement residents. We undertook a week-long social audit on informal settlement refuse collection and area cleaning, culminating in a public hearing where community members asked their elected leaders the most basic question – why is the City of Cape Town paying millions of rands for a service that is not being fully delivered?

Millions of people across South Africa still do not have access to adequate basic services and are not able to meaningfully participate in service delivery. Roughly 20% of homes in South Africa's largest cities are informal. There are severe problems with planning for informal settlements, monitoring of services, and avenues for community participation in service delivery.

The provision of essential services such as refuse collection and area cleaning in informal settlements is increasingly outsourced to private contractors. When this is done, the municipal government is legally bound to ensure a service standard in line with national laws and regulations.

This social audit investigated the refuse collection and area cleaning services that seven private contractors provide to residents in Khayelitsha's informal settlements. We audited the service across 23 informal settlements.

The findings are dire. Contractors are not providing services to the level stipulated in the service delivery agreements. The City is failing in its legal obligations to monitor and ensure an effective service. It continues to pay contractors who are implementing a basic service far short of stipulated requirements. As a result, there is large-scale wasteful expenditure and appears to be illicit trading of refuse materials. Every day that this continues, the rights to life, equality, dignity, safety, and individual and environmental health are violated.

At the public hearing, City officials promised community members that they would investigate and respond to the findings of this report. We hope that the City will engage substantively with the issues presented in the following pages. In so doing, they may greatly improve the delivery of this, and other basic services to informal settlements across the City of Cape Town.

Summary of findings

Refuse collection and area cleaning services for informal settlements in Khayelitsha is provided by seven private contractors. Six are responsible for area cleaning, door-to-door collection of refuse and taking this refuse to shipping containers. The seventh contractor is responsible for removing the refuse from the containers to the City's refuse dumps.

The following areas were covered by the social audit: AT, CT, CCT, BT, RR, QQ, BM, TR, YB, YA, YAB, S, SB, VT, UT, WB, SST, Green Point, Tsepe Tsepe, France, Monwabisi Park, Enkanini and Zwelitsha.²

The social audit found that:

The contractors are failing in the full implementation of the service and to comply with service delivery agreements because they:

- Do not conduct door-to-door refuse collection;
- Do not deliver the specified number of refuse bags to residents each month and that some residents are forced to buy the refuse bags
- Do not collect refuse from the containers twice per week;
- Do not or cannot always clean containers regularly enough to reach the acceptable standard of cleanliness; and
- Do not comply with South African labour regulations placing workers at risk.

The City is failing to meet its obligations regarding refuse collection and area cleaning in Khayelitsha as set out in the service delivery agreements as well as in the Constitution³ and applicable legislation such as the Municipal Systems Act (MSA)⁴ and Municipal Finance Management Act (MFMA)⁵. The City:

- Does not effectively monitor how the service is implemented allowing

² Refer to map on page 9.

³ The Constitution of the Republic of South Africa, 1996, s. 152.

⁴ Municipal Systems Act 32 of 2000, s. 4(2), 4(3), 73 and 81(1) .

⁵ Municipal Finance Management Act 56 of 2003, s116(2).

implementation of the service which does not comply with the service delivery agreements;⁶

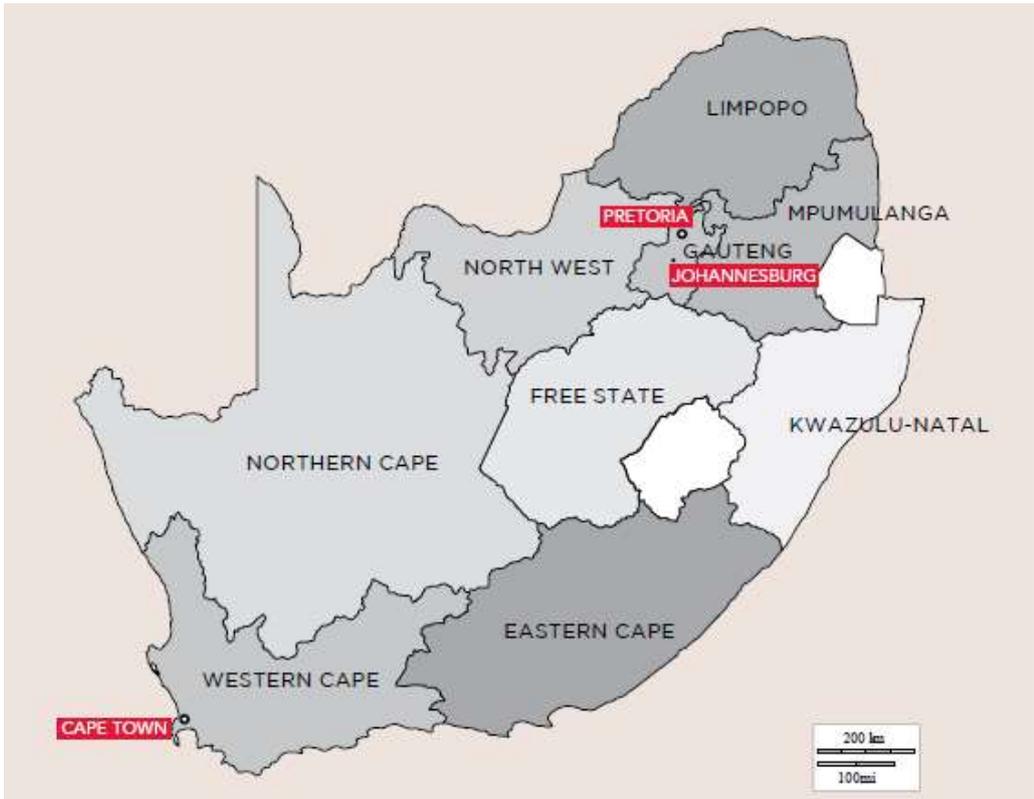
- Pays contractors who have not achieved the standard of cleanliness required for payment;
- Has not published all the service delivery agreements online as required by law;⁷ and
- Does not consult communities when making decisions to award or increase the contract period.⁸

⁶ s.81(1)(b) of the MSA and s.116(2)(b) of the MFMA.

