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**MEETING:** 28<sup>TH</sup> ANNUAL GENERAL MEETING OF THE 25<sup>TH</sup> COUNCIL  
**DATE & TIME:** 28 July 2009 at 17h30  
**VENUE:** Hotel Thule, Gorges Street, Windhoek

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## **28.1 WELCOME**

The President, Mr. Felix Kuchling opened the 28<sup>th</sup> Annual General Meeting and welcomed all members present. Mr. Kuchling asked all persons present to complete the attendance register. The President confirmed that more than a third of the mandated principals are present and therefore a quorum exists. The meeting was convened at 17h30.

## **28.2 ATTENDANCE AND APOLOGIES**

### **28.2.1 Present**

Mr. F Kuchling (President)	Kuchling Consulting Engineers
Ms. A Rusch (Vice President)	CMB (Namibia)
Mr. G Brettschneider (Treasurer)	Pro-Services
Mr. P Forster (EO)	ACEN
Ms. K de Waal (Council Member)	Lood de Jager & Ass. CE
Mr. L Redecker (Council Member)	SCE
Mr. M Hindjou (Council Member)	Conenpro
Mr. R Alexander	Alexander & Becker CE
Mr. F le Roux	F le Roux CE
Mr. V Fischer-Buder	VFBCE
Mr. L de Jager	L de Jager & Ass. CE
Mr. G Leicher	Knight Piés hold Consulting

Mr. H Rusch	CMB (Namibia)
Mr. B Cummings	Brian Cummings CE
Mr. U Böhlke	SCE
Mr. V Uhrich	Uhrich CE
Mr. R Stoldt	Lund CE
Mr. H Seelenbinder	FSA
Mr. W Fischer	FSA
Mr. A Loftie-Eaton	Seal CE

28.2.2

**Apologies**

Mr. J Taylor	Juliohn Taylor CE
Mr. B van der Merwe	Environmental Engineering Services
Mr. H Meyer	Meyer CE
Mr. G Diehl	SCE
Mr. F Marx	Aurecon Group
Mr. H Bruce	Lund CE

**28.3**

**CORRECTION AND APPROVAL OF PREVIOUS MINUTES**

The minutes of the 27<sup>th</sup> Annual General Meeting were approved with the following corrections noted:

28.3.1

Page 5: Under the heading; Professional fees: three of the paragraphs were duplicated.

28.3.2

Page 8: Second paragraph, third line should read: specific to, not 'specific top.'

28.3.3

Page 12: the first paragraph is duplicated.

28.3.4

Page 13: Third paragraph, second line should read: Civil/Structural not 'Civil/Mechanical.'

**28.4**

**MATTERS ARISING FROM PREVIOUS MINUTES**

No matters were raised. Where not specifically itemised here, such matters has been addressed through the activities listed elsewhere in the minutes.

**28.5**

**THE PRESIDENT'S REPORT**

The President informed the meeting that he is completely satisfied with the performance and productivity of the EO and the Council of ACEN. He thanked them for their effort and dedication towards the Association.

Mr. Peter Forster resigned as the Executive Officer of ACEN. The President expressed his gratitude to Mr. P Forster for the time he

**ACTION**

ALL

FK

spent as the EO. The issue will be discussed at a later stage during the meeting.

He handed over to the Executive Officer, who presented a comprehensive report on the activities of ACEN.

## **28.6 THE EXECUTIVE OFFICER'S REPORT**

EO

### **28.6.1 MEMBER INFORMATION**

#### **28.6.1.1 Member Information and fees**

Mr. P Forster informed the meeting that the new format of the annual declaration was a great improvement on the previous format.

In terms of:

- Accuracy and understanding amongst members.
- Quicker preparation of invoices.
- Prompt payment of membership fees.

All ACEN membership fees for 2009 were paid up to date. The EO thanked all members for their cooperation in this regard.

#### **28.6.1.2 Member firms**

According to the information submitted by members over the past five years the following conclusion can be drawn:

There is a growth in the **number of firms**, which joined ACEN.

- 28 firms in 2004 to 34 firms in 2008

The number of **Professional staff** escalated from:

- 124 persons in 2004 to 140 persons in 2008

The number of **Non-professional staff** slightly decreased from:

- 153 persons in 2004 to 130 persons in 2008

The above-mentioned figures are a very clear reflection of the important role that ACEN plays in the engineering industry.

In general we can agree that the engineering profession is part of the more sustainable and stable industries in Namibia.