⁷ s.21A(b) of the MSA and s.75 of the MFMA.

⁸ s.5(1), 16(1)(a), 17(2), 42, 78(3)(b)(iii), 80(2), 81(4) and 83(1)(d) of the MSA and s.116(6)(b)(ii) of the MFMA.

Geographical context



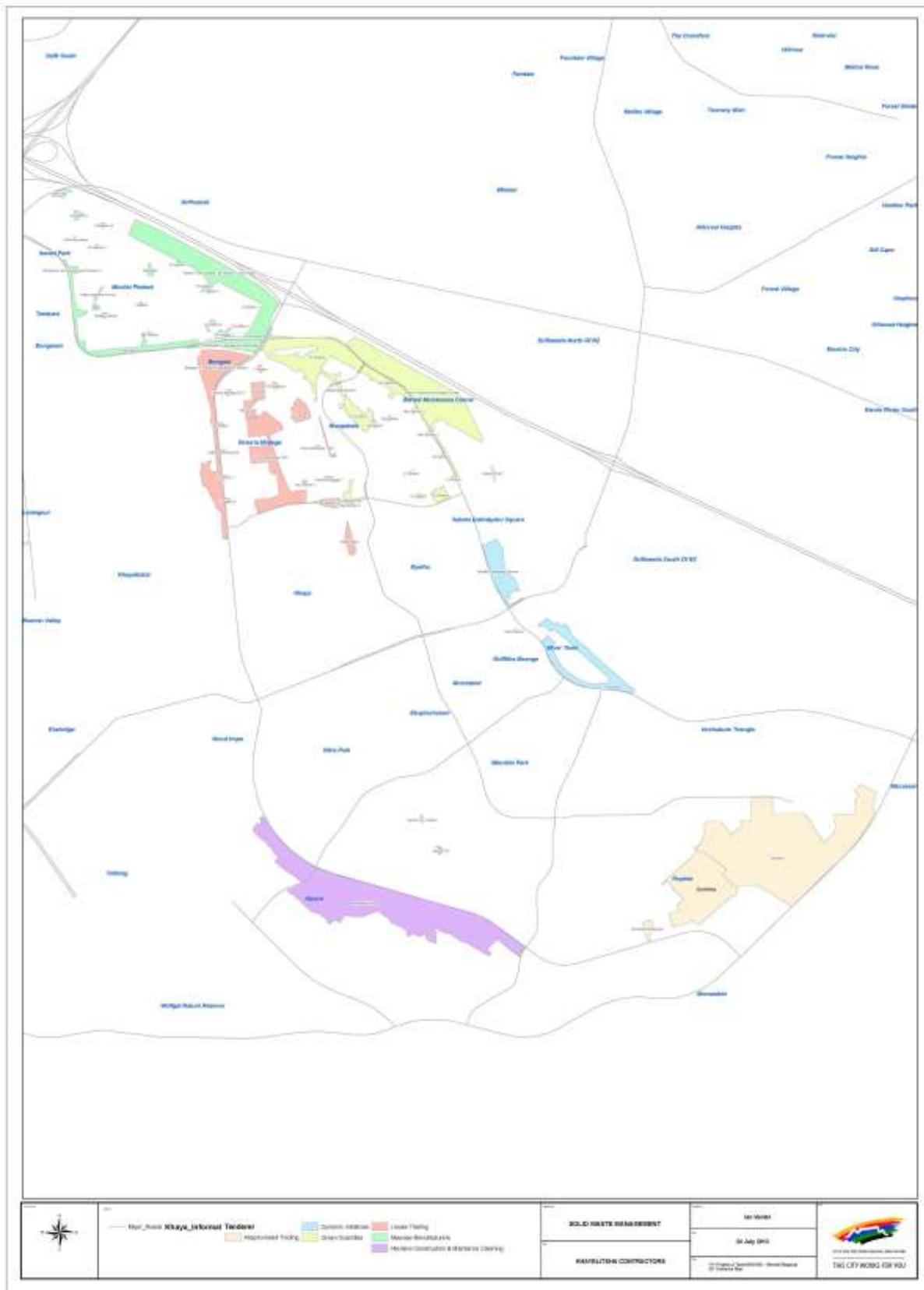
9



10

⁹ Map of South Africa.

¹⁰ Location of Khayelitsha relative to Cape Town and the Western Cape.



11

¹¹ Map of Khayelitsha (City of Cape Town). The areas in colour are all the informal settlements across the whole of Khayelitsha. Each colour represents one of the six contractors tasked with door-to-door refuse collection, as of July 2013. To view a higher resolution image of this map: <http://www.sjc.org.za/wp-content/uploads/2014/10/Khayelitsha-Contractors-Map.pdf>

PART 1

A social audit on refuse collection

The South African Constitution guarantees the rights of all people to life, dignity, safety, health, and a clean and safe environment. Sections 152, 153, and 195 require that municipal, provincial, and national government must perform their duties, while always prioritising the progressive realisation of these rights for the most vulnerable in society. This must be done through democratic and accountable government implemented in ways that are fair, equitable, and promote the dignity and participation of all people. The MSA, in accordance with Section 152 above, also emphasises the need for community participation in the planning and implementation of services.¹²

Municipalities must provide basic services that are necessary to ensure an acceptable and reasonable quality of life and promote public health and safety of the environment.¹³ The Constitution is clear that refuse collection and area cleaning are crucial municipal functions.¹⁴

The MSA emphasises that when a municipality appoints private contractors to deliver services, the municipality must “monitor and assess the implementation of the agreement, including the performance of the service provider.”¹⁵ It must also award contracts in a transparent way and must then ensure adequate monitoring of the delivery by those contractors.¹⁶

The SJC is a grassroots social movement campaigning for safe, healthy and dignified communities in some of South Africa’s largest, most under-developed and dangerous townships. NU promotes understanding, engagement and collaboration on social justice issues in order to foster active citizenship and leadership in South Africa.