### 28.6.1.3

#### **New member information**

The following new members were admitted during 2009:

- Knight Piésfold Consulting
- Fred Krenz & Associates
- Volker Fischer-Buder Consulting Engineers

The application received from Kwezi V3 was not accepted by Council

Exec Consult and Castelyn Consulting ceased their practices.

### 28.6.1.4

#### **Non-member firms**

The following firms have declined to consider membership:

- Geomar
- Jacobs Engineering Consulting
- Von Jeney Consultancy

According to the EO, ACEN has reached the stage where most of the Namibian registered engineering firms are now members of ACEN.

### 28.6.1.5

#### **Scope of membership**

By number of firms:	34/42	= 81%
By employment of firms	388/408	= 95%
By turnover		= 95%

Based on these figures it is clear that ACEN is the only viable representative body for consulting engineering in Namibia and ACEN has a significant role to play in engineering related issues in Namibia.

### 28.6.2

#### **COMPARISON TO OTHER AFRICAN ORGANIZATIONS**

The EO compared local Namibian statistics to those of eight other African countries by making use of information gathered from GAMA (Group of African Members Association) of which ACEN is also a member.

According to the above-mentioned study, Namibia is sixth in terms of member firms, but we have the highest national representation. We have the fifth highest total staff. We also have one of the highest US\$ trade turnover per staff member.

The engineering sector in Namibia can be proud of the fact that we do the highest proportion of work locally and we have the lowest involvement from international consultants comparing to

Botswana, Kenya, Nigeria, Tanzania, Uganda, Zambia, Zimbabwe and South Africa.

Namibian engineers should see this as a strong motivation to extend their work opportunities outside the borders of Namibia.

### 28.6.3

#### **PROFESSIONAL FEES**

The EO:

- Assisted the Engineering Council with the increase of the hourly tariff from N\$ 726.00 to N\$ 799.00 per hour on Government work.
- Revised the list of reimbursements and worked on a committee with the NIA and INQS to harmonise disbursements and submitted the joint proposal to the Department of Works and the Ministry of Finance. The revised list was distributed to members in June 2009.
- Provided new factors for the new model form of appointment.
- Conducted a survey on members' remuneration as well as a sectoral analysis. The EO worked closely with ECN on a proposal to Government for the increase of fees.
- Revised and submitted to members the recommended maximum tariff on work done for private clients.

Initiatives set for 2008: – Completed in May 2009 following an additional sectoral analysis:

- In accordance with the current agreement the hourly tariff for Government work was increased from N\$ 726.00 to N\$ 799.00 per hour. Currently the status of another tariff increase for 2009 is unknown.
- Obtaining employment cost information as prepared for SAACE in 2008 (for which there was a charge.)
- Conducting a local employment cost information survey.
- Work closely with the ECN in regard of draughting and submission of the Engineering Act.
- 'Sponsor' submission process by Government.

#### 28.6.4 **ACEN WEBSITE**

Fox Consult developed the ACEN website over a period of six months. All key information is available on the ACEN website. The address is: [www.acen.org.na](http://www.acen.org.na)

The website was updated according to information on members' annual declarations. Please inform us of any changes.

#### 28.6.5 **TENDER DOCUMENTATION**

ACEN has been approached by organisations wishing to put out tenders who do not have the capacity to prepare them. Council has taken the following policy decision:

28.6.5.1 The EO may prepare such documents provided that the client does not have the capacity himself and would not appoint a consultant to do it and all costs are covered.

28.6.5.2 The EO may assist with adjudication only in as far as advising on the process and assisting without being involved in any way in the allocation of points etc.

28.5.6.3 The client is encouraged to use the procedures from the "Guidelines to Clients" as prepared previously by ACEN.

During 2009 the following has been experienced:

- Nam Water contacted ACEN twice for assistance.
- Namibian Airports Company also approached ACEN for assistance regarding new projects that will emerge from mid 2009 onwards.

The preparation of tenders will remain a service offered by ACEN, which may be proposed, to potential clients by members.

#### 28.6.6 **RELATIONSHIPS**

We continue to build and maintain relationships with the following organisations:

- FIDIC (Fédération Internationale des Ingénieurs-Conseils): ACEN tried to establish a local library with FIDIC documents, but unfortunately FIDIC are not interested in providing us with the relevant literature.
- GAMA (Group of Africa Member Associations): Unfortunately the majority of their meetings are conducted outside the borders of Africa, which makes it impossible to attend.

- SAACE: ACEN is in contact with SAACE on a regular basis.
- ICE (UK): ACEN has regular contact with ICE.