¹² s.5(1), 16(1)(a), 17(2), 42, 78(3)(b)(iii), 80(2), 81(4) and 83(1)(d) of the MSA.

¹³ s. 4(2)j of MSA.

¹⁴ Schedule 5, Part B of the Constitution.

¹⁵ s.11(3)g and s.81 (1)b of the MSA.

¹⁶ s.81 (2)b of the MSA.

The SJC and NU have engaged with the City on the issue of private contractors repeatedly and consistently over several years. On many occasions City officials – including Mayor De Lille – have agreed that the City is not doing enough to monitor performance, and have promised to take remedial action. In May 2012, Mayor de Lille stated publicly in reference to poor outsourced refuse collection services that “the quality of the service (in informal settlements) is dropping because there’s no monitoring from the City’s side”.¹⁷

What is a social audit?

A social audit is a civil society driven process and encourages community participation for monitoring government service delivery and expenditure. Social audits began in India more than 20 years ago; since then they have been used as an important tool for enhancing grassroots participation and monitoring the accountability of government spending.

The process allows communities to understand, measure, verify, report and ultimately contribute to improving government performance.

This social audit on refuse collection and area cleaning is the second social audit we undertook in 2013. The first audit in April 2013 examined another outsourced service provided to informal settlements in Khayelitsha, ‘Mshengu’ chemical toilets.¹⁸

The social audit work has received significant attention, support and interest from civil society and government, including the National Treasury, Department of Performance Monitoring and Evaluation in the office of the Presidency, Global Initiative for Fiscal Transparency, the Human Sciences Research Council, Open Society Foundation, Planact, Afesis-Corplan and many others.

¹⁷ ‘De Lille slams City for neglecting poorer areas’ (14 May 2012), accessed at <http://www.iol.co.za/news/politics/de-lille-slams-city-for-neglecting-poorer-areas-1.1296023#.U6ACDCjeO8w>

¹⁸ The report of that audit can be found here: <http://www.sjc.org.za/wp-content/uploads/2013/05/Social-Justice-Coalition-Report-of-the-Khayelitsha-Mshengu-Toilet-Social-Audit-10-May-2013.pdf>

Conducting the social audit

Training

To conduct a successful audit it is necessary that everyone involved is knowledgeable about the particulars of the service being audited and the concept of the social audit process. The training was divided into two phases. In the first phase approximately 20 people were trained intensively to become team leaders. In the second phase 50 community members from across Khayelitsha and representatives from organisations across the country joined the original 20. Before everyone went into the field to conduct the audit they heard presentations from government, examined contracts related to the service and discussed the methodology of the social audit, their utility and how they can be most effective in improving service delivery.

Participants were briefed by speakers from the City of Cape Town about its refuse and area cleaning programmes and policies. Stephan Morkel (Coordinator for Planning and Development in the Solid Waste Management Directorate) gave a presentation explaining how domestic refuse collection and area cleaning in informal settlements in the City should be carried out. Councillor Ernest Sonnenberg (Mayoral Committee Member for Utility Services) also addressed participants and responded to questions and comments on Khayelitsha's refuse collection and area cleaning services.



Stephan Morkel presenting at the social audit training, 30 September 2013.

In order to examine all seven contractors, participants were divided into seven teams. Each team studied the relevant documents relevant to their particular contractor, which included tender submission documents¹⁹, invoices, area cleaning monitoring forms and refuse bags logs. These documents, in particular the tender submission documents, would be critical in verifying if services were being delivered as stipulated.

The documents

Tender documents

These documents explain the service the contractor will provide as agreed to by the contractor and the City.

Tender documents provided us with information about:

- required standards of cleanliness;
- how often door-to-door refuse collection should happen;
- how many free refuse bags residents should get;
- the need to employ people from local communities;
- working conditions

Invoices

The invoices from each contractor to the City covered the period December 2012 to July 2013, a period of eight full months.²⁰ Each invoice includes:

- monthly charge for each chemical toilet unit and the number of units in each area
- total amount to be paid to the contractor per month. (See Annexure D.)

¹⁹ According to the MFMA, signed service delivery agreement should be available on all municipalities' websites and should be easily available upon request by the public. In spite of these obligations, these documents were not available online. We sent written requests for the documents after we could not access them at the City's offices. The tender submission documents were provided to us by the City and it was indicated that the service levels were identical to the final service delivery agreement.

²⁰ For our calculations we did not take into account the slight increase in the number of dwellings that Mawose was tasked with servicing in the final month of this period.

- date payment was approved

Area cleaning monitoring forms

The City has developed monitoring forms to check if contractors are meeting their obligations. A City area cleaning monitor (also known as a “foreman”) conducts inspections and submits monthly reports. The City then inspects these monitoring forms before payment is made.



Records of refuse bags

These records specify how many refuse bags were issued to each contractor each month. Unfortunately, the City did not give us any information on how many refuse bags were given to Golden Rewards.

Our analysis of the documents provided clarity on how the service should be implemented in Khayelitsha and which contractors were responsible for the different areas.