Of the above only FIDIC has a fee, which is related to the total employment in member firms which we confirm and pay to them annually. The fee is more or less N\$25 000.00 per annum.

## 28.6.7 **DIALOGUES**

ACEN has been in contact with the following organisations since the last AGM:

- The Department of Works
- The Roads Authority
- The Department of Water Affairs
- The City of Windhoek
- The Namibian Water Corporation
- The Ministry of Trade and Industry
- The Namibian Airports Company
- Minister of Works, Transport and Communication

## 28.6.8 **ADMINISTRATION**

ACEN has changed the following administrative arrangements since the last session:

- 28.6.8.1 The ACEN office inclusive of conference facilities has moved to 81 Sean MacBride Street Olympia.
- 28.6.8.2 ACEN's part time secretary is Ms. Deoné Nel (Monday, Tuesday and Thursday mornings)
- 28.6.8.3 The part time EO of ACEN is Mr. Peter Forster. Mr. Forster resigned as EO; his resignation is effective as from end of July 2009.
- 28.6.8.4 According to the ACEN constitution; Council must have at least four Council meetings per annum.  
In general Council meets monthly to address matters of importance and to receive feedback from the EO.
- 28.6.8.5 During the past session ACEN has prepared 286 items of ordinary correspondence and over 221 items of e-mail, excluding correspondence regarding fee accounts.

## 28.6.9 **EO'S OBSERVATIONS**

### 28.6.9.1 **Poor image with Government due to perceived demographics**

The EO emphasised the importance of ACEN's close assistance, support and liaison with the ECN. The ECN is the connection between the engineering industry and Government.

During a meeting attended between the ECN and the Office of the PM it was made clear that Government believes that all branches of engineering are not demographically representative.

The following disturbing matters arose from the meeting:

- Lower registration requirements to create more 'engineers.'
- Lower educational standards regarding acceptability of previously, sub-standard degrees.
- Fast track certain individuals.
- Give the B Sc status to local degrees for easier registration purposes.

### 28.6.9.2 **Threats regarding the profession**

- The fact that **non-registered but bona fide firms** are appointed to do work.
- An even bigger threat: **Non-registered and non-bona fide firms** being appointed to do work. They act as intermediaries and pass the work on.
- Engineering companies still compete against each other on fees.
- There is a possibility that fees on Government projects may not be increased for some time.
- Loss of engineering staff to para-states, though in practice the general perception is that of more contend employees in the consulting engineering environment

### 28.6.9.3 **Good news/opportunities**

- We have to maintain and protect the current, effective ACEN structure.
- The momentum achieved by being pro-active should be sustained and improved.
- We have stable structures (ACEN, ECN, EPA etc.) We should be more involved and pro-active in supporting these organisations.

Identify key areas for future initiatives:

- Look into the possibility of placement of Government and

- para-state employees into private engineering practices.
- Concentrate on the importance of the role of engineering in the society using existing organisations like YCEN.

On completion of the report the EO enquired if there were any questions or comments on the above report.

No questions or comments were tabled. The EO handed over to the Treasurer to present the Treasurer's report.

The President complimented the EO on the preparation and presentation of his report.

#### 28.6.10 **SPECIFIC DETAIL**

Refer to attached EO's report for specific detail.

### 28.7 **TREASURER'S REPORT: FINANCES AND BUDGET**

GB

Mr. Günter Brettschneider presented the Treasurer's report to the meeting.

According to the Treasurer the ACEN finances are healthy and stable.

#### 28.7.1 **ANNUAL FINANCIAL STATEMENTS**

☞ Audited reports as for the 2008 (i.e. 2007/8) and 2009 (i.e. 2008/9) book years were available to members.

☞ The financial statements were prepared by Mr R La Cock, CA.

☞ Swart Grant Angula Financial Auditors prepared the audited financial reports.

☞ The report for February 2010 (i.e. 2009/10) should be finalised by July 2010 at the latest.

#### 28.7.2 **FINANCIAL STATUS**

It is clear that:

The financial status of ACEN is healthy.

Cash equivalents and short-term investments have remained stable.

The short-term investment coupled with the cash equivalents will be adequate to maintain the operations of ACEN.

### 28.7.2.1

#### **Annual fees**

In view of the current stable financial status, and taking into consideration the 2009/10 budget, Council decided to adjust contributions from members as follows:

The Special Fees were **unaltered**.

The Ordinary Fees were **increased** by 10%.

The overall effect was an **increase** in fees of 4%. The total income from fees will be sufficient to maintain the operations of ACEN for the next year without the depletion of recourses. This level of fees is still **below** those of 2006/7.