Above and below: Teams analyse documents in preparation for developing questionnaires and going into the field



Development of questionnaires & physical verification forms

To conduct the audit and assess how this service was being delivered on the ground it was necessary to develop questions that would be posed to informal settlement residents, as well as to the workers who are responsible for refuse removal and area cleaning. Participants drafted two separate questionnaires based on the documents they had inspected; one for residents, the other for workers. Both questionnaires asked a number of

questions that would provide a very detailed understanding of how the service was being implemented from the perspective of both residents and employees of the companies.²¹

Participants also drafted a physical verification form²², that would be used together with the “Standards of cleanliness document”²³ received from the City, to compare the physical state of cleanliness around the shipping containers against the required standards as laid out in the contracts.

Participants were also trained to engage with residents, to obtain information and to record the information correctly.²⁴

²¹ See Annexures A and B for examples of the questionnaires.

²² See Annexure C.

²³ Refer to page 24.

²⁴ Examples of all documents referred to in this section are attached as annexures at the end of this report.

Which contractors provide the refuse collection service in Khayelitsha?

The City has hired six contractors to perform refuse collection and area cleaning in Khayelitsha:

- Abaphumeleli Trading 1149cc ta Indalo
- Golden Rewards 618cc ta Dynamic Trading
- Green Guerillas Pty Ltd
- Linose Trading
- Mawose Manufactures
- Ntenti Construction and Maintenance Cleaning cc ta NCMC Cleaning

The seventh contractor is TEDCOR Women in Waste JV, which is responsible for the removal and disposal of refuse from storage areas to the City's dumping sites.

Table 1 below indicates the different areas serviced by each contractor and the number of households serviced by each contractor.²⁵

Contractor	Areas Serviced	Population Serviced
Abaphumeleli	Enkanini, Zwelitsha, Zwelitsha Temporary	16,552
Golden Rewards	Silvertown, Makhaza Road Reserve, Msindweni, Makhaza Sebata Dalinyebo Square, Zola Section.	7,016
Green Guerillas	France Barney Molokwane, Lindelani Park, K2 Section, LB Section, LR Section, LT Section, MC Section, MM1 and MM2 Sections, NT Section, PJS Section, QA Section, QQ Sections and RR Sections.	14,090
Linose	Bongani TR Section, Victoria Mxenge, V, Y, YA, YAB, S Section, Section SB, TT Section, UT Section.	8,287
Mawose	Taiwan CT, Chris Hani, Landsdowne, Maphongwana Str, Mlambo Str, Siyaka	8,388
Ntenti	Monwabisi Park, Cemetary Site, Section 35, Section.	17,124
TOTAL		71,457

Table 1: Areas serviced by each contractor and number of households

²⁵ Table 1 reflects contractor boundaries rather than municipal boundaries. For instance, VT and WB are in Victoria Mxenge. This information was compiled from the area cleaning monitoring forms and other City documents.

Going into the field



Inspecting a shipping container in Enkanini

On 02, 03 and 04 October, each group undertook the fieldwork element of the social audit. Each team focussed on the informal settlements serviced by the contractor they had been assigned. Teams also inspected the shipping containers and their surrounds in their areas.

Each team conducted physical inspections and interviews with residents and workers, capturing this information on the physical forms and the questionnaires.

In total the team interviewed 464 residents and 77 cleaners, and inspected 72 refuse shipping containers and surrounding areas over the 3 days. This information was captured and



Interviewing workers

Public hearing

On Saturday 05 October 2013, after the participants concluded the investigation phase, a public hearing was held at BM section in Khayelitsha. The event was open to the community and was attended by hundreds of residents, members of civil society, government and the media.

After an intensive week of training and fieldwork, the public hearing provides the space for findings to be delivered and for government and contractors to respond. Team leaders reported their findings for each area. Residents spoke of their experiences with refuse removal and area cleaning in their informal settlements. The City was given an opportunity to respond to the findings and the concerns of residents.

An independent panel of observers from different sectors of civil society including Michael Hamnca (Treatment Action Campaign), Imam Rashied Omar (Western Cape Religious Leaders Forum), Alide Dasnois (*Cape Times*) and Professor Jo Barnes (University of Stellenbosch) listened to the findings and to the evidence of residents and provided their assessment.



Mayco Member for Utility Services Councillor Ernest Sonnenberg addresses the audience at the public hearing. To his right are the independent observers, to his left are City of Cape Town officials. (Sowmya Kidambi)

Representatives from the City included Councillor Ernest Sonnenberg (Mayco Member for Utility Services), Gisela Kaiser (Executive Director of Utility Services), and Faizel Tumat

(Solid Waste Department Contract Management). SJC commends representatives of the City for attending the public hearing (and the audit on 30 September). Such interactions are a key element in improving the monitoring and implementation of services and strengthening the relationship between people and government.

Contractors were invited to listen and respond. Regrettably the contractors did not attend and therefore were not able to respond to the findings from the audit.



The public hearing (Sowmya Kidambi)



A team leader shares the findings (Sowmya Kidambi)

PART 2

Findings

Finding 1: No door-to-door refuse collection service

According to the tender document all contractors should ensure:

“The provision of a once per week door-to-door refuse collection service to each and every dwelling within the designated informal areas including providing new refuse bags and collecting filled ones from each dwelling and taking the filled bags to demarcated collection points. All businesses within the demarcated area(s) are to receive this collection service.”²⁶

Furthermore, the tender states that the contractor must deposit all waste collected at the designated refuse storage area.²⁷

The contractors should:

- collect refuse from residents and businesses at their door;
- ensure that the refuse is carried to a container; and
- do this once per week.

Door to door refuse collection is a key service that is supposed to be implemented according to the tender documents and is a service that the City claims to exist across the City. However, none of the 464 residents we interviewed received door-to-door refuse collection. Instead, residents continued to carry their own refuse to the shipping containers, skips, or other drop-off points like they did before the door-to-door program was introduced. All the residents we interviewed said they did not know that they were entitled to door-to-door refuse collection.

Cleaners confirmed the residents' claims. All 77 cleaners said that they do not collect

²⁶ City Tender Document: Goods and Services. Provision of community based refuse collection and area cleaning services in Khayelitsha. Tender number: 299S/2011/2012 (2.2.1).

²⁷ *Ibid*, (2.2.3).

refuse directly from dwellings. The cleaners said that they collect the refuse either from “skips” that were used in the previous collection system or from makeshift drop-off points (such as street corners), to take to the shipping containers.



Resident carrying her refuse to a shipping container in DT section.

Finding 2: Inadequate supply of plastic refuse bags

The tenders state that contractors must provide:

*“A minimum of 2 (two) plastic [refuse] bags per week. Should residents/shops require more than two bags per week, these may be requested from the supervisor”.*²⁸

The contractors should:

- residents must get at least two bags per week; and
- these must be delivered to their door.

We were provided with records of bags distributed to 5 of the 6 contractors (Golden Rewards was excluded) for a period of 8 months.²⁹ During this period the City’s documents show it distributed a total of 3,683,850 refuse bags to the 5 contractors. In order to provide each home with two bags per week, these 5 contractors would have required 4,124,224, almost half a million bags more than the City provided to contractors. Based on the City’s records it seems that the City is not providing enough bags to the contractors.

²⁸ *Ibid*, (2.3.4).

²⁹ See Anenxure H.

Contractors do not provide all residents with the minimum of two replacement bags every week (or an average of eight per month). On average residents obtained only 6 of the 8 plastic bags that they are entitled to every month. Many residents only got 2 or 3 plastic bags in a month.

Because contractors do not collect refuse door-to-door, residents request bags from workers when dropping off their used bags at the shipping containers. None of the residents interviewed knew that they were entitled to two refuse bags a week. Residents do not receive refuse bags unless they meet a cleaner and request them.

Some of the City issued refuse bags are being sold to residents rather than being distributed free of charge. 21 residents interviewed during the social audit said they have had to buy these 'free' refuse bags, paying R1 or 50 cents each depending on where they live. They purchased these bags from shops in the areas. It indicates that there is an illicit trade in plastic bags; however the scale of problem is not clear.³⁰

Finding 3: Sub-standard area cleaning

In addition to door-to-door refuse collection and distribution of refuse bags, the contractors are supposed to clean the areas surrounding dwellings. In terms of general area cleaning, contractors must:

“Sweep tarred roads, pick up litter, empty bins, remove any refuse that is illegally dumped (this does not include rubble and large items such as furniture) – this must be done on any surrounding roads, verges and open land on the periphery of the area within a 100m radius;

Clean walkways, open ground and other municipal open areas, and canal/river banks including inside the canals and rivers;”

The contractors should:

- Take the filled bags to the collection point (shipping containers);
- Sweep out the shipping containers twice a week after waste is removed (by TEDCOR);
- Wash and sanitise the shipping containers (wash them out with disinfectant) once a week; and
- Ensure that shipping containers are clean and locked at all times.

³⁰ It is acknowledged that these findings represent only the areas that formed part of the audit.

Standards of cleanliness

The tender documents outline standards of cleanliness for informal settlements from levels 1 to 4. Level 1 is the highest score and the *required standard of cleanliness*, level 2 is a *reasonable standard of cleanliness*, level 3 is an *unacceptable standard of cleanliness*, and level 4 is a *totally unacceptable standard of cleanliness*. Each level is accompanied with a photograph, as illustrated below.³¹

The City monitors the area cleaning weekly and records the results on area cleaning monitoring forms.³²

We inspected the City's monitoring forms. At least 95% of the areas inspected received ratings of 2, 3 or 4; it was extremely rare for a contractor to get a rating of 1 for area cleaning for a given section. A large majority of residents interviewed (329, or 71%) during the audit also expressed unhappiness with the standards of cleanliness provided by the contractors responsible for refuse collection.



Level 1
Desired standard of cleanliness



Level 2
Fair / reasonable standard of cleanliness



Level 3
Unacceptable standard of cleanliness



Level 4
Totally unacceptable standard of cleanliness

³¹ The full document can be accessed here: <http://www.sjc.org.za/wp-content/uploads/2014/10/Standards-of-Cleanliness.ppt>

³² See Annexures F1 and F2.

Finding 4: No penalties levelled against contractors

The City is supposed to impose penalties on contractors who do not clean properly by withholding or delaying payment based on the level of service as outlined in the standards of cleanliness document.

Penalties

- Level 1 = paid in full and no delay in payment.
- Level 2 = 31 days to achieve level 1 and no pay.
- Level 3 = 14 days to achieve level 1 and no pay.
- Level 4 = 7 days to achieve level 1 and no pay.
- If contractors fail to reach level 1 in the set time, they get another 7 days and a penalty of 10% will be deducted from their monthly area cleaning cost if they do not reach Level 1 within those 7 days.
- If there is still no improvement, then they are in breach of contract.³³

Once the City indicates to a contractor that the contractor has not achieved level 1, the City must see that corrective action is taken in the proper timeframe. If action is not taken within this time, the City must use the penalties outlined in the tender.

According to the documents we received from the City, during the period under inspection no penalties were issued against contractors for failing to achieve level 1 despite the monitoring forms indicating that level 1 was hardly ever achieved.

For penalties to have been withheld would have required contractors to improve to level 1 within the specified timeframe. There is no proof of this in any of the documentation. This is an extremely worrying finding and has serious repercussions if the City is paying contractors without ensuring that they have reached the desired level of cleanliness.

The process of monitoring includes:

- A representative from the City must inspecting areas at least once a week.
- The contractor may attend the inspection but this is not required.
- The City must score the cleanliness.
- The contractor must achieve level 1 at all times otherwise payment will be delayed or withheld.

³³ See Annexures G1 and G2.