Council would like to thank all firms for their continued support.

### 28.7.3

#### **VAT**

ACEN was registered for VAT in 2008 therefore the annual fee invoices for 2009 included VAT.

### 28.7.4

#### **BUDGET**

Refer to attached Treasurer's report for exact figures.

## **28.8**

### **ELECTION OF COUNCIL MEMBERS**

The President informed the meeting that the following members, currently serving on Council are:

Mr. F Kuchling - President  
Ms. A Rusch - Vice-President  
Mr. G Brettschneider - Treasurer  
Mr. L Redecker - Member  
Mr. M Hindjou - Member  
Ms. K de Waal - Member (representative for YCEN)  
Mr. R Kubas - Co-opted member

According to the ACEN constitution: Mr. R Kubas must step down from Council and Ms. K de Waal must step down as the YCEN representative.

Two, unopposed nominations were received for the above-mentioned vacant positions:

Ms. K de Waal – Member (any branch of engineering)  
Mr. G Fourie - Member (representative for YCEN)

Mr. Kuchling co-opted Mr. P Forster as Council member. No

objections were tabled. Mr. Kuchling congratulated the newly appointed.

## **28.9 COUNCIL MATTERS**

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### **28.9.1 RESIGNATION OF THE EO**

All members received correspondence regarding the resignation of Mr. Peter Forster as the EO of ACEN.

Mr. Forster is going to join an Engineering firm as a Consulting Engineer.

An e-mail, in which the key profile points for the suitable candidate were stipulated, was circulated to all mandated principals. Interested candidates were invited to apply for the vacant position. No response was received yet. It is of great importance that we should find a candidate who can fill this position as soon as possible.

The President will be the facilitator of the selection process and Council will decide on the appropriate candidate.

FK

Council agreed that the ACEN office will still operate from the current premises, as from the first of August 2009 until a new EO has been appointed. The secretary will continue to handle the day-to-day administration of ACEN.

DN

PF

Mr. Forster will, on a contract basis assist ACEN with non-conflict of interest projects.

FK

Other matters will be referred to the President and the ACEN Council.

## **28.10 OTHER MATTERS**

PF

### **28.10.1 TENDERS INVOLVING OFFERS BELOW MODEL FORM VALUES**

The status on tendering and bids involving offers below Model Form values still remains a big threat to the engineering industry in general.

With the implementation of the new Model Form 2005 in which the conditions of appointment are set out more specifically, the problem is better managed than in the past.

The fact that the economy is rather stable and work opportunities are ample at this stage also lessens the threat of big discounts on fees, but this can change when work

opportunities are less.

It was of common concern that this issue has to be monitored closely in order to protect the professional image of the engineering industry.

ACEN has documentation, which can assist members in this regard with guidelines of appointments.

#### 28.10.2 **ACEN FIRMS MAKING USE OF NON-NAMIBIAN RESOURCES**

Council raised the issue of ACEN member firms making use of non-Namibian resources either as foreign or partial relationships as a genuine area of concern.

Certain big firms feels that it is to their disadvantage paying membership fees on Namibian based engineers, whilst other firms use engineers form outside the borders of Namibia to assist them with work, but they do not pay any membership fees on consultants resourced from i.e. South Africa.

It was mentioned that about 16% of work is done by non-Namibian consultants. A discussion amongst members did not really resolve the issue and therefore Council was tasked to investigate the matter and give feedback to members.

COUNCIL

#### 28.10.3 **PATENT SLAB DESIGNS**

EO

Namslab is under investigation regarding a number of complaints relating to beams, foundations and columns that are apparently underdesigned and need urgent remedial actions.

According to Mr.W Rautenbach ('new manager') Namslab legally still belongs to the widow of the late Mr. Brand. Mr. Rautenbach was merely asked to supervise designs and quality on a professional level. They have not engaged into any written agreement yet.

Mr. Rautenbach is a registered engineer and the expectation is that he will adhere to quality and prescribed designs.

However it is of utmost importance for engineers to advise clients of the risks taken if substandard slabs are used in designs.

Queries or uncertainties in this regard can be communicated to ACEN.

#### 28.11 **CLOSURE**

FK

Mr. H Seelenbinder thanked the EO and Council for their continued commitment and hard work during the past year.

There being no further matters; Mr. Kuchling thanked all members for attending the meeting. The meeting adjourned at 18h55.

Everyone was invited for drinks and dinner in the restaurant.

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**PRESIDENT**

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**VICE-PRESIDENT**

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**DATE**