Case Study: failure to implement penalties against Linose

On 09 May 2013 a City of Cape Town area cleaning monitor inspected the 24 informal settlements serviced by Linose. The company was awarded levels 2 and 3 only for all the 24 sections. On 13 May, the same monitor inspected the sites and again awarded Linose levels 2 and 3. And on two subsequent inspections, 22 and 31 May respectively, Linose was again awarded levels 2 and 3.³⁴

There is no record of corrective action taken by Linose for any of the three inspections following the first inspection on 09 May. Despite this, on 06 June the Head of Contract Management approved payment to Linose without any penalties being imposed.³⁵ The proof of payment gives a posting date of 11 June.³⁶

Linose was paid within a week of the Head's signature, even though not a single section of the area cleaned by the contractors was recorded to be at level 1; there was no record of corrective action having taken place; and the company received scores of 2 and 3 for cleaning for more than a month. It is clear the cleaning standards and penalties are not being properly taken into account when the City determines if penalties should be imposed and payment withheld.

Finding 5: Containers not serviced or cleaned

Although the tenders state that containers should be cleaned twice a week, the contractors largely did not meet this requirement according to residents as well as the state of the containers on inspection. We found that 58% of the containers and the surrounding areas (42 of 72 containers) only reached level 3 and 4 standards of cleanliness.³⁷

This is a breach of tender specifications and puts the health of the community at risk. When the cleaners were asked why they did not clean the containers more often, many of

³⁴ See Annexures F1 and F2.

³⁵ See Annexure D.

³⁶ See Annexure E.

³⁷ We applied the standards of cleanliness to the containers and their surrounds.

them said that TEDCOR did not empty the containers as often as it was supposed to, which makes it impossible to clean the containers. It is clear that TEDCOR's inefficiency in emptying the containers compromises the cleaning services provided by the other six contractors.

When refuse is not collected from containers, the areas around containers become dirty and unhygienic and prevent workers from the other six contractors from both storing new refuse and ensuring that the surrounding area is clean. TEDCOR was also paid in full with no penalties for poor performance in Khayelitsha.

Finding 6: Lack of engagement with residents

None of the residents were aware that they were entitled to door-to-door refuse collection or two bags per week. Some residents did not know that the refuse bags were supposed to be free, so they bought them from local shops or directly from employees of the contractors.

More than 80% of residents did not know whom to approach with complaints they may have regarding the refuse collection service.

All the cleaners confirmed that they have never had to distribute pamphlets at all.

With regard to the community, the contractor must introduce itself to the community and ward councillors. The contractor is also supposed to be the link between the City and the community by:

- distributing pamphlets from the City to each and every dwelling;
- advising the residents on which day of the week refuse is collected;
- accepting any complaints from residents and give feedback on complaints; and
- advising residents of any community meetings to take place with regard to the refuse removal service or any other reason for which the City may call a meeting.

Finding 7: Violation of labour regulations

Only 31% of workers interviewed had copies of their contracts. The rest claimed that they were not given copies of the contracts and did not know the contents of the contracts.

The audit found that many of the cleaners have not received adequate protective clothing, placing them at severe health and safety risk: 12 out of 77 (15.6%) cleaners interviewed did not receive rain suits; 13 cleaners (16.8%) did not receive safety shoes; 6 cleaners (7.8%) did not receive gloves; and 5 cleaners (6.5%) did not receive overalls. It appears that where protective gear is provided, it is not complete and replacements are not always readily available.

The City gives contractors money for contingencies, including equipment replacements in case of theft or breakages.³⁸ However, not all cleaners had all the tools required for their jobs. Some cleaners were informed that if the tools got lost or damaged, they would have to replace them on their own and at their own cost.

³⁸ City Tender Document: Goods and Services. Provision of community based refuse collection and area cleaning services in Khayelitsha. Tender number: 299S/2011/2012, Monthly breakdown of Costs & Tools and equipment Schedule.

Conclusion

The social audit on refuse collection and area cleaning identified a number of problems with this essential service. The audit found serious maladministration, ineffective monitoring of private contractors, lack of engagement with communities and often very poor implementation of this most basic service to many thousands of informal settlement residents. These problems result in the daily violation of many fundamental rights including equality, dignity, safety, and individual and environmental health of informal settlement residents and workers. It also results in wasteful expenditure as contractors are paid for work that was not done.

As it has been a year since the social audit, some of the specific findings of this report may no longer require immediate intervention. However, the systemic issues we found require urgent remedial action, particularly the effective monitoring of contractual obligations in the service delivery agreements.

The City of Cape Town and its private contractors must ensure that an effective refuse collection service is provided in informal areas.

Annexures

Annexure A: Residents' Questionnaire	30
Annexure B: Cleaners' Questionnaire	31
Annexure C: Physical verification Form	32
Annexure D: Invoice	33
Annexure E: Proof of Payment	34
Annexure F1: Area Monitoring Form, dated 09 May 2013	35
Annexure F2: Area Monitoring Form, dated 13 May 2013	36
Annexure G2: Shipping Container Monitoring Form, dated 14 May 2013	37
Annexure G1: Shipping Container Monitoring Form, dated 09 May 2013	38
Annexure H: Refuse bag logs	39

Annexure A: Residents' Questionnaire

Social Audit Resident's Perception on Cleaning Service Questionnaire

Team No.:

Team Leader Name:

Sl.No	Question to be asked to the Resident	Response				
1.	Name					
2.	Location & House #					
3.	How many times a month was refuse collected from your house? (as per contract once a week)	May	June	July	August	September
4.	Did you have to carry the waste to the refuse container yourself?					
5.	How many plastic bags were you given every month? (2 bags a week and 8 bags a month)	May	June	July	August	September
6.	Do you have to pay for the plastic bags? How much did you have to pay for the plastic bag? How many instances?					
7.	Does the person who comes to collect refuse belong to your area/settlement and do you know them?					
8.	How many times in a month was the refuse container emptied and cleaned? (twice in a week , 8 times in a month)	May	June	July	August	September
9.	Is the area around the refuse container cleaned?					
10.	If you have a grievance regarding the cleansing service to whom and how do you report it?					
11.	Are you satisfied with the cleaning service being provided in your area? (If yes / no, please record reasons)					
12.	Do you have any comments / recommendations / suggestions regarding the Cleaning Services being provided and how to further improve it?					

Annexure B: Cleaners' Questionnaire

<u>Worker's Questionnaire</u>			
Location -		Team #-	
Worker Name -		Contractor Name -	
Sl.No	Question to be asked	Response	
1.	How did you get this job as a worker?		
2.	When did you begin to work?		
3.	Do you have a copy of your employment contract? How long is your contract?		
4.	Do you get leave? Do you get paid if you work on public holidays?		
5.	Have you been provided with the following equipments / tools – How many sets have been provided to you?	Branded overalls with the company name and the contracted by CoCT written on it	
		Heavy duty gloves	
		Safety shoes	
		Rain Suits	
6.	Did the contractor provide the protective gear or did you buy it yourself?		
7.	How many dwellings do you collect refuse from each day?		
8.	How many hours in a day do you have to work? (From hr – to hr) (As per the contract it is 40 hours a week – 8 hours a day and from 7AM to 5:00 P.M)		
9.	Have you ever distributed pamphlets provided by the CoCT?		
10.	How much do you get paid in May/June/July? (Please verify against the labour summary sheets)	May	June
11.	Additional Comments		

Physical Verification Exercise Format

Location -

Team #/Leader

Sl.No	Verification Item	Response
1.	Shipping container #	
2.	Is the shipping container's dimensions 3 to 6 meters?	
3.	Is the shipping container Locked / Unlocked	
4.	Who has the key to the shipping container?	
5.	Is the shipping container Empty / Half Empty / Full / Overflowing (if unlocked please inspect)	
6.	Area surrounding the shipping container is Clean / Unclean (Please click photos if possible)	
7.	Is the shipping container located at a point that is accessible to the road?	
8.	Any damages in the shipping container?	
9.	When was the shipping container washed and cleaned in the last four weeks? (please ask the people who live close to the shipping container)	
10.	If you happen to be present when the refuse clearance is taking place please make a note of the following points- <ul style="list-style-type: none"> a. Is the vehicle covered? b. Does it seem easy to load and off-load? c. Is it large enough to clear refuse in 2 loads / trips? d. Make a note of the registration number of the vehicle 	
11.	Additional Comments	

Annexure D: Invoice

INVOICE : 007 DATE: 31.05.2013 PURCHASE ORDER NO: 4502074585 ✓ VENDOR NO: 26823			
Linose Trading CC Reg No. 2009 / 103426 / 23 Xobo Street Driftsands Mfuleni 7700 Cellphone : 083 519 6836			
CUSTOMER: Name : City of Cape town Address : Private bag x6 Town : Bellville Code : 7535 VAT : 4500193497			
QTY	DESCRIPTION	UNIT PRICE	TOTAL
100	Provision of Community Based Area Cleaning - Bongani / Tr Section – Khayelitsha 8287 Service Points at R 13.60 each from 01 April 2013 to 30 April 2013	R 112 703.20	R 112 703.20
		Vat	R 0.00
		Total	R R 112 703.20
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>BANK DETAILS: FNB CHEQUE ACCOUNT ACCOUNT NO: 62232941931</p> <p style="font-size: 1.2em; margin-top: 10px;">5003404476</p> <p style="font-size: 1.5em; margin-top: 10px;"><i>[Signature]</i></p> </div> <div style="width: 50%; text-align: center;"> <div style="border: 2px solid black; padding: 10px; display: inline-block;"> <p>APPROVED FOR PAYMENT</p> <p>06 JUN 2013</p> <p>STEPHAN MORKEL HEAD: CONTRACT MANAGEMENT S/N: 10411854</p> </div> <p style="font-size: 1.5em; margin-top: 10px;"><i>[Signature]</i></p> </div> </div>			

Invoice Document Edit Get System Help

Display Invoice Document 5505916776 2013

Show PO structure Follow-On Documents ...

Transaction: 107008 Invoice: 5505916776 2013

Basic data Payment Details Tax Contracts Note

Invoice date: 31.05.2013 Reference: 007
 Posting Date: 11.06.2013
 Amount: 112,793.20 ZAR Calculate tax
 Tax amount: 0.00
 Text: Bongani, Bongani TR, Victoria Khenge, Tsape
 Payment terms: 30 Days net
 Baseline Date: 31.05.2013
 Company Code: COCT City of Cape Town Cape Town

Vendor: 0000026823 / Vat Reg. No.: 889898888
 LINDSE TRADING CC
 12 X080 STREET
 MFULENI
 7100
 0
 0
 Bank acct: 6232941931
 FIRSTSTRAND BANK, CLAREMONT CAPE TOWN OI

Item	Purchase ...	Item	Del. Note/Sheet ...	PO Text	Amount	Tax Code	Quantity
	1.4502074563 1Q	067		Bongani, Bongani TR, Victoria Khenge, Ts...	112,793.20	VAT	8,2

Layout Purchase order - entry sheet

Prints Window Contents

INFORMAL SETTLEMENT AREA CLEANING MONITORING FORM:

Informal settlement name: _____
 Detailed Description of Area Covered by Inspection: Khayalika
 Contractors Company Name: Kings
 Name of Council Informal Settlement Senior Foreman: Joe
 Date of Inspection: 9/05/2013

STANDARD OF CLEANLINESS

SETTLEMENT	Inside Informal Settlement				Periphery				Area Around Shipping Container				Heavy Waste Removal by Spec. Equipment Required? Yes / No	Date & ID No's of photos taken as proof of Cleanliness level	Date of corrective action	
	1	2	3	4	1	2	3	4	1	2	3	4				
BONGANI TR SECTION																
TSEPE TSEPE																
VICTORIA MXENGE 10052																
VICTORIA MXENGE 10657																
VICTORIA MXENGE X																
VICTORIA MXENGE 5811																
VICTORIA MXENGE 6155																
VICTORIA MXENGE 6200																
VICTORIA MXENGE 6458																
VICTORIA MXENGE 6639																
VICTORIA MXENGE 6607																
VICTORIA MXENGE 7740																
VICTORIA MXENGE 8143																
VICTORIA MXENGE 8317																
VICTORIA MXENGE 8625																
VICTORIA MXENGE 8645																
VICTORIA MXENGE 9172																
VICTORIA MXENGE 9892																
YA SECTION 7410																
YB SECTION 7410																
YBA SECTION 7410																
S SECTION 7410																
T SECTION 7410																
UT SECTOPM 7410																

Annexure G1: Shipping Container Monitoring Form, dated 09 May 2013

DESCRIPTION OF LEVELS OF CLEANNESS		
Level 1 Required Level	Area is clear of all litter.	
Level 2 Reasonable Level	Improvement needed to upgrade to Level 1 within 31 consecutive days	
Level 3 Unacceptable Level	Improvement needed to upgrade to Level 1 within 14 consecutive days	
Level 4 Totally Unacceptable Level	Improvement needed to upgrade to Level 1 within 7 consecutive days	

STATUS OF SHIPPING CONTAINER:

	Yes	No
1. Is the shipping container full?		✓
2. Is the shipping container in good order? (Physical condition of container/s)	-	
3. Has the shipping container(s) been cleaned out properly this week? (Swept, washed, etc.)	-	

* If the answer to Questions 2 & 3 is No, and YES in the case of Question 1, please provide more information in the space below as to corrective action to be taken.

NOTES / COMMENTS ON NON-PERFORMANCE

Illegal dumping in the surroundings of containers

We certify that the above information is correct.

Signature of Contractor *[Signature]* Date: 4/03/2013

Print Name of Contractor _____

Signature of Council Informal Settlement Senior Foreman *[Signature]* Date: 9/03/2013

I certify that I have read the above report and that I am aware of any problems indicated.

I further confirm that the required Notice(s) of Corrective Action has/have been submitted to the Contractor.

Head: Contract Management *[Signature]* Date: 6/3/13 Date of Correspondence: _____

Annexure G2: Shipping Container Monitoring Form, dated 14 May 2013

DEFINITION OF LEVELS OF CLEAN YES/NO

<u>Level 1</u> Required Level	Area is clear of all litter.
<u>Level 2</u> Reasonable Level	Improvement needed to upgrade to Level 1 within 31 consecutive days
<u>Level 3</u> Unacceptable Level	Improvement needed to upgrade to Level 1 within 14 consecutive days
<u>Level 4</u> Totally Unacceptable Level	Improvement needed to upgrade to Level 1 within 7 consecutive days

STATUS OF SHIPPING CONTAINER:

	Yes	No
1. Is the shipping container full?		✓
2. Is the shipping container in good order? (Physical condition of container/s)	✓	
3. Has the shipping container(s) been cleaned out properly this week? (Swept, washed, etc.)	✓	

* If the answer to Questions 2 & 3 is No, and YES in the case of Question 1, please provide more information in the space below as to corrective action to be taken.

NOTES /COMMENTS ON NON-PERFORMANCE

Illegal dumping in the surroundings of container in anticipation of dedicated truck

We certify that the above information is correct.

Signature of Contractor [Signature] Date: 14/05/2013

Print Name of Contractor _____

Signature of Council Informal Settlement Senior Foreman [Signature] Date 14/05/2013

I certify that I have read the above report and that I am aware of any problems indicated.

I further confirm that the required Notice(s) of Corrective Action has/have been submitted to the Contractor. Date of Correspondence: _____

Head : Contract Management _____ Date 6/6/13

Annexure H: Refuse bag logs

Contractors	Plastic Bags Issued by City to Contractors (Dec 2012* to July 2013)	Plastic Bags That Should be Given by Contractors to Residents (@two per dwelling per week)	Difference in Plastic Bags Required and Plastic Bags Issued by City to Contractors	Dwellings	Area
Abaphumeleli	595 100	1 059 328	(464 228)	16 552	Enkanini and Zweitscha
Green Guerrillas	953 200	901 760	51 440	14 090	RR, PJS, NT, QQ, MM1 AND 2, Lindelani Park, France, PM, MC, Lt, Lb, K2, Lr, Greenpoint, Masikhule/R
Linose	621 200	530 368	90 832	8 287	TR, Utr, Victoria Mxenge, S1 and 2, Wb, VT, V, Ve, Y a/b 1 2 and 3, Ciko Ave, Tsepe, Makhaya Crescent, Victoria Mxenge 7410
Mawose	685 750	536 832	148 918	8 388	Chris Hani, At 1 2 and 3, CT 1 2 and 3, Taiwan, D 1 and 2, Primrose street, Bongweni Landsowne road 1 and 3, Bt, Mlambo street, Bbt, Maphongwana Ave, Nyebelele, Siyakha
Ntenti	828 600	1 095 936	(267 336)	17 124	Monwabisis Park
Dynamic/Golden Rewards	No Info Available	449 024	No Info available	7 016	Greenpoint and SST
	3 683 850	4 573 248	(889 398)	71 457	

* a few goods issued documents are dated end-Nov 2012 and these have been combined with the December 2012 numbers

³⁹ These calculations were based on information provided by the City.

